

WORK SESSION

MAY 24, 2010

At a WORK SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island held at the Town Hall, in and for said Town on the 24th day of May 2010 at 6:55 PM.

PRESENT: Kathleen A. Fogarty, President
Mary S. Eddy, Vice President
Carol Hagan McEntee
James W. O'Neill
Ella M. Whaley

1. A. WORK SESSION

Discussion ensues relative to Communication Item 8A concerning Jude Nuzum's petition for a moratorium on the granting of special use permits involving wetland and wetland stream setback relief. The existing special use permit process is reviewed, and the lengthy permitting process for a lot in Biscuit City owned by Tri-Level Construction is discussed.

Discussion ensues relative to the Town Council's attendance at the High School Graduation and participation in the Memorial Day Parade.

Discussion ensues relative to Public Hearing Item 7B proposing amendments to the Town Code in preparation for its 10-year republication. It is noted that most of the Boards and Commissions deleted from Chapter 2 are re-established under New Business Item 13I. Changes are being made throughout the Code, with the exception of Finance and Personnel, which have not yet finished being reviewed.

Discussion ensues relative to Jude Nuzum's expected presentation of additional information to the Council this evening concerning his petition for a moratorium on the granting of special use permits involving wetland and wetland stream setback relief under Communication Item 8A.

Discussion ensues relative to Communication Item 8C, a request by Roland Benjamin to consider his proposed resolution concerning the RI Department of Education's proposed Education Funding Formula.

Discussion ensues relative to Communication Item 8D, a request for support of the Burrillville Town Council's resolution seeking repeal of RIGL §44-34.1, The Motor Vehicle and Trailer Excise Tax Elimination Act of 1998 in its entirety.

Discussion ensues relative to New Business Item 13F, an award of contract to Stokes Title Services for Superfund landfill related property title services.

Discussion ensues relative to New Business Item 13J, authorizing increased fees for residential refuse and yard waste tags for use at the Rose Hill Regional Transfer Station, effective July 1st.

WORK SESSION

MAY 24, 2010

Discussion ensues relative to removing New Business Items 13A and 13B from the Consent Agenda, and moving them forward in order to present proclamations to the Girl Scout Gold Award recipients, who have arrived at the meeting.

Convened to Regular Session.

Susan M. Flynn, CMC
Deputy Town Clerk

REGULAR SESSION

MAY 24, 2010

At a REGULAR SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island, held at the Town Hall, in and for said Town on the 24th day of May 2010 at 7:30 PM.

PRESENT: Kathleen A. Fogarty, President
Mary S. Eddy, Vice President
Carol Hagan McEntee
James W. O'Neill
Ella M. Whaley

1. B. REGULAR SESSION

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance to the flag is led by Girl Scouts Sarah George and Lillia Wild.

3. ROLL CALL

Roll Call is taken and all members are present.

4. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

A. Work Session: UNANIMOUSLY VOTED: that the minutes of the Work Session held on May 10, 2010 are accepted, approved and placed on file.

B. Regular Sessions: UNANIMOUSLY VOTED: that the minutes of the Regular Sessions held on May 3 and May 10, 2010 are accepted, approved and placed on file.

5. CONSENT AGENDA

UNANIMOUSLY VOTED: to approve the Consent Agenda as indicated by (CA) on same, with the exception of New Business Items 13A and 13B.

13A. Council President Fogarty presents a proclamation to Sarah George, honoring her for attaining the Girl Scout Gold Award.

13B. Council President Fogarty presents a proclamation to Lillia Wild, honoring her for attaining the Girl Scout Gold Award.

(CA) 6D. UNANIMOUSLY VOTED: to grant Holiday Sales and Miscellaneous Peddler Licenses to WOLFE NOVELTIES, 140 Vancouver Avenue, Warwick, RI 02886. Application by Marshall E. Gorden, 140 Vancouver Avenue, Warwick, RI 02886; Renewals. License Nos. 12453, 12454.

(CA) 6E. UNANIMOUSLY VOTED: to grant a Miscellaneous Peddler License to S&S NOVELTY, 52 Burgess Avenue, East Providence, RI 02914. Application by Susana

REGULAR SESSION

MAY 24, 2010

Arruda-Fidalgo, 52 Burgess Avenue. East Providence, RI 02914; Renewal. License No. 12455.

(CA) 6F. UNANIMOUSLY VOTED: to grant a Miscellaneous Permit to conduct the 5th Annual "Narrow River Turnaround" 1 Mile Open Water Swim on the Narrow River on Saturday, June 19, 2010 at 9:00 a.m. to the NARROW RIVER PRESERVATION ASSOCIATION, P.O. Box 8, Saunderstown, RI 02874 subject to the execution of a hold harmless agreement indemnifying the Town, and the issuance of a Certificate of Insurance naming the Town as an additional insured in the amounts specified by the Risk Manager. Application by Paul McCaffrey, Co-Chairman, 99 Spring Street, East Greenwich, RI 02818; Renewal. License No. 12456.

