

Chapter 40

MISCELLANEOUS PROVISIONS AND OFFENSES*

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**ARTICLE I.
IN GENERAL**

Sec. 40-1. Disorderly conduct.

No person, acting alone or in concert with others, may engage in conduct which violates any of the following subsections:

- (1) Any person who shall act in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his/her life, limb or health;
- (2) Any person who shall act in a violent or tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
- (3) Any person who shall in a public place use "fighting words" or language or words which by their very utterance inflict injury or tend to incite outrage and immediate turmoil;
- (4) Any person who shall use violent and forceful behavior at any time in or near a public place, such that there is a clear and present danger that free movement of other persons will be arrested or restrained, or other persons will be incapacitated in the lawful exercise of business or amusement;
- (5) Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
- (6) Any person who shall assemble or congregate with another or others for the purpose of causing, provoking, or engaging in any fight or brawl;
- (7) Any person who directs at another person in a public place offensive words which are likely to provoke a violent action on the average person so addressed;
- (8) Any person who shall be found roughly crowding or pushing any person in any public place;
- (9) Any person who shall throw any stone, snowball, or other missile upon or at any person, vehicle, building, tree, sign or other public or private property;
- (10) Any person who shall throw any stone, snowball, or other missile from any vehicle, either moving, stopped, or parked, upon or at any person, building, vehicle, tree, sign, or other public or private property;

- (11) Any person who shall by acts of violence interfere with another's pursuit of a lawful occupation;
- (12) Any person who shall expectorate, urinate, or defecate on any public street, alley, sidewalk or floor of any public building or a building where the public gathers or has access;
- (13) Any person who shall wantonly make a false alarm with reference to the request of firefighting apparatus or cries fire in any public place for the sole purpose of causing turmoil;
- (14) Any person who shall prowl or wander upon the private property of another, or peeks in the door or window of any inhabited building or structure located thereon without visible or lawful business with the owner or occupant thereof;
- (15) Any person who shall maliciously interrupt the speaker of any lawful assembly or impairs the lawful rights of others to participate effectively in such assembly or meeting when such conduct is calculated to provoke or tend to cause turmoil or disturbance;
- (16) Any person who shall act in a manner which tends to cause or provoke a disturbance near any public building wherein matters affecting the public are being considered or deliberated, designed or having the effect that said conduct interferes with said public matters;
- (17) Any person who shall frequent any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices or devices;
- (18) Any person who assembles for the purpose of engaging in any fraudulent scheme, device, or trick to obtain any valuable thing in any place or from any person in said city, or who shall aid and abet therein;
- (19) Any person who shall display any deadly weapon in a public place in a manner which is calculated to alarm or frighten other persons present;
- (20) Any person or persons who shall collect in bodies or in crowds for unlawful purposes as defined by the current ordinances of the city; or
- (21) Any person who shall frequent any school or schoolyard with the intent of photographing the students therein without the prior permission of the school authorities; provided that this section shall not apply to any news medium or its employees while in the lawful exercise of its news-gathering function.

(Code 1971, § 13-2)

State Law References: Disorderly conduct, G.L. 1956, § 11-45-1 et seq.

Sec. 40-2. Hunting with firearms--Prohibited.

No person shall hunt, pursue, take, or kill any wild bird or animal with or by means of a firearm anywhere in the city.

(Code 1971, § 13-3)

Cross References: Discharge of firearms, other weapons in public recreation facilities, § 58-13.

State Law References: Authority of city to prohibit hunting, G.L. 1956, § 20-30-8.

Sec. 40-3. Same--Exception.

Nothing contained in section 40-2 shall be construed to prohibit licensed hunters from shooting wild waterfowl on or near the coastal shores of the city during the open season and in accordance with the laws of the state.

(Code 1971, § 13-5)

Sec. 40-4. Removal of doors from abandoned iceboxes and similar containers.

No person shall deposit in the city yard or in any place where dumping is permitted, or leave about his/her premises, any icebox, electric refrigerator, trunk, or case, or any container with locks, catches, heavy doors or heavy covers, or so constructed that a child might become imprisoned therein, without first removing such door or cover.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 13-6; Ord. No. O-00-16, § I, 5-11-00)

Sec. 40-5. Airplane glue--Sale or delivery to minors.

It shall be unlawful for any person to sell, furnish, deliver, supply, lend, or give any quantity of so-called toxic airplane glue to any minor unless first supplied with written permission from a parent or guardian of said minor requesting such minor to be sold, furnished or otherwise supplied with said toxic airplane glue, so called.

(Code 1971, § 13-8)

Sec. 40-6. Same--Possession with intent to inhale.

