

THE CITY OF WARWICK  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 22  
GARBAGE, DEBRIS AND RUBBISH  
ARTICLE III  
STORAGE OF RUBBISH, TRASH, DEBRIS AND LITTER

No..... Date.....

Approved.....Mayor

1 *Be it ordained by the City of Warwick:*

2  
3 Section I. Chapter 22 of the Code of Ordinances of the City of Warwick is hereby amended to  
4 the following:

5  
6 **Sec. 22-71. - Purpose and intent.**

7  
8 The council of the city finds and declares that:

9 (1) The city has a history and reputation for well-kept properties, and that the property values  
10 and the general welfare of this community are founded, in part, upon the appearance and  
11 maintenance of properties.

12 (2) There now appears need for further emphasis on the maintenance of public and private  
13 property in a clean, litter-free and debris-free condition because locations throughout the city  
14 have been found to have been the sites of littering, illegal dumping and accumulated garbage,  
15 refuse and rubbish.

16 (3) That the existence of such conditions is injurious and inimical to the public health, safety  
17 and welfare of the residents of this city and contributes substantially and increasingly to the  
18 problems of the necessity for expenditures for protection against hazards and diminution of  
19 property values, prevention of crime and the preservation of the public health, safety and welfare  
20 and the maintenance of police, fire and accident protection; and that such problems are becoming  
21 increasingly direct and substantial in significance and effect; and that the uses and abuses of  
22 property as described herein reasonably relate to the proper exercise of the police power in the  
23 protection of health, safety and welfare of the public.

24 (4) That unless corrective measures are taken to alleviate such existing conditions and  
25 particularly to avoid future problems in this regard, the public health, safety and general welfare,  
26 and specifically the property values and social and economic standards of this community, will  
27 be depreciated; that the elimination of such conditions will enhance the appearance and value of  
28 such properties rather than be a burden on the owners thereof; and that elimination of such  
29 conditions will also appreciate the values and appearance of neighboring properties and benefit  
30 the use and enjoyment of properties in the general area and will improve the general welfare and  
31 image of the city.

1  
2 **Sec. 22-72. - Definitions.**

3 The following definitions shall apply in the interpretation and enforcement of this article:

4 *Elements* means and includes any element, whether created by nature or created by  
5 man/woman, which with reasonable foreseeability could carry litter from one place to another.  
6 "Elements" shall include, but not be limited to, air currents, rain, water currents and animals.

7  
8 *Garbage* means all waste, animal or vegetable, such as, but not limited to, waste material  
9 and refuse from kitchens, residences, grocery stores, butcher shops, restaurants, cafes, hotels,  
10 roominghouses and boardinghouses, and all other deleterious substances.

11  
12 *Litter* means and includes any uncontainerized manmade or man-used waste which, if  
13 deposited within the city otherwise than in a litter receptacle, tends to create a danger to public  
14 health, safety and welfare or to impair the environment of the people of the city. Litter may  
15 include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other  
16 lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other  
17 construction material, motor vehicle parts, furniture, oil, carcasses of dead animals, or nauseous  
18 or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

19  
20 *Refuse* means waste, rubbish, garbage, trash or any material of any kind that has been  
21 discarded, rejected, cast aside or thrown away as worthless, except body wastes.

22  
23 *Rubbish* means nonputrescible solid wastes such as, but not limited to, ashes, paper,  
24 cardboard, tin cans, clippings, trimmings, wood, glass, bedding, crockery, plastics, rubber  
25 byproducts, litter, machinery, inoperative, wrecked, junked or dismantled motor vehicles, vehicle  
26 parts, junk and other discarded items.

27  
28 *Trash* means rubbish such as feathers, coffee grounds, ashes, tin cans, paper, boxes, glass,  
29 wood, shrubs, yard clippings, leaves, tree trimmings and similar matter.

30  
31 **Sec. 22-73. - Accumulations of garbage, refuse or litter declared public nuisance.**

32  
33 The accumulation of garbage, litter, refuse, rubbish, trash and other deleterious substances on the  
34 premises of private residences, commercial institutions and in the streets and alleys greatly  
35 increases the danger of fire and spread of infections, contagious and epidemic diseases, causes  
36 diminution in value of other property in the neighborhood, and shall hereby constitute a public  
37 menace and nuisance. Every owner, operator and occupant of property in the city, developed or  
38 undeveloped, shall maintain said property free from garbage, litter, refuse, rubbish and trash as  
39 the same are hereinabove defined.

40  
41 **Sec. 22-74. - Junked vehicles.**

42  
43 No owner, operator or occupant of any building, structure, dwelling or dwelling premises, and no  
44 operator or owner of any motor vehicle herein described, shall keep, park, store or leave any  
45 inoperative wrecked, junked or dismantled motor vehicle of any kind, or parts thereof, on any

1 premises within the city, except in connection with a legally operated enterprise. For the purposes  
2 of this section, the term "inoperative" shall mean any motor vehicle that is either unregistered or  
3 has no valid inspection sticker. Nothing herein contained shall be construed to prohibit any  
4 person from maintaining or repairing his/her own motor vehicle on his/her own premises in a  
5 manner not otherwise prohibited by law.