(CA) 6G. UNANIMOUSLY VOTED: to grant a Miscellaneous Permit to conduct Camire's Firecracker Four Miler Road Race on Sunday, July 4, 2010 to CAMIRE'S ATHLETIC SOLES, 20B Main Street, Wakefield, RI 02879 subject to the execution of a hold harmless agreement indemnifying the Town, and the issuance of a Certificate of Insurance naming the Town as an additional insured in the amounts specified by the Risk Manager. Application by Mary E. Camire, 221 Sweet Allen Farm Road, Wakefield, RI 02879; Renewal. License No. 12457.

(CA) 6H. UNANIMOUSLY VOTED: to grant a Victualling License to PASTA VILLA LLC, 28 Old Tower Hill Road, Wakefield, RI 02879. Application by John Russo, 168 Seaside Drive, Jamestown, RI 02835; Renewal. License No. 12458.

(CA) 8B. UNANIMOUSLY VOTED: that communications received from Cynthia Morrison and Rick Egerton concerning the budget process are received and placed on file. (5/13/2010 Interim, Item C.)

(CA) 8E. UNANIMOUSLY VOTED: that a communication dated May 17, 2010 from Andrea Peitsch concerning the possible closure of Wakefield School is received and placed on file. (5/20/2010 Miscellaneous, Item II C.)

(CA) 8F. UNANIMOUSLY VOTED: that a communication dated May 17, 2010 from Lisa Meller providing a copy of a newspaper article on the Finnish education system is received and placed on file. (5/20/2010 Miscellaneous, Item II E.)

(CA) 8G. UNANIMOUSLY VOTED: that a communication dated May 19, 2010 from Susan Kimmerlein providing information on the 2nd annual Extreme Makeover Day to be held May 27, 2010 at South Kingstown High School is received and placed on file. (5/20/2010 Miscellaneous, Item II H.)

(CA) 8H. UNANIMOUSLY VOTED: that a communication dated May 20, 2010 from Jonathan Daly-LaBelle concerning the School budget and the proposed Education Funding Formula is received and placed on file. (5/20/2010 Miscellaneous, Item II I.)

(CA) 8I. UNANIMOUSLY VOTED: that any communication added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b)

REGULAR SESSION

MAY 24, 2010

Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

(CA) 13C. UNANIMOUSLY VOTED: that a claim filed by John S. Coughlin, Esquire on behalf of his client, William J. Parenteau relative to an incident that occurred on or about April 18, 2010 be referred to the Town Solicitor and the Town’s insurance carrier.

(CA) 13D. UNANIMOUSLY VOTED: to authorize the Finance Director to refund taxes in the total amount of \$955.27, as shown on Tax Refund Request No. 879.

(CA) 13G. UNANIMOUSLY VOTED: to authorize the Town Clerk to advertise for Order of Notice a Public Hearing relative to adoption of the FY2010-2011 Position Allocation to Pay Schedule.

(CA) 13H. UNANIMOUSLY VOTED: to authorize the Town Clerk to advertise for Order of Notice a Public Hearing relative to two applications requesting amendments to the Comprehensive Plan. The first request is from GI (Government/Institutional) to Medium High Density Residential and an amendment to the Zoning Ordinance from GI (Government/Institutional) to R-10 for property located at Briar Lane, owned by Christopher D. Cummiskey and designated as Assessor’s Plat 23-3, lot 120, approximately 0.74 acres. The second application requests an amendment to the Comprehensive Plan from Open Space to Medium Density Residential and an amendment to the Zoning Ordinance from Open Space (OS) to R-40 for property located at 10 Old Usquepaugh Road, owned by Patricia C. Salisbury and designated as Assessor’s Plat 7-4, lot 3, approximately 0.22 acres; applications by the Town of South Kingstown, 180 High Street, Wakefield, RI 02879. Each application by the Town proposes to correct a scrivener’s error on one of the Comprehensive Plan’s Future Land Use Maps and the Town’s Zoning Map.

(CA) 13K. UNANIMOUSLY VOTED: to authorize the Town Clerk to advertise for Order of Notice a Public Hearing relative to an application for transfer of a license to keep and sell alcoholic beverages in South Kingstown in accordance with the General Laws of 1956, as amended, as follows:

CLASS B VICTUALLER LIQUOR LICENSE

Transfer of a Class B Victualler Liquor License from MIDTOWN CAFÉ INC., 333 Main Street, Wakefield, RI 02879 by Robin McGuigan, President to 333 MAIN STREET, INC. d/b/a FAT BELLY’S, 333 Main Street, Wakefield, RI 02879 by Scott Parker, President for the first floor dining room and bar area, in accordance with a Special Use Permit granted by the Zoning Board of Review on May 19, 2010; and as further defined in a site plan dated March 19, 2010 on file in the Town Clerk’s office.

REGULAR SESSION

MAY 24, 2010

(CA) 130. UNANIMOUSLY VOTED: that any New Business added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

6. LICENSES

A. Joel Rittner, owner is present and discusses the operation of the new Wakefield Prescription Center, and it is

UNANIMOUSLY VOTED: to grant a Holiday Sales License to WAKEFIELD PRESCRIPTION CENTER INC., 580 Kingstown Road, Wakefield, RI 02879. Application by Jerome Rittner, President, 4100 Post Road, Warwick, RI 02886; New, continued from May 10, 2010. License No. 12448.