It shall be unlawful to possess toxic airplane glue, so called, with intent to inhale or otherwise utilize the vapors thereof to produce a physiological effect upon the human body.

(Code 1971, § 13-9)

Sec. 40-7. Same--Inhalation.

It shall be unlawful to inhale or otherwise utilize the vapors of toxic airplane glue, so called, with intent to produce a physiological effect upon the human body.

(Code 1971, § 13-10)

Sec. 40-8. Loitering; police order to disperse.

(a) It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:

(1) Obstruct any public street, public highway, public sidewalk or any other public place or building

by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

- (2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

(b) When any person causes or commits any of the conditions enumerated in subsection (a) of this section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of the section.

(c) Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 13-11; Ord. No. O-00-16, § I, 5-11-00)

Sec. 40-9. Residential picketing.

(a) It is hereby declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community require that members of the community enjoy in their homes and dwellings a feeling of well-being, tranquility, and privacy, and when absent from their homes and dwellings carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants, and obstructs and interferes with the free use of public sidewalks and public ways of travel; that such practice has as its object the harassing of such occupants; and that without resort to such practice full opportunity exists, and under the terms and provisions of this section will continue to exist, for the exercise of freedom of speech and other constitutional rights; and that the provisions hereinafter enacted are necessary for the public interest to avoid the detrimental results herein set forth.

(b) It shall be unlawful for any person to engage in picketing before or about the residence or dwelling of any individual. Nothing herein shall be deemed to prohibit:

- (1) Picketing in any lawful manner during any labor dispute.
- (2) The holding of a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest.

(Code 1971, § 13-12)

Cross References: Sidewalk obstructions, § 70-161 et seq.

Sec. 40-10. Obstructing doorways; ringing doorbells or otherwise disturbing occupants of residences.

No person shall be or remain upon any doorway, steps or other projection of any dwelling house within the city, without the consent of the owner or occupant thereof, or obstruct any passage to or from the same or the appurtenances thereof, or shall mischievously or maliciously knock at any door or ring any doorbell, at any dwelling house, so as to alarm, annoy or disturb any person therein.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 13-13; Ord. No. O-00-16, § I, 5-11-00)

Sec. 40-11. Placing rope, wire or other line across street or sidewalk.

No person shall, with malicious intent, draw, stretch or place any rope, line, wire, cord or cordage of any description in or across any street, highway, sidewalk or other public way in the city so as to endanger or annoy the public travel thereon.

(Code 1971, § 13-14)

Cross References: Streets and sidewalks, ch. 70.

Sec. 40-12. Defacing or destroying signs, public notices or lampposts.

No person shall wantonly or maliciously daub with paint or otherwise injure by scratching, marking or writing with paint, blacking or red chalk or in any manner deface any post, lamppost, signboard or sign in or upon any street, highway, bridge, wharf, public place or ground set apart for public purposes in the city, or any ornament or appurtenance of the same, or wilfully tear down, deface or destroy any notice of any public meeting, auction or other sale or any other public notice, or wilfully take down, extinguish or otherwise injure any public lamp or lantern or any private lamp, lantern or sign for the protection of travelers.

(Code 1971, § 13-15)

Cross References: Vandalism to property in public recreation facilities, § 58-7.

Sec. 40-13. Noise.

(a) *Maximum noise levels.* It is declared to be a nuisance and shall be unlawful for any person, partnership, association or corporation to make, cause or allow to be made from any premises that is owned, occupied or controlled by such person upon any residential use or zone, public street, thoroughfare or right-of-way:

(1) Any unnecessary noise or sounds which equal or exceed the following limits:

MAXIMUM PERMISSIBLE NOISE LEVEL

8:00 a.m.--10:00 p.m.	60 dBA
10:00 p.m.--8:00 a.m.	50 dBA

and which are physically annoying to persons or which are harsh, prolonged, unnatural or unusual in their time, place and use so as to cause physical discomfort, or are injurious to the

health, safety and welfare of the citizens of the city; or

- (2) Any noise which exceeds the ambient noise level by ten dBA or more, when measured at the nearest property line or, in the case of multiple-family residential buildings, when measured anywhere in one dwelling unit with respect to a noise emanating from another dwelling unit or from common space in the same building, and which is physically annoying to persons or which is harsh, prolonged, unnatural or unusual in its time, place and use so as to cause physical discomfort, or is injurious to the health, safety and welfare of the citizens of the city.

Ambient noise is defined as all-encompassing noise associated with a given environment, being a composite of sounds from many sources, near and far. For the purpose of this section, ambient noise level is the average over 15 minutes excluding random or intermittent noises and the alleged offensive noise at the location and time of day at which a comparison with an alleged offensive noise is to be made.

