

08083

City of Woonsocket Rhode Island



December 10 A.D. 2008

Ordinance

Chapter

7442

ORDINANCE IN AMENDMENT OF CHAPTER 10, ENTITLED "GARBAGE AND TRASH" OF THE CODE OF ORDINANCES OF THE CITY OF WOONSOCKET

NOW, THEREFORE, BE IT ORDAINED BY THE
CITY COUNCIL OF THE CITY OF WOONSOCKET
AS FOLLOWS:

SECTION 1. Chapter 10, entitled "Garbage and Trash," Article III, Section 10-40, entitled, "Violations," under the section, "Special Violations," of the Code of Ordinances is hereby amended by deleting the entire section and adding the following:

DELETE: "An individual or entity.....or dwelling unit not Recycling."

ADD: "An individual or entity placing materials in or removing materials from a Cart not assigned to said individual or entity will be fined per violation: Fifty Dollars (\$50.00) for the first violation; One Hundred Dollars (\$100.00) for the second violation; One Hundred Fifty Dollars (\$150.00) for the third violation and any other violation hereafter."

SECTION 2: Chapter 10, entitled "Garbage and Trash," Article I, Section 10-8, entitled, "Unlawful accumulation," of the Code of Ordinances, is hereby amended as follows:

(1) Inspections.

- (a) The Director of the Department of Public Works or his or her designee, and/or the Division of Minimum Housing, shall make, or cause to be made, inspection trips at regular intervals to determine compliance with the provisions of this chapter. In the event a violation of these provisions is discovered, said Director of the Department of Public Works or his or her designee, and/or Division of Minimum Housing, shall immediately take action to cite the owner and/or operator and/or tenant of the premises so found in violation, by written citation served upon said owner and/or operator and/or tenant by the Director of the Department of Public Works or his or her designee and/or the Minimum Housing Inspector by personal service or by certified mail at the home or business address of such owner, operator or tenant. If one (1) or more persons to whom such notice must be given cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice on or about the dwelling,

dwelling unit, rooming unit, or structure described in the notice, or by causing any such notice to be published in a newspaper of general circulation for a period of three (3) consecutive days.

- (b) For the purposes of this section, an offense shall be considered to have occurred on the first day for which a violation is cited, and the offender shall be subject to the penalty provisions hereinafter set forth in this section and for that day and for each succeeding day on which the violation continues unabated.
- (c) If the violations are not corrected, the Director of the Department of Public Works or his or her designee, and/or the Division of Minimum Housing, after the expiration of time granted the person served with notice, shall file a complaint against the owner and/or operator and/or tenant in Woonsocket Municipal Court. Said complaint shall set forth the violations complained of, and said complaint shall be served upon the owner and/or operator and/or tenant as prescribed by law.

(2) Penalty; suspension of penalty.

- (a) Except as to chronic violators, as described below, whoever shall be found in violation of any of the provisions of this article shall be punishable with a fine not exceeding \$500.00 for each offense or by imprisonment not exceeding thirty (30) days for each offense, subject to the terms of this section. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (b) Except as to chronic violators, as hereinafter defined, the Director of the Department of Public Works or his or her designee and/or the Division of Minimum Housing is authorized to suspend the penalty provisions set forth herein upon a finding that the conditions existing in violation of the requirements of this article have been corrected within five days of the date that notice of violation was served upon the owner and/or tenant and/or operator of the premises.

(3) Chronic violators.

Whoever shall be found in violation of the provisions of this article on three (3) or more occasions within a 12-month period shall be deemed a chronic violator and shall be punishable with a fine of not less than \$50.00 and not more than \$600.00 for each offense or by imprisonment not exceeding six (6) months for each offense. Every violation shall be counted in determining whether this section is applicable and not just three or more instances of the same type of violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(4) Correction of violations by City – Authorized; costs to constitute lien.

Upon failure of the owner or owners of such premises to remedy the violation for which he/she has been cited under this article within thirty (30) days after citation of violation as provided herein, then the Director of the Department of Public Works or his or her designee shall proceed to have such violation remedied, and the cost thereof shall be and become a lien against such property to the same extent and character as the lien for real estate taxes and with the same penalties and interest and with the same rights of collection, foreclosure, sale and forfeiture as obtained for tax liens. The lien shall be recorded with the records of land evidence.

(5) Same--Notice to owner; due date for payment of costs.

Upon completion of required work by the City as provided in section hereof, notice thereof and of the cost assessed therefore shall be given to the owner in the same manner as prescribed for citations of violation in this article, and the sum assessed shall be due and payable thirty (30) days after such notice of completion and cost, unless such assessment shall be appealed to the Director of the Department Public Works or his or her designee court prior to the expiration of said 30-day period.

(6) Landowner's responsibility for maintaining premises.

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

(7) Notices, certificates and other documents to be filed with city clerk.

Upon the making of a finding of a violation, the Director of the Department of Public Works or his or her designee and/or the Division of Minimum Housing shall deliver a certified copy thereof and of the notice to the City Clerk and the City Clerk shall place the same on record as a lien against the property described therein. It shall also be the duty of the Director of the Department of Public Works or his or her designee and/or the Division of Minimum Housing to file such other and further certificates as to work done and amounts due and/or paid as the circumstances may require.

(8) Appeals.

Any person found in violation of the provisions of this article shall have the right to appeal the finding of violation within 15 days of issuance of citation thereof, and any such person shall have the right to appeal the assessment of cost within 30 days of service of notice thereof. Such appeals shall be taken to the Director of the Department Public Works or his or her designee.

(9) This section is not intended to prohibit the City from proceeding under the applicable provisions of the General Laws of Rhode Island, 1956, or the provisions of Section 10-7.

SECTION 3. This Ordinance shall take effect on the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9 of the Woonsocket Home Rule Charter and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.


Leo T. Fontaine

IN CITY COUNCIL December 15, 2008 - Read by title and passed for the first time.
IN CITY COUNCIL January 5, 2009 - Read by title and passed.
Signed and approved by Mayor Susan D. Menard - January 6, 2009