B. Todd Rizzo, owner is present and discusses the operation of Ozzi's Steakhburgers, and it is

UNANIMOUSLY VOTED: to grant a Victualling License to D & T RESTAURANT, LLC d/b/a OZZI'S STEAKBURGERS SOUTH, 60 Fortin Road, Kingston, RI 02881 subject to issuance of a Certificate of Occupancy. Application by Todd Rizzo, 1795 Post Road, Warwick, RI 02886; New. License No. 12449.

C. Joan McCooey is present on behalf of the owners, and discusses the operation of Roy Carpenter's Beach, and it is

UNANIMOUSLY VOTED: to grant Victualling and Holiday Sales Licenses to MATUNUCK BEACH PROPERTIES d/b/a ROY CARPENTER'S BEACH, 240 Card's Pond Road, Wakefield, RI 02879. Application by Christa Thoresen, 83 South Road, Wakefield, RI 02879; New. License Nos.12451, 12452.

7. PUBLIC HEARINGS

A. Notice having been duly given, a Public Hearing is held to consider an application for expansion of a license to keep and sell alcoholic beverages in South Kingstown in accordance with the General Laws of 1956, as amended, as follows:

Class B Tavern Liquor License

Application for expansion of a Class B Tavern Liquor License filed by Bistro By The Sea, LLC, 364 Cards Pond Road, Wakefield, RI by William J. Hanney, Manager. Applicant requests permission to expand the area in which alcoholic beverages may be served to include a patio approximately 32' x 50' and operational season from April 1st to October

REGULAR SESSION

MAY 24, 2010

31st with four additional dates between November 1 and January 7, in accordance with a Special Use Permit granted by the Zoning Board of Review on March 17, 2010; and as further defined in an amended site plan dated April 21, 2010 on file in the Town Clerk's office.

James Aukerman, Esquire presents the application and introduces Duane Crowe, Manager of the Bistro By The Sea, who describes the operation and logistics of the expansion.

Discussion ensues, and it is

UNANIMOUSLY VOTED: to close the Public Hearing.

UNANIMOUSLY VOTED: to grant an application for expansion of a license to keep and sell alcoholic beverages in South Kingstown in accordance with the General Laws of 1956, as amended, as follows:

Class B Tavern Liquor License

Expansion of a Class B Tavern Liquor License filed by Bistro By The Sea, LLC, 364 Cards Pond Road, Wakefield, RI by William J. Hanney, Manager to expand the area in which alcoholic beverages may be served to include a patio approximately 32' x 50' and operational season from April 1st to October 31st with four additional dates between November 1 and January 7, in accordance with a Special Use Permit granted by the Zoning Board of Review on March 17, 2010; and as further defined in an amended site plan dated April 21, 2010 on file in the Town Clerk's office.

B. Notice having been duly given, a Public Hearing is held to consider proposed amendments to the Town Code, as shown on Exhibit 1 of the Agenda. Several of the proposed amendments are substantive in nature; other proposed amendments are non-substantive, typographical and grammatical changes and are being made throughout the Town Code.

The Town Manager describes the amendments as preparation for Republication of the Town Code; the Town Charter requires either recodification or republication every 10 years. Each of the departments has reviewed the sections of the Code that pertain to them, and suggested revisions.

Councilman O'Neill asks whether we can avoid any monetary penalties for those who on a means basis might not be able to move to the OWTS system from an ISDS.

The Town Manager responds that the ordinance is drafted based on what's required on a state level. We do provide the ability for people to get loans at 2% interest to replace their failing septic systems.

The Town Manager notes that there are a number of changes that deal with the re-naming of departments or positions. The public works director has been replaced with public services director throughout the Code, and needs to be corrected in two additional places,

REGULAR SESSION

MAY 24, 2010

Section 10-3 and Section 16-41. The Recreation Director was also amended to the Director of Leisure Services.

UNANIMOUSLY VOTED: to close the Public Hearing.

UNANIMOUSLY VOTED: to adopt amendments to the Town Code, as amended as follows, and authorize the correction of any additional scrivener's errors that may exist.

Amendments to the Town Code

**Chapter 2
ADMINISTRATION**

Article III. Boards and Commissions

Delete in their entirety:

- Sec. 2-35. Building code board of appeals.**
- Sec. 2-39. Conservation commission.**
- Sec. 2-40. Economic development committee.**
- Sec. 2-42. Housing authority.**
- Sec. 2-43. Human service advisory committee.**
- Sec. 2-44. Minimum housing code board of appeals.**
- Sec. 2-47. Recycling committee.**
- Sec. 2-48. Tenants board of affairs, South Kingstown housing authority.**
- Sec. 2-50. Trustees of the South Kingstown School Funds.**
- Sec. 2-51. Waterfront advisory commission.**
- Sec. 2-52. Watson Committee.**
- Sec. 2-54. Emergency management agency.**

**Chapter 3
ANIMALS AND FOWL
Article II. Dogs and Cats**

Amend:

- Sec. 3-16. Definitions.**

At large means that any dog shall be deemed to be at large when it is off the property of its owner, excepting when it is **in an enclosed, town designated park specifically for dogs, or** on the property of another person who is agreeable to its presence, and not under restraint.