Averaging may be done by instrumental analysis in accordance with American National Standard S.13-1995, or may be done manually as follows:

- a. Observe a sound level meter for five seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.
 - b. Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of the 15-minute averaging period and that there shall be at least as many additional observations as there are decibels between the lowest indication and the highest high indication.
 - c. Calculate the arithmetical average of the observed central tendency indications.
- (3) Any noise emanating from private property which is plainly audible by a person of reasonably sensitive hearing at a distance of 100 feet or any noise which constitutes a substantial disturbance of the quiet enjoyment of private or public property as a result of conduct constituting a violation of law shall be a violation of this section. Illustrative, but not exhaustive or exclusive of such unlawful conduct is excessive noise or traffic, obstruction of public streets by crowds or vehicles, illegal parking, public drunkenness, public urination, the service of alcohol to minors, fights, disturbances of the peace, and litter.

(b) *Noise level measurements.* For noise other than any noise emanating from private property which is plainly audible by a person of reasonably sensitive hearing at a distance of 100 feet or any noise which constitutes a substantial disturbance of the quiet enjoyment of private or public property as a result of conduct constituting a violation of law, noise level measurements should be taken at the property line of the noise generator which is closest to the residential use or zone, public street, public or private right-of-way, alley or thoroughfare that is being affected. All measurements shall be made with a sound level meter having an A-weighted scale, containing both fast and slow meter response capability and constructed in accordance with specifications as contained in the standards of the American National Standards Institute.

- (c) *Response to complaints.* Upon receiving a complaint of excessive noise, the building official

and/or the police department will respond to determine compliance or noncompliance with this section.

(d) *Mailing of notice to property owner.* Notice of police intervention pursuant to this section shall be mailed to any property owner of the City of Warwick Property Tax Assessment Records and shall advise the property owner that any subsequent such intervention within 60 days on the same premises shall result in liability of the property owner for all penalties associated with such intervention as more particularly set forth below:

(e) *Persons liable for a subsequent response to a gathering constituting a public nuisance.* If the police department is required to respond to a gathering constituting a public nuisance on the premises more than once in any 60-day period, the following persons shall be jointly and severally liable for fines as set forth below:

- (1) The person or persons who own the property where the gathering constituting the public nuisance took place, provided that notice has been mailed to the owner of the property as set forth herein and the gathering occurs at least two weeks after the mailing of such notice.
- (2) The person or persons residing on or otherwise in control of the property where such gathering took place.
- (3) The person or persons who organized or sponsored such gathering.
- (4) All persons attending such gatherings who engage in any activity resulting in the public nuisance.
- (5) Nothing in this section shall be construed to impose liability on the resident or owners of the premises or sponsor of the gathering for the conduct of persons who are present without the express or implied consent of the resident or sponsor, as long as the resident and sponsor have taken all steps reasonably necessary to exclude such uninvited participants from the premises, including landlords who are actively attempting to evict a tenant from the premises.

Where an invited guest engages in conduct which the sponsor or resident could not reasonably foresee and the conduct is an isolated instance of a guest at the event violating the law which the sponsor is unable to reasonably control without the intervention of the police, the unlawful conduct of the individual guest shall not be attributable to the sponsor or resident for the purposes of determining whether the event constitutes a public nuisance under this section.

(f) *Penalty.* Violation of this section, except those under section (a)(3), shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

- (1) *Penalties for gatherings deemed a public nuisance under section 40-13(a)(3).* It shall be an ordinance violation punishable by the following schedule when a violation at the same location occurs within a 60-day period after an initial violation.

- a. For the second violation in a 60-day period, the fine shall be a minimum mandatory \$250.00;
- b. For the third violation in a 60-day period the fine shall be a minimum mandatory \$350.00;
- c. For any fourth or subsequent violation in a 60-day period the fine shall be a minimum mandatory \$500.00.

(g) *Special exceptions.* As part of its licensing and permitting procedure for events within the city, the board of public safety may grant a special exception to the enforcement of this section on a case-by-case basis and with the special exception limited to specific dates and specific times on those dates. (Code 1971, § 13-16; Ord. No. O-96-30, § I, 12-16-96; Ord. No. O-97-8, § I, 4-14-96; Ord. No. O-97-15, § I, 6-16-97; Ord. No. O-00-16, § I, 5-11-00; Ord. No. O-06-29, § I, 10-16-06)

Cross References: Noisy animals, § 4-14; noisemaking devices prohibited in public recreation facilities, § 58-6; vehicle loads causing unnecessary noise, § 76-82.

Sec. 40-14. Operation of mobile sound equipment in residential areas.

