

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

1 the use and enjoyment of properties in the general area and will improve the general welfare and
2 image of the city.

3
4 **Sec. 22-72. - Definitions.**

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

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

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

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

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

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

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

32
33 **Sec. 22-73. - Accumulations of garbage, refuse or litter declared public nuisance.**

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

42
43 **Sec. 22-74. - Junked vehicles.**

44
45 No owner, operator or occupant of any building, structure, dwelling or dwelling premises, and no

1 operator or owner of any motor vehicle herein described, shall keep, park, store or leave any
2 inoperative wrecked, junked or dismantled motor vehicle of any kind, or parts thereof, on any
3 premises within the city, except in connection with a legally operated enterprise. For the purposes
4 of this section, the term "inoperative" shall mean any motor vehicle that is either unregistered or
5 has no valid inspection sticker. Nothing herein contained shall be construed to prohibit any
6 person from maintaining or repairing his/her own motor vehicle on his/her own premises in a
7 manner not otherwise prohibited by law.
8

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

10
11 Every owner or occupant or lessee of a house or building used for residential, business or
12 commercial purposes shall maintain litter collection and storage areas in a clean condition and
13 ensure that all litter is properly containerized. Failure to maintain clean litter collection and
14 storage areas shall constitute a violation of this section.
15

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

17
18 All litter that is subject to movement by the elements shall be secured by the owner of the
19 premises where it is found before the same is allowed to be removed by the elements to adjoining
20 premises.
21

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

23
24 It shall be the duty of any person owning or controlling a house or other building or premises,
25 including vacant lots visible from any public place or private premises, to maintain such premises
26 in a reasonably clean and orderly manner and to a standard conforming to other orderly premises
27 in that vicinity. It shall be a violation of this section to abandon, neglect or disregard the
28 condition or appearance of any premises so as to permit it to accumulate litter, refuse, rubbish,
29 trash, and the growth of weeds and/or grasses to a height of one foot or over (ornamental grasses
30 excepted). All properties within the city that are held in trust for public use, either for open space
31 or active or passive recreation, either owned by the city or held privately, that are held in trust or
32 in conservancy, are exempted from these provisions. All properties within the city that are
33 subject to the regulations and provisions of the state department of environmental management
34 or the state coastal resources management council are exempted from these provisions.
35

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

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

- 1 regulations and provisions of the state department of environmental management or the state
- 2 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
31 COMMITTEE: ORDINANCE