**Chapter 6
FINANCE**

REGULAR SESSION

MAY 24, 2010

Amend:

*Charter references: ~~Financial town meeting, § 2300 et seq~~ Budget Procedures, §4220.; authority of town council regarding financial matters, ~~§ 313~~ 3134; financial provisions, ~~§ 4200~~ 4210 et seq.; finance department, § 4230.
Cross references: Administration, Ch. 2; taxation, Ch. 17.

Sec. 6-1. Financial management and procedures.

In accordance with Section 4225 of the town Charter of the town of South Kingstown, the town council hereby adopts the following procedures for the proper financial administration of the municipal budget program.

(1) Filing of budget document. A copy of the general fund budget as adopted in accordance with Section 4222 entitled: Budget of the town Charter of the Town of South Kingstown at the financial town meeting, and program summaries of the town council approved revenue and expense statements for the town's enterprise funds and special revenue funds shall be placed on file with the offices of the finance director and the town clerk.

Chapter 9 LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS Article I. In General

Amend:

Sec. 9-1. Information on license application.

Applications for all licenses and permits submitted to the town council for their approval shall be made in writing to the town clerk in the absence of any provision to the contrary. Each application shall state the name of the applicant, the birth date of the applicant, the telephone number of the applicant, the permit or license desired, the name under which the business is to be conducted if a corporation, the names, addresses and the date of birth of the officers and directors if a partnership, the names, addresses and date of birth of all partners, residence of applicant for past five (5) years, the tax assessor's plat and lot number for the premises where the business is to be conducted, the zoning district where the business is to be conducted, if a variance or exception is required for the operation of the business at its location ~~reference to date when variance or exception was granted~~ a copy of the variance or exception, or special use permit shall accompany said application, a statement that the applicant including all partners or the officers and directors if a corporation have never been convicted of a felony, copies of any state permits or licenses required for the operation of such business, the location to be used if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the town officials in issuing of the permit or license applied for.

REGULAR SESSION

MAY 24, 2010

Sec. 9-2. Conditions for requirement of license.

Whenever a license is required for the maintenance, operation or conduct of any business or establishment or for doing business or engaging in any activity or occupation, any person shall be subject to the requirement if by himself or through an agent, employee or partner, he holds himself forth as being engaged in the business or occupation, or solicits patronage ~~therefor~~, actively or passively, or performs or attempts to perform any part of such business or occupation in the town.

Sec. 9-3. Preparation and filing of license, application forms.

Forms for all licenses, permits and applications ~~therefor~~ shall be prepared and kept on file by the town clerk.

Sec. 9-5. Investigations prior to issuance of license.

Upon the receipt of an application for a license or permit where ordinances of the town necessitate an inspection or investigation before the issuance of such permit or license, the town clerk shall refer such application to the proper officer **(s)** for making such investigation within forty-eight (48) hours of the time of such receipt. The officer **(s)** charged with the duty of making the investigation or inspection shall make a report thereon, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The building ~~inspector~~ **official** shall make or cause to be made any inspections relative to the construction of buildings or other structures and shall investigate to ascertain if there are any zoning violations or restrictions. All other investigations, except where otherwise provided, shall be made by the officer **(s)** designated by the town manager.

Sec. 9-7. Termination of licenses; statement of impending expiration.

- (a) All annual licenses shall terminate on December one of each year, where no provision to the contrary is made.
- (b) The town clerk shall mail to all licensees of the town a statement of the time of expiration of the license held by the licensee ~~if an annual, three (3) weeks~~ prior to the date of such expiration. However, a failure to send out such notice or the failure of the licensee to receive it shall not excuse the licensee from a failure to obtain a new license, or a renewal thereof, nor shall it be a defense in an action for operation without a license.

Sec. 9-8. Compliance to building regulations.

No license shall be issued for the conduct of any business, and no permit shall be issued for any thing or act, if the premises and building to be used for that purpose do not fully comply with the requirements of the town **and the Rhode Island State Building Code**. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of the zoning ordinance of the town.

REGULAR SESSION

MAY 24, 2010

Sec. 9-9. Relocation of licensed business.

~~The location of any licensed business or occupation or of any permitted act may be changed, if ten (10) days' notice thereof is given to the town clerk, in the absence of any provision to the contrary, provided that the building, health and zoning requirements permit the location of such business at the new location. This section does not apply to alcoholic beverage licenses. No business licenses are transferable to another location or individual or entity within any licensing period.~~

~~Sec. 9-14. Delinquency of applicant in payment of certain taxes. Town Council consideration.~~

~~All new applicants and all applicants who are delinquent to the town for fees or in the payment of real or personal property taxes must appear at the town council meeting held to consider their application. All applicants, including applicants for alcoholic beverage licenses, shall be informed at the hearing that if the applicant is delinquent in the payment of real or personal property taxes, unless arrangements satisfactory to the council are made for payment of such taxes, the tax collector shall be instructed to immediately commence tax sale procedures or legal action against such applicant, or the council may also take any other authorized action.~~

Sec. 9-15. Final report on application – Evidence from investigations; issuance of license.