It shall be unlawful to operate mobile sound equipment in residential areas in this city.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 13-17; Ord. No. O-00-16, § I, 5-11-00)

Cross References: Streets and sidewalks, ch. 70; traffic, ch. 76.

Sec. 40-15. Restrictions on slaughtering cattle or other animals and curing hides.

From and after July 1 to September 1 in every year, no person shall erect or use any slaughterhouse or other building for slaughtering cattle or animals of any kind, or for the purpose of curing hides, within 200 yards of any dwelling house or building used as such, to the annoyance of the inhabitants thereof. No hides of any kind shall be cured in any lot, on any fence or wall or in any other manner within 200 yards of any building. (Code 1971, § 13-21)

Cross References: Businesses, ch. 10.

Sec. 40-16. Horses prohibited on sidewalks; exceptions.

No person shall allow or permit any horse or pony owned by him/her or under his/her control to go upon any sidewalk, whether improved or unimproved, provided that a horse or pony may cross a sidewalk abutting the property of the person who owns or controls it for the purpose of going to or from said property, and provided further that this prohibition shall not apply to parades or horse shows.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the

Code.

(Code 1971, § 13-23; Ord. No. O-00-16, § I, 5-11-00)

Cross References: Streets and sidewalks, ch. 70.

Sec. 40-17. Identification required of registrants at hotels, motels and roominghouses.

The proprietor of each hotel, motel and roominghouse within the city shall keep or cause to be kept a list of the names and addresses of those persons registering for occupancy, and shall, further, require that each registrant provide identification and that the means of identification be recorded by the proprietor or his/her agent. Identification, as referred to herein, shall include, but not be limited to a driver's license, state identification card, social security card, vehicle registration or title documentation, birth certificate or credit card. The records required to be maintained by this section shall not be disclosed to the general public and shall not be subject to inspection by the public safety department of the city except in case of emergency or report of crime. Identification required of the registrant pursuant to this section shall apply only to the primary registrant and shall not be deemed to include accompanying guests. Nothing within this section shall be construed so as to impose upon the proprietor a duty to guarantee the identification of registrants.

(Code 1971, § 13-24)

Cross References: Roominghouses, tourist homes and cabins, ch. 62.

Sec. 40-18. Use of Gorton's Pond and Little Pond by gasoline-powered motorboats, jet skis and snowmobiles.

It shall be unlawful for any person to use, operate or permit to be used or operated any gasoline-powered motorboat, gasoline-powered jet ski or gasoline-powered snowmobile on Gorton's Pond or on Little Pond.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 13-25; Ord. No. O-00-16, § I, 5-11-00; Ord. No. O-04-20, § I, 8-3-04)

Sec. 40-19. Jet skiing on Warwick Lake.

Jet skis shall be limited on Warwick Lake from 9:00 a.m. until sundown on weekdays and from 12:00 p.m. to sundown on Saturdays and Sundays. Any use before or after those set forth hours shall be prohibited. It is further ordained that any operator of a personal watercraft must remain at least 200 feet from any dock, swimmer or shoreline. Said personal watercraft shall be limited to a speed not to exceed 45 miles per hour.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 13-25.1; Ord. No. O-96-1, § I, 1-16-96; Ord. No. O-99-35, § I, 7-19-99; Ord. No. O-00-16, § I, 5-11-00)

Sec. 40-20. Permit required for horses going on playgrounds or public property.

No person shall allow or permit any horse or pony owned by him/her or under his/her control to go upon or use any play area, playground or public property under the ownership or control of the city without first having received a permit to do so from the board of public safety.

Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 13-26; Ord. No. O-00-16, § I, 5-11-00)

Cross References: Animals and fowl, ch. 4.

Sec. 40-21. Loitering on school property.

(a) It shall be unlawful for any person to be present on, loiter, loaf, wander, stand or remain idle either alone or in consort with others on school property during such hours as may be designated by order of the school committee.

(b) This section shall not apply to those persons who are present on school property in attendance at activities authorized by the school committee or school department, as the case may be.

(c) Violation of this section shall be punishable by a fine of \$50.00 for the first and second offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the third and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code.

(Code 1971, § 13-27; Ord. No. O-00-16, § I, 5-11-00)

Sec. 40-22. Consumption of alcoholic beverages on street or sidewalk.

It shall be unlawful for any person to possess, consume from and/or transport any open container containing alcoholic beverages on any public street, public sidewalk or public way; except that it shall not be unlawful to so possess, consume from and/or transport such a container at events or festivals duly licensed by the city when such license expressly permits such possession, consumption and/or transportation, but only to the extent of and in accordance with the terms and conditions of any such licensing.