6  
7 **Sec. 22-75. - Maintenance of litter collection and storage areas.**

8  
9 Every owner or occupant or lessee of a house or building used for residential, business or  
10 commercial purposes shall maintain litter collection and storage areas in a clean condition and  
11 ensure that all litter is properly containerized. Failure to maintain clean litter collection and  
12 storage areas shall constitute a violation of this section.

13  
14 **Sec. 22-76. - Duty to collect litter before it is carried from premises.**

15  
16 All litter that is subject to movement by the elements shall be secured by the owner of the  
17 premises where it is found before the same is allowed to be removed by the elements to adjoining  
18 premises.

19  
20 **Sec. 22-77. - Neglected premises.**

21  
22 It shall be the duty of any person owning or controlling a house or other building or premises,  
23 including vacant lots visible from any public place or private premises, to maintain such premises  
24 in a reasonably clean and orderly manner and to a standard conforming to other orderly premises  
25 in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the  
26 condition or appearance of any premises so as to permit it to accumulate litter, refuse, rubbish,  
27 trash, and the growth of weeds and/or grasses to a height of one foot or over (ornamental grasses  
28 excepted). All properties within the city that are held in trust for public use, either for open space  
29 or active or passive recreation, either owned by the city or held privately, that are held in trust or  
30 in conservancy, are exempted from these provisions. All properties within the city that are  
31 subject to the regulations and provisions of the state department of environmental management  
32 or the state coastal resources management council are exempted from these provisions.

33  
34 **Sec. 22-78. - Maintenance of areas around business premises.**

35  
36 The owner or person in control of any public place, including, but not limited to, restaurants,  
37 shopping centers, fast food outlets, stores, hotels, motels, industrial establishments, office  
38 buildings, apartment buildings, housing projects and gas stations, shall at all times keep the  
39 premises clean of all litter, refuse, rubbish and trash, and shall take measures to prevent the same  
40 from being carried by the elements to adjoining premises. It shall be a violation of this section to  
41 abandon, neglect or disregard the condition or appearance of such premises so as to permit it to  
42 accumulate litter, refuse, rubbish, trash, and the growth of weeds and/or grasses to a height of one  
43 foot or over (ornamental grasses excepted). All properties within the city that are subject to the  
44 regulations and provisions of the state department of environmental management or the state  
45 coastal resources management council are exempted from these provisions.

1 **Sec. 22-79. - Refuse container maintenance.**

2  
3 (a) It shall be unlawful to maintain open refuse containers or receptacles or containers which  
4 are inadequate for the volume of refuse generated at the premises which the containers serve. It  
5 shall be the responsibility of the property owner and/or tenant and/or person in responsible  
6 charge of the premises to assure that containers are adequate and covered, and that the area  
7 surrounding the containers is kept free and clear of garbage, refuse, rubbish, trash and litter. It  
8 shall be unlawful for any owner and/or operator and/or tenant to allow such garbage or refuse  
9 containers or receptacles to be overloaded or the contents thereof to remain in unsecured  
10 containers. In the event the contents of such containers shall become blown or scattered upon any  
11 public street or way, or upon or over nearby premises, the owner and/or operator and/or tenant of  
12 the premises served by such container or receptacle shall be responsible for gathering up any  
13 such blown or scattered material.

14 (b) It shall be unlawful for any person to dump litter, trash, rubbish, garbage or any refuse into  
15 a refuse container without the permission of the owner, lessee or renter of the refuse container.

16 (c) Penalties for violation of this ordinance shall be in accordance with section 1-4 of the Code  
17 of Ordinances.

18  
19 **Sec. 22-80. - Upsetting or tampering with receptacles.**

20  
21 No person shall cause the removal, upsetting, mutilation or defacing of or tamper with litter  
22 receptacles or cause the contents thereof to be spilled or to be strewn in or upon any public place  
23 or private premises.

24  
25 **Sec. 22-81. – Inspections; special heavy trash collection limitations and regulations.**

26  
27 (a) The department of building inspection and/or division of ~~minimum housing property~~  
28 maintenance and/or the director of the department of public works or his or her designee shall  
29 make, or cause to be made, inspection trips at regular intervals to determine compliance with the  
30 provisions of this chapter. In the event a violation of these provisions is discovered, said  
31 department of building inspection and/or division of ~~minimum housing property maintenance~~  
32 and/or the director of the department of public works or his or her designee shall immediately  
33 take action to cite the owner and/or operator and/or tenant of the premises so found in violation  
34 by written citation served upon said owner and/or operator and/or tenant by any building  
35 inspector or ~~minimum housing property maintenance~~ inspector or the director of the department  
36 of public works or his or her designee by personal service or by mail at the home or business  
37 address of such owner, operator or tenant.