- (a) After all of the information required has been submitted by the applicant and after the necessary investigations have been made, the town manager shall place the application on the agenda for the town council and shall submit a report to the town council recommending approval or disapproval and his reasons for such recommendation.
- (b) If taxes are unpaid or there is any violation of the zoning or building ordinances, these matters shall be noted in the report. The town manager shall not recommend the issuance of a license or permit until he has received written confirmation from the tax collector that the applicant is not delinquent in the payment of real or personal property taxes, ~~and from the building inspector of real or personal property taxes~~, and from the building ~~inspector~~ official that the operation of such business will conform to the zoning and building ordinances.

Sec. 9-16. Same – Approval subject to tax payment, etc.

The town council may act upon one (1) or more applications together in one (1) motion. It may also approve the issuance of a license subject to the payment of delinquent taxes or the obtaining of a license or permit from the state government. Alcoholic Beverage licenses are granted contingent upon the issuance of a Certificate of Good Standing from the Rhode Island Division of Taxation, compliance with all Town Ordinances and regulations, the payment of any municipal taxes and user fees in arrears to the Town, and the correction of any fire code violations.

REGULAR SESSION

MAY 24, 2010

Sec. 9-18. Operation of vehicle transporting garbage, waste, etc.

(a) No person shall operate any vehicle upon a public highway of this town, in which waste, refuse, garbage, debris or tangible property is carried, unless the waste, refuse and garbage is covered and the debris or tangible property is securely held so that the contents of the vehicle may not fall off and litter the highway.

~~(b) All persons transporting waste, refuse, garbage, debris or tangible property over the public highways shall keep garbage separate from ashes, papers and other inorganic substances.~~

Cross references: ~~Covering of vehicles transporting garbage, § 10-10;~~ solid waste management, Ch. 15.

Article III. Hawkers and Peddlers

Amend:

Sec. 9-52. License fees generally.

For licenses issued under this article the person receiving the same shall pay to the town council fees which shall be set from time to time and are on file in the ~~city~~ town clerk's office:

- (1) For selling or offering for sale as a hawker and peddler, watches, jewelry, gold or silverware or articles manufactured of German silver or patented medicines;
- (2) For selling or offering for sale as a hawker and peddler, ice cream, vegetables or goods, wares, merchandise, articles or substances other than those set forth in subsection (1) of this section, from vehicles, carts, wagons, handcarts or pushcarts.

Sec. 9-61. Prohibited locations.

All hawkers and peddlers are prohibited from selling or displaying goods at the following locations:

- (1) At the intersection of Route 1 and Route 138;
- (2) At the intersection of Main Street and Route 108;
- (3) At the intersection of Main Street and Columbia Street;
- (4) At the intersection of Main Street and High Street;
- (5) At Old Mountain Field, the Village Green and Heritage Park;
- (6) In the parking lot at Moonstone Beach;
- (7) On the access road to Moonstone Beach;
- (8) On the beach at Moonstone;
- (9) On Moonstone Beach Road;
- (10) On Cards Pond Road;
- (11) All intersections with a traffic signal;
- (12) Intersection of Route 138 and South Road, Kingston;
- (13) Intersection of Route 138 and Old North Road, Kingston;
- (14) The town beach at Matunuck, to include the driveway and entrance into the parking area, the parking lots, the pavilion and ramps leading thereto, and the appurtenant recreational areas inclusive of the beach itself;

REGULAR SESSION

MAY 24, 2010

(15) The recreational playground facilities commonly known as Broad Rock Playfields, Brousseau Park, Curtis Corner Playfields, Green Hill Park, Tuckertown Park and West Kingston Park.

Article V. Pinball or Game Rooms

Sec. 9-104. Same – Number of licenses.

The number of licenses to be issued under this chapter shall be three (3), provided that one (1) of the three (3) licenses shall be located within the campus area of the University of Rhode Island, and the annual fee for the same shall be ~~five hundred~~ two hundred dollars (~~\$500.00~~) (\$200.00).

**Chapter 10
MOTOR VEHICLES AND TRAFFIC
Article I. In General**

Amend:

Sec. 10-2. Through trucks prohibited on certain streets

No through trucks shall be allowed on the following streets:

(1) Pershing Avenue from its intersection with Old Tower Hill Road (~~Route 1~~) to its intersection with MacArthur Boulevard.

(2) Narragansett Avenue East from its intersection with Tower Hill Road (Route 1) in an easterly direction to the South Kingstown/Narragansett town line, a distance of three-tenths of one (1) mile, where it abuts Mumford Road at the South Kingstown/Narragansett town line.

Sec. 10-3. Certain vehicles prohibited over ~~Church Street Bridge~~ Town Bridges.