(Code 1971, § 13-29)

Cross References: Possession or consumption of alcoholic liquors at public recreation facilities, § 58-10.

Sec. 40-23. Use of waterways by model power boats.

It shall be unlawful for any person to operate or cause to be operated any model power boat on any water, waterway, lake, pond, or river within the boundaries of the city between the hours of 9:00 p.m. Saturday and 12:00 noon Sunday.

(Code 1971, § 13-31)

Cross References: Harbors, ch. 24.

Sec. 40-24. Installation of panic button alarm systems in business establishments operating between 1:30 a.m. and 5:00 a.m.

(a) *Required.* Subsequent to the effective date of this section, manual emergency alarm systems shall be installed in all retail and commercial businesses operating between the hours of 1:30 a.m. and 5:00 a.m.

(b) *Connection to central station.* All such emergency alarm systems shall be directly connected to a central station burglar alarm company that is duly licensed by the state which meets or exceeds the requirements for certification by Underwriters Laboratories, Inc., for a central station burglar alarm system. The burden of showing compliance with the aforementioned standards shall be upon the business establishment(s).

(c) *Additional regulations.* The board of public safety is authorized to adopt and promulgate rules and regulations governing the location and installation of the emergency alarm systems.

(d) *Penalty.* It shall be unlawful for any person, association, corporation, partnership, franchisee, leaseholder or agent or any other entity of the foregoing to operate or permit to be operated any retail or commercial business in violation of this section. Any person, partnership, association, corporation, franchisee, leaseholder or any agent or any other entity of the foregoing found guilty of violating the provisions of this section shall be punishable as provided in section 1-4. Each day any violation of this section shall continue shall constitute a separate offense.

(Code 1971, § 13-32)

Sec. 40-25. Reserved.

Editors Note: Section I of Res. No. R-01-164, adopted December 4, 2001, repealed in its entirety § 40-25, graffiti. Said section pertained to punishment for graffiti and other defacing of property, and derived from Ord. No. O-94-21, § I, adopted September 19, 1994.

Sec. 40-26. Laser pointers.

(a) It shall be unlawful for any person, under the age of 18, to focus, point or shine a laser beam directly or indirectly on another person or animal.

(b) It shall be unlawful for any person to sell a laser pointer to a person under the age of 18.
(Ord. No. O-99-24, § I, 5-12-99)

Sec. 40-27. Posting of temporary signs for business.

Except as otherwise allowed in this Code and the appendix thereto, it is hereby prohibited and shall be unlawful for any person, corporation, business or other entity to affix or otherwise knowingly cause to be affixed to any telephone pole, electric company pole, traffic control device, lamppost, fence, tree or structure located within any City of Warwick or State of Rhode Island right-of-way any posting, sign or other advertisement intended for the purposes of soliciting business. Any violation of this section shall upon conviction be punishable as provided in section 1-4 of this Code. In addition to duly appointed police officers, the director of the department of public works, or his or her designee shall have authority to enforce the provisions of this section, and to that end shall be authorized to issue summonses of the municipal court to any person who is in violation of the provisions of this section.

(Ord. No. O-99-61, § I, 11-8-99; Ord. No. O-05-35, § I, 11-9-05; Ord. No. O-06-13, § I, 5-8-06)

Editors Note: Section I of Ord. No. O-99-61, adopted Nov. 8, 1999, amended the Code by adding provisions designated as § 40-26. Inasmuch as there were already provisions so designated, the provisions have been redesignated as § 40-27, at the discretion of the editor.

Sec. 40-28. Photographic cellular telephones.

It shall be unlawful for any person to use a cellular telephone which has the capability to take photographs and/or video images in any locker room, changing room, dressing room, or rest room of any city-owned or operated building. Nothing herein shall prevent the use of such a telephone to call police, fire or other public safety personnel in the event of an emergency.

(Ord. No. O-04-7, § I, 4-8-04)

Sec. 40-29. Prohibition against certain forms of aggressive solicitation.

(a) For purposes of this section:

Aggressive manner shall mean:

- (1) Approaching or speaking to a person(s), or following a person(s) before, during, or after soliciting, if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property;
- (2) Following the person being solicited, with the intent of asking that person for money or other things of value;
- (3) Intentionally touching or causing physical contact with another person without the person's consent in the course of soliciting;
- (4) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- (5) Using violent or threatening gestures toward a person solicited;
- (6) Continuing to solicit from a person after the person has given a negative response to such soliciting;
- (7) Speaking in a volume unreasonably loud under the circumstances;
- (8) Soliciting money from anyone who is waiting in line for entry to a building or for another purpose.

Public place shall mean a place to which a governmental entity has title, to which the public has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park or playground.