38 (b) The following limitations and regulations shall apply to special heavy trash collections at  
39 all residential dwellings in the city, except those dwellings that are owner-occupied single-family  
40 homes, for which no limitations on heavy trash pickups are imposed:

41 (i) heavy trash collections are limited to two (2) within any twelve (12) month period per  
42 address location, with the start of said twelve (12) month period commencing on the date of the  
43 first heavy trash collection;

44 (ii) the material that may be picked up is limited in size to that which fits in a one-ton  
45 liftgate truck (approximately 240 cubic feet);

1           (iii) the property owner shall be responsible to pay all costs, including labor, equipment  
2 and disposal fees for heavy trash material collected by the city that is in excess of the number of  
3 collections and/or in excess of the size limitations set forth in (i) and (ii) above;

4           (iv) Failure to comply with the limitations and regulations set forth above shall be a  
5 violation by the owner of the premises for which the owner of the premises shall be cited. The  
6 owner of the premises shall be liable for the penalties and lien provisions set forth below.

7 (b) For the purposes of this section, an offense shall be considered to have occurred on the  
8 first day for which a violation is cited, and the offender shall be subject to the penalty provisions  
9 hereinafter set forth in sections 22-82 and 22-83 for that day and for each succeeding day on  
10 which the violation continues unabated.

11  
12 **Sec. 22-82. - Penalty; suspension of penalty.**

13  
14 (a) Whoever shall be found in violation of any of the provisions of this article shall be  
15 punishable with a fine not exceeding \$600.00 for each offense or by imprisonment not exceeding  
16 six months, subject to the terms of section 22-83 below. A separate offense shall be deemed  
17 committed on each day during or on which a violation occurs or continues.

18 (b) Except as to chronic violators, as hereinafter defined in section 22-83, the department of  
19 building inspection and/or division of ~~minimum housing~~ property maintenance is authorized to  
20 suspend the penalty provisions set forth herein upon a finding that the conditions existing in  
21 violation of the requirements of this article have been corrected within five days of the date that  
22 notice of violation was served upon the owner and/or tenant and/or operator of the premises.

23  
24 **Sec. 22-83. - Chronic violators.**

25           Whoever shall be found in violation of the provisions of this article on three or more  
26 occasions within a 12-month period shall be deemed a chronic violator and shall be punishable  
27 with a fine of not less than \$50.00 and not more than \$600.00 for each offense. Every violation  
28 shall be counted in determining whether this section is applicable and not just three or more  
29 instances of the same type of violation. A separate offense shall be deemed committed on each  
30 day during or on which a violation occurs or continues.

31  
32 **Sec. 22-84. - Correction of violations by city—Authorized; costs to constitute lien.**

33           Upon failure of the owner or owners of such premises to remedy the violation for which  
34 he/she has been cited under this article within 15 days after citation of violation as provided  
35 herein, then the building inspector shall proceed to have such violation remedied, and the cost  
36 thereof shall be and become a lien against such property to the same extent and character as the  
37 lien for real estate taxes and with the same penalties and interest and with the same rights of  
38 collection, foreclosure, sale and forfeiture as obtained for tax liens.

39  
40 **Sec. 22-85. - Same—Notice to owner; due date for payment of costs.**

41           Upon completion of required work by the city as provided in section 22-84 hereof, notice  
42 thereof and of the cost assessed therefor shall be given to the owner in the same manner as

1 prescribed for citations of violation in this article, and the sum assessed shall be due and payable  
2 30 days after such notice of completion and cost, unless such assessment shall be appealed to the  
3 city municipal court prior to the expiration of said 30-day period.

4 **Sec. 22-86. - Landowner's responsibility for maintaining premises.**

5 Notwithstanding anything to the contrary herein contained, the owner or owners of the  
6 premises found in violation of the provisions of this article shall be ultimately responsible for  
7 maintaining the premises in compliance herewith. Any fines or penalties assessed hereunder or  
8 any costs incurred by the city in enforcing these provisions shall be and become a lien against  
9 such property to the same extent and character as the lien for real estate taxes with the same  
10 penalties and interest and with the same rights of collection, foreclosure, sale and forfeiture as  
11 obtained for tax liens.

12  
13 **Sec. 22-87. - Notices, certificates and other documents to be filed with city clerk.**

14 Upon the making of a finding of a violation, the building inspector shall deliver a certified  
15 copy thereof and of the notice to the city clerk and the city clerk shall place the same on record as  
16 a lien against the property described therein. It shall also be the duty of the building inspector to  
17 file such other and further certificates as to work done and amounts due and/or paid as the  
18 circumstances may require.

19  
20 **Sec. 22-88. - Appeals.**

21 Any person found in violation of the provisions of this article shall have the right to appeal  
22 the finding of violation within 15 days of issuance of citation thereof, and any such person shall  
23 have the right to appeal the assessment of costs within 30 days of service of notice thereof. Such  
24 appeals shall be taken to the city municipal court.

25  
26 **Section II.** This Ordinance shall take effect upon passage and publication as prescribed by law.

27  
28  
29 SPONSORED BY: COUNCILMAN LADOUCEUR  
30 COUNCILWOMAN TRAVIS

31  
32 COMMITTEE: ORDINANCE