~~No vehicle with a rated carrying capacity in excess of ten (10) tons shall be allowed to pass over the Church Street Bridge over the Saugatucket River. The Public Services Director shall establish and post vehicle rating capacities for town owned bridges. No vehicle with a rated capacity in excess of the posted vehicle rating capacity shall pass over posted town bridges.~~

Sec. 10-8. One-way streets.

The following streets are hereby designated as one-way streets and all traffic shall proceed only in the direction indicated:

REGULAR SESSION

MAY 24, 2010

Delete:

~~Oakwoods Drive, westerly exit, southerly direction onto Kingstown Road.~~

Sec. 10-12. Boulevard and street stop signs designated.

Stop signs shall be placed at the following intersections, and vehicles traveling on the first-named street shall stop before entering the second-named street:

Aspen Road at Matunuck ~~Schoolhouse~~ School House Road. Traffic to stop on Aspen Road at intersection.

Bass Road at Blackberry Hill ~~Road~~ Drive. Traffic to stop on Bass Road at intersection.

Blackberry Hill ~~Road~~ Drive at Cards Pond Road. Traffic to stop on Blackberry Hill at intersection.

Blackberry Hill ~~Road~~ Drive. Northbound traffic to stop at intersection of North Weeden Road.

Blackberry Hill ~~Road~~ Drive. Southbound traffic to stop at intersection of South Weeden Road.

Blackberry Hill ~~Road~~ Drive at Osprey Road, Wakefield. Vehicles traveling northerly must stop at the intersection of Osprey Road.

Border Drive. Vehicles traveling northbound on Border Drive must stop before entering Narragansett Avenue (~~east~~).

Breakwater Road at Blackberry Hill ~~Road~~ Drive. Traffic to stop on Breakwater Road at intersection.

~~Broadrock~~ Broad Rock Road at Saugatucket Road. Four-way stop intersection requiring all vehicular traffic to stop in all directions on approach to the intersecting roads of ~~Broadrock~~ Broad Rock Road at Saugatucket Road.

Browning Street at Carpenter ~~Road~~ Drive and Coast Guard Avenue. Four-way stop signs on Browning Street, both sides, and on Carpenter ~~Road~~ Drive and Coast Guard Avenue at intersection.

Carpenter ~~Road~~ Drive at Green Hill Beach Road. Traffic going south to stop on Carpenter ~~Road~~ Drive at intersection. Traffic going north to yield on Carpenter ~~Road~~ Drive at intersection.

Elderberry ~~Drive~~ Lane. Vehicles traveling westerly on Elderberry ~~Drive~~ Lane must stop before entering Gentian Drive.

Elm Road at ~~Holley~~ Holly Road. Stop signs on Elm Road on both sides of intersection with ~~Holley~~ Holly Road.

Gravelly Hill Road at ~~Old~~ Post Road. Vehicular traffic traveling southerly must stop at the intersection of Gravelly Hill Road with ~~Old~~ Post Road before entering ~~Old~~ Post Road.

Green Hill Beach Road at Matunuck ~~Schoolhouse~~ School House Road. Stop signs on Green Hill Beach Road at both sides of its intersection with Matunuck ~~Schoolhouse~~ School House Road.

REGULAR SESSION

MAY 24, 2010

Holley Holly Road at Birch Road. Four-way stop signs on **Holley Holly** Road and Birch Road at intersection.

Holley Holly Road at Matunuck **Schoolhouse School House** Road. Traffic to stop on **Holley Holly** Road at intersection.

Holley **Road Street** at School Street. Vehicles traveling north on Holley **Road Street** must stop at the intersection of School Street.

Hundred Acre Pond Road at **Waites Corner Fairgrounds** Road. Traffic to stop on Hundred Acre Pond Road at intersection.

Jennifer Drive, Peace Dale. Vehicles traveling westerly on Jennifer Drive must stop before entering **Sentinel Sentinal** Drive.

Jerry Brown Farm Road. Vehicles traveling northbound on Jerry Brown Farm Road must stop before entering and crossing **Old** Post Road onto Commodore Oliver Hazard Perry Highway.

Kimberly Kimberley Drive. Vehicles traveling southbound on **Kimberly Kimberley** Drive must stop before entering Narragansett Avenue **East**.

Lower Farm Road at Blackberry Hill **Road Drive**. Traffic to stop on Lower Farm Road at intersection.

MacArthur Boulevard at Narragansett Avenue **West**. Traffic to stop on MacArthur Boulevard at intersection.

Matunuck **Schoolhouse School House** Road at Matunuck Beach Road. Traffic to stop on Matunuck **Schoolhouse School House** Road at intersection.

Matunuck **Schoolhouse School House** Road at Moonstone Beach Road. Four-way stop signs on Matunuck **Schoolhouse School House** Road and Moonstone Beach Road at intersection.

Mautucket Road at Matunuck **Schoolhouse School House** Road. Traffic to stop on Mautucket Road at intersection.

Mechanic Street at Prospect **Street Avenue**. Traffic to stop on Mechanic Street at intersection.

Narragansett Avenue **East**. Vehicles travelling westbound on Narragansett Avenue **East** must stop at its intersection with **Kimberly Kimberley** Drive.