Soliciting shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place, other than lawful activities pursuant to chapter 46 of the Code of Ordinances. Soliciting shall include using the spoken, written or printed word, bodily

gestures, signs or any other means of communication with the purpose of obtaining an immediate donation of money or other thing of value.

(b) No person shall solicit in an aggressive manner in a public place.

(c) Violations of these sections shall be punishable by the penalties listed in section 1-4 of the Code of Ordinances.

(Ord. No. O-06-21, § I, 7-10-06)

Sec. 40-30. Smoking prohibited in public schools and on school grounds.

It shall be unlawful for any person to smoke or use tobacco products in any public school building or upon school property. No person under the age of 18 years may possess tobacco in any form while in any public school building or upon school property. Violation of this section shall be punishable pursuant to section 1-4 of the Code of Ordinances under the jurisdiction of the municipal court.

All violations of this section alleged to have been committed by any person under the age of eighteen years shall be referred to the juvenile hearing board. First offenders shall be required to successfully complete a tobacco abuse counseling program, the cost of which shall be borne by the offender. Any subsequent offense or failure to successfully complete the tobacco abuse counseling program imposed for a first offense shall be punishable by a fine of not less than \$100.00, or 20 hours of community service.

(Ord. No. O-08-16A, § I, 6-17-08; Ord. No. O-08-28, § I, 12-9-08)

Sec. 40-31. Delivery of tobacco products to persons under 18 years of age.

It shall be unlawful for any person to deliver any tobacco product to a person under the age of eighteen years. Violation of this section shall be punishable pursuant to sec. 1-4 of the Code of Ordinances under the jurisdiction of the municipal court.

(Ord. No. O-08-16A, § II, 6-17-08)

Secs. 40-32--40-50. Reserved.

ARTICLE II.

BATHING AND SWIMMING*

* **State Law References:** Authority to carry on beach and bathhouse business, and to acquire lands and issue bonds therefor, P.L. 1950, ch. 2580; authority of city to acquire land and interests therein for parks, recreation and conservation, P.L. 1968, ch. 225.

Sec. 40-51. Indecent exposure.

No person shall indecently expose his/her person while bathing or swimming in any of the waters of the city, or while loitering on any of the beaches or other bathing places of the city, or while passing to and from the beaches or other bathing places of the city, or while dressing or undressing for the purpose of bathing or swimming.

(Code 1971, § 13-33)

State Law References: Local regulation of use of public parks, squares or grounds, G.L. 1956, § 32-3-1.

Sec. 40-52. Use of vehicles for changing clothes.

No person shall undress, dress, or change from any wearing apparel to bathing apparel or from bathing apparel to wearing apparel in any automobile or other vehicle parked within the city.

(Code 1971, § 13-35)

Cross References: Traffic, ch. 76.

Sec. 40-53. Swimming and bathing prohibited in sources of water supply.

No person shall, for the purpose of swimming or bathing, go into the waters of any freshwater pond or stream within the city which is used as a source of water supply for the inhabitants thereof.

(Code 1971, § 13-36)

Cross References: Water, ch. 82.

Secs. 40-54--40-60. Reserved.

ARTICLE III.

ALARMS*

* **Editors Note:** Section I of Ord. No. O-99-14, adopted March 15, 1999, amended art. III in its entirety, in effect repealing §§ 40-61--40-68 and enacting similar new provisions in lieu thereof as §§ 40-61--40-71. Formerly, such provisions derived from § I of Ord. No. O-97-1, adopted Jan. 21, 1997.

Sec. 40-61. Definitions.

Unless the context clearly indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

Act of nature means an unusual, extraordinary, sudden and unexpected manifestation of the force of nature, the adverse effects of which cannot be prevented by reasonable human care, skill, or foresight. Such events include tornadoes, floods, earthquakes and other similarly violent conditions.

Alarm business means the business of any individual, partnership, corporation or other entity engaged in the sale, lease, maintenance, service, repair, alter, replacement, moving or installation of any alarm system or in causing any alarm system to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed in or on any building, structure or facility, as defined in G.L. 1956, title 5, ch. 57.

Alarm permit means a permit issued by the city allowing the operation of an alarm system within the city.

Alarm system means any assembly of equipment, whether mechanical, electrical or otherwise arranged or designed to signal the occurrence of any illegal entry or other non-consensual activity requiring urgent attention and to which the police department is expected to respond, but does not include alarms installed in

conveyances or fire alarms.

Alarm user means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

Appeal officer means the chief of police or an individual designated by the chief of police to act in the capacity as an impartial arbitrator to review appeals related to the enforcement of this article.

Automatic telephone dialing alarm system means the automatic dialing or any automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically transmits by telephone or telephone line to the Warwick Police Department, a recorded message or code signal indicating a need for emergency response; or a system which, upon activation, connects to an answering service and/or monitoring facility whose function it is to transmit to the Warwick Police Department a need for emergency response.

False alarm means any activation of an "alarm system" as defined herein requiring police response with no evidence of an actual crime having been committed or other activity which warrants a call for immediate police assistance; but this definition does not include an alarm signal caused by an act of nature nor other extraordinary circumstances not reasonably subject to control by the alarm user or his/her agent.
(Ord. No. O-99-14, § I, 3-15-99)

Sec. 40-62. Required alarm system features.

(a) *Backup power supply.* All alarm systems shall have a backup power supply that will become effective for a minimum of one hour in the event of a power failure or outage in the source of electricity from the utility company.

(b) *Automatic shutoff device.* All alarm systems which utilize an audible bell, horn, siren or other sound emitting device shall be equipped with an automatic shut-off device which will deactivate the alarm system within 15 minutes after activation. All alarm users with audible bells, horns, sirens or other sound emitting devices shall install and maintain such automatic shut-off device within 90 days of the effective date of this article [March 15, 1999].
(Ord. No. O-99-14, § I, 3-15-99)

Sec. 40-63. Confidentiality clause.

The information provided part of the alarm permit application pursuant to this article shall be confidential and shall not be subject to public inspection.
(Ord. No. O-99-14, § I, 3-15-99)

Sec. 40-64. Police response to alarm; determination of validity; report of false alarm.

(a) Whenever an alarm is activated in the city, thereby requiring an emergency response to the location by the police department, and the police department does respond, a police officer on the scene of the activated alarm system shall inspect the area protected by the system along with the alarm user and they shall

determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(b) Should the police officer at the scene of the activated alarm system determine the alarm to be false, said officer shall make a report of the false alarm, a notification of which shall be mailed or delivered to the alarm user, at the address of the said alarm system installation location, advising the alarm user of the false alarm.

(Ord. No. O-99-14, § I, 3-15-99)

Sec. 40-65. Alarm user to respond to alarm.

An alarm user must respond or make arrangements for another responsible person to respond to the scene of an activated alarm within 30 minutes of the alarm activation. Should the alarm user or his/her designee fail to respond within 30 minutes as required herein, then the failure to respond shall be prima facie evidence that said alarm is a false alarm.

(Ord. No. O-99-14, § I, 3-15-99)

Sec. 40-66. Alarm review panel.

(a) The chief of police shall establish an alarm review panel for the purposes set forth in section 40-67. Said panel shall be comprised of seven members consisting of 1) two persons appointed by the chief of police, 2) one representative of the Alarm Association of Rhode Island, Inc. selected by the chief of police, 3) two residents of the City of Warwick, selected by the city council president, 4) the chair of the public safety committee of the Warwick City Council, and 5) the minority leader of the Warwick City Council. Members of this panel shall be appointed for a one-year term and are eligible for reappointment at the discretion of the appointing agent.

(b) The alarm review panel shall meet no less than bimonthly and shall serve without compensation.

(c) Decisions of the panel shall be determined by a majority vote.

(d) Meetings held by this panel in their official capacity shall comply with all mandates of the Rhode Island Open Meetings Laws.

(Ord. No. O-99-14, § I, 3-15-99; Ord. No. O-99-36, § I, 8-11-99)

Sec. 40-67. False alarm assessment schedule.

(a) After the chief of police or his designee has initially recorded three separate false alarms from a security alarm system of one user within any one calendar year, then the alarm user will be notified by the chief of police, via regular mail, of such facts and require the alarm user to submit within ten working days of receipt of such notice, a report describing the alarm user's efforts to discover and eliminate the cause or causes of the false alarms. This notice shall further contain the dates and time of each alleged false alarm. After three false alarms in a calendar year the alarm system shall be inspected and certified by a licensed alarm business. Said inspections shall not be required more frequently than once per calendar year. After ten false alarms in a calendar year, the alarm user shall appear before the alarm review panel.

(b) Reports received by the chief of police under the provisions of this section shall be forwarded to the alarm review panel.

(c) In the event that the alarm review panel determines that a report submitted in accordance with the preceding paragraph is unsatisfactory or that the alarm user has failed to show by the report that reasonable steps have been taken to eliminate or reduce false alarms, then the chief of police will inform the alarm user, via regular mail, that subsequent false alarms will cause the alarm user to be assessed monetary charges as follows:

Up to three false alarms	No fee
4 th , 5 th , and 6 th false alarms	\$75.00 per false alarm
7 th , 8 th , 9 th and 10 th false alarms	\$100.00 per false alarm
11 or more false alarms	\$250.00 per false alarm (at the discretion of the review board)

(d) If the alarm review panel is satisfied based on the report submitted by the user, that the action taken will substantially reduce the likelihood of further false alarms, the chief of police will notify the alarm users in writing that no assessment will be made at that time. However, the alarm user will be subject to assessment proceedings on the next false alarm signal transmitted.