Old North Road at Kersey Road. Traffic to stop on **Old** North Road at intersection.

Old North Road at **Stoney Stony** Fort Road. Stop sign on Old North Road for northbound traffic at intersection of **Stoney Stony** Fort Road. Second stop sign on **Stoney Stony** Fort Road for westbound traffic on **Stoney Stony** Fort Road and for traffic negotiating left south turn onto Old North Road.

Peckham Avenue at **Monsignor** Clarke School. Traffic to stop on Peckham Avenue at intersection.

Peckham Avenue at Narragansett Avenue **East**. Traffic to stop on Peckham Avenue at intersection.

Plains Road at **West** Alumni Avenue. Traffic to stop on Plains Road at intersection.

Railroad **Avenue Street** at Church Street. Traffic to stop on Railroad **Avenue Street** at intersection.

River Heights Drive. Vehicles traveling southbound on River Heights Drive must stop before entering Narragansett Avenue **East**.

Rockland **Avenue Drive** at Willard Avenue. Traffic to stop on Rockland **Avenue Drive** at intersection.

REGULAR SESSION

MAY 24, 2010

Seaview Avenue at Hillside **Avenue Road**. Traffic to stop on Seaview Avenue at intersection.

~~Sentinel~~ **Sentinal** Drive, Peace Dale. Vehicles traveling northbound on ~~Sentinel~~ **Sentinal** Drive must stop before entering George Schaeffer Street.

Sherman Avenue **Court** at Middlebridge Road. Traffic to stop on Sherman **Avenue Court** at intersection.

Slope Avenue at Carpenter **Road Drive**. Traffic to stop on Slope Avenue at intersection.

Torry Torrey Road at Middlebridge Road. Traffic to stop on **Torry Torrey** Road at intersection.

West View Road at Carpenter **Road Drive**. Traffic to stop on West View Road at intersection.

Article II. Stopping, Standing and Parking

Amend:

Sec. 10-46. One-hour parking zones.

No person shall stop, stand or park a vehicle in any of the following streets or portions of streets, except to avoid conflict with other traffic, in excess of one (1) hour at any one (1) time:

Central ~~Street~~ **Avenue**;

Green Hill **Highway Beach Road**, either side, between the southern extremity of the improved macadam or tarred portion of the highway and the Atlantic Ocean;

Kingstown Road, southerly side, from the Peace Dale Service Station Drive in an easterly direction to Railroad **Avenue Street**;

Prospect ~~Street~~ **Avenue**;

Sec. 10-52. Prohibited at any time.

No person shall stop, stand or park a vehicle on any of the following streets or portions of streets at any time, except to avoid conflict with other traffic:

Barber's Pond Road, either side, from its intersection with Route No. 2, northerly for a distance of five thousand seven hundred (5,700) feet to the town line of South Kingstown and the Town of Exeter.

Chapel **Road Way**, no parking, tow zone on both sides of roadway from its intersection with Upper College Road in an easterly direction to Narragansett Electric Company Pole No. 8153 located on north side of roadway. No parking, tow zone continued on the south side of the roadway only to the intersection of Fortin Road, a distance of two-tenths of a mile.

Chapel **Road Way**, Kingston, either side.

Upper College Road, either side, from Fortin Road northerly to Chapel **Road Way**.

Fortin Road, Kingston, from its intersection with Upper College Road on both the northerly and southerly sides of the roadway in an easterly direction to its intersection with

REGULAR SESSION

MAY 24, 2010

Chapel ~~Road~~ Way and containing generally southbound around the right-angle curve to NEC Pole No. 1733, a distance of two-tenths of a mile. Tow zone authorized.

Green Hill Beach Road.

(1) The easterly and westerly sides from the town's right-of-way in a northerly direction to the intersection of Matunuck ~~Schoolhouse~~ School House Road, a distance of 1.1 miles except as provided in subsection (2) of this amendment.

High Street, easterly side from ~~Post Road~~ Main Street, Wakefield, to intersection of Kingstown Road and Peace Dale.

Moonstone Beach Road, both sides, from its intersection with Matunuck ~~Schoolhouse~~ School House Road on the south and U.S. Route 1 on the north.

Moonstone Beach Road, either side, from the intersection of Matunuck ~~Schoolhouse~~ School House Road to the intersection of Browning's Beach Road, also known as Card's Pond Road.

Matunuck ~~Schoolhouse~~ School House Road, both sides, between its intersection with Matunuck Beach Road on the east and Green Hill Beach Road on the west.

~~Moonstone Beach Road both sides, from its intersection with Matunuck Schoolhouse School House Road on the south and U.S. Route 1 on the north.~~

Town of South ~~Kingston~~ Kingstown Town Beach at Matunuck access road, both sides from its northern most point in a southerly direction to and including the rotary, two-tenths of a mile. Towing authorized.

Sec. 10-59. Prohibited between 9:00 a.m. and 6:00 p.m., except Sundays and holidays.