(e) All fees assessed hereunder shall be made payable to the City of Warwick for deposit into the general fund.

(f) For purposes of this section, multiple false alarms received within a 24-hour period will be counted as one false alarm.

(g) Should an alarm user or his/her designee notify the police department prior to the arrival of the police at the location of the activated alarm that said alarm is false, thereby resulting in a nonemergency response by police, then the alarm user shall not be charged with a false alarm.

(h) The provisions of this section shall not apply to security alarm systems owned and/or operated by agencies of the City of Warwick, State of Rhode Island, or the United States of America.

(i) The alarm review panel may, at their discretion waive the assessment of an alarm user's first offense for a false alarm if said alarm user agrees to attend the false alarm prevention program described below. (Ord. No. O-99-14, § I, 3-15-99; Ord. No. O-06-4, § I, 1-18-06)

Sec. 40-68. False alarm prevention program.

(a) The police department shall provide an educational program for the prevention of false alarms. The police department shall allow any alarm user to attend any scheduled false alarm prevention program.

(b) An alarm user who attends any false alarm prevention program provided pursuant to this section is not eligible to attend a false alarm prevention program again within 12 months from the day on which that person last attended the program unless such attendance is necessary to satisfy the requirements of section 40-67(f).

(Ord. No. O-99-14, § I, 3-15-99)

Sec. 40-69. Appeals procedure.

Any alarm user who is aggrieved by a decision of the alarm review panel may, within five working days of the issuance of the chief's decision, appeal to the municipal court. The only grounds for appealing a decision of the chief of police are:

- (1) Proof that a false alarm was caused by an act of nature or actions of any utility company.
- (2) Written verification from the alarm user and the alarm business that all necessary steps have been taken to upgrade, improve and insure the accuracy of the security alarm system.

(Ord. No. O-99-14, § I, 3-15-99)

Sec. 40-70. Violations; penalty.

The following acts and omissions shall constitute violations of this article, punishable by fine of up to \$250.00.

- (1) Failure to obey an order of the chief of police to discontinue use of a security alarm system after exhaustion of the right to appeal.
- (2) Failure to pay two or more consecutive assessments under the ordinance within 60 days from the date of assessment.

(Ord. No. O-99-14, § I, 3-15-99)

Sec. 40-71. Regulation by police chief.

The chief of police shall promulgate such regulations as may be necessary for the implementation of this article.

(Ord. No. O-99-14, § I, 3-15-99)

Secs. 40-72--40-79. Reserved.

ARTICLE IV.

VOLUNTARY FIREARM DISPOSAL

Sec. 40-80. Voluntary firearm disposal; generally.

(a) Whenever a voluntary firearm disposal event, also know as a "gun buy back" event, occurs within the City of Warwick, the procedures contained herein shall be followed. Every firearm obtained at such an event shall:

- (1) Be inspected immediately upon presentation by a certified firearms instructor of the Warwick Police Department and rendered safe through inspection of the chamber of the firearm, the

magazine or any cartridge holding or feeding device on the firearm;

- (2) Be photographed or videotaped by an officer of the Warwick Police Department, with the firearm's serial number clearly written and displayed in the same photograph or videotape image;
 - (3) Be inspected by an expert in firearms production or collection to determine if the firearm has historic, antique or collectible value, and if so, that information shall be provided to the person presenting the firearm;
 - (4) Be delivered to the custody and control of the officer or officers of the Warwick Police Department assigned to supervise the event.
- (b) At the conclusion of the voluntary firearm disposal event, the Warwick Police Department shall:
- (1) List the serial number and a brief description, including manufacturer and age (if known) of each firearm on the city web site on a separate page entitled "Weapons to be disposed of by the City of Warwick";
 - (2) Run the firearm identification information through the national criminal firearms databases to determine if any firearms were stolen, and if so, make efforts to notify the owner and attempt to return the firearm;
 - (3) Transport all the firearms to the state crime laboratory for ballistics checks to obtain data that would provide evidence useful in criminal investigations involving firearms;
 - (4) Upon return of the firearms from the state crime laboratory, but no sooner than one month after return of said firearms, disable each firearm by making at least two separate cuts with a cutting torch across the housing containing the fire control unit and associated hardware.

(Ord. No. O-99-63, § I, 11-15-99)