No person shall park a vehicle on any of the following streets between 9:00 a.m. and 6:00 p.m., except Sundays and holidays:

Kingstown Road, southerly side from the Peace Dale Service Station Drive in an easterly direction to Railroad ~~Avenue~~ Street;

Article III. Towing

Amend:

Sec. 10-86. Authorized.

Any vehicle parked upon any public highway or public property of the town at a place, in a manner, or for a length of time prohibited by an ordinance of the town is, if unattended, an obstruction in such street and a public nuisance, and any police officer of the town is authorized to cause the same to be removed.

In addition, the following streets are designated as tow zones in their entirety in relation to existing parking restrictions: Moonstone Beach Road, Charlestown Beach Road, Card's Pond Road, Matunuck Beach Road, ~~Browning's Beach Road~~, Matunuck ~~Schoolhouse~~ School House Road, Succotash Road, Carpenter Drive, Browning Street, Green Hill Beach Road, Green Hill Avenue, Coast Guard Avenue, Prospect Road, Atlantic

REGULAR SESSION

MAY 24, 2010

Avenue, Bayberry Road, Bills Road, Briar Lane, Campus Avenue, Cedar Circle, Chapel Road Way, Fortin Road, French Road, Lower College Road, Old North Road and Upper College Road.

Chapter 12.1
PARKS AND RECREATION
Article I. In General

Amend:

Sec. 12.1-2. Definitions and rules of construction.

(b) Definitions. *Director* means the director of ~~parcs and recreation~~ leisure services.

Sec. 12.1-3. Enforcement of article.

The town's police department, recreation commission, director of ~~parcs and recreation~~ leisure services and parks and recreation staff shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. The town's police department, recreation commission, director of ~~parcs and recreation~~ leisure services and any park and recreation staff shall have the authority to order any person or persons acting in violation of this article to leave the park and recreation area.

Sec. 12.1-7. Prohibited acts constituting violations.

It shall be unlawful for any person in a public park or recreation area to:

(12) Play golf on town fields or hit golf balls in, into or from any park or recreation facility unless the program is supervised by a parks and recreation employee or designee. The only exception is the use of putting greens.

(14) No person shall be in any town park during the hours that a park is closed. All town parks shall be closed from dusk to dawn unless the recreation commission or its designee has agreed that a park can remain open at other times. This subsection includes the following parks:

Add:

s. Broad Rock Play Fields

REGULAR SESSION

MAY 24, 2010

(15) The use of skateboards ~~and~~, in-line skates, or bicycles on tennis courts, basketball courts, and boardwalks is prohibited.

Article II. Recreation Commission

Sec. 12.1-41. Created; members; terms; compensation.

c) *Funding; staff.* The recreation program receives funding from three (3) sources, the general fund, Neighborhood Guild trust fund, and the operation of Peace Dale Office Building. Expenditures and budgeting of monies from all funds are handled through the town's budgetary process, with the understanding that all available funds from the trust fund must be spent at the Neighborhood Guild property. Staff assistance is provided by the director of ~~parks and recreation~~ leisure services.

Sec. 12.1-44. Employees.

(a) *Director of* ~~parks and recreation~~ leisure services. The recreation commission will, in consultation with and approval of the town manager, oversee the employment of the director of ~~parks and recreation~~ leisure services.

Chapter 13
PERSONNEL

Article II. Personnel Policy

Sec. 13-23. Composition of exempt service.

The exempt service shall include the following:

(2) The town manager and the following administrative heads of departments: director of finance, town clerk, director of public ~~works~~ services, police chief, director of public welfare, director of leisure services, ~~police surgeon~~, tax assessor, town planner, ~~utilities director~~, and library director;

Amend:

Chapter 16

STREETS AND SIDEWALKS

Article II. ~~Excavations~~ TOWN RIGHT-OF-WAYS

Sec. 16-22. Bond.

Every person making application for a license to carry on the business of performing work in or on a town highway, road, street, or public right of way within the town shall, when directed so to do, furnish a bond to be filed with the town finance director in ~~the sum of three thousand dollars (\$3,000.00)~~ an amount established by the Finance Director with one (1) or more sureties satisfactory to the director of public ~~works~~

REGULAR SESSION

MAY 24, 2010

services, conditioned substantially that the applicant shall indemnify and save harmless the town and director of public works services for all suits and actions of every name and description brought against the town, or any office of the town, for, or on account of, any injuries or damages received or sustained by any person in consequence of, or resulting from, any work performed by such applicant, his servants or agents, or of, or from, any improper materials used in such work, or from any negligence in guarding such work, or of, or from, any act or omission of such applicant, his servants or agents; that such applicant shall faithfully perform such work in all respects and shall replace and restore that portion of any town highway, street, road, etc., in which such applicant, his servants or agents shall make any excavation to as good an equal or better condition as that in which the same was before such work was performed.

Sec. 16-23. Insurance and liabilities.

(1) *Licensee's comprehensive general public liability and property damage liability insurance.* The licensee shall carry comprehensive general liability in ~~the amount of five hundred thousand dollars (\$500,000.00)~~ an amount determined by the Finance Director for all damages arising out of bodily injuries or to death of one (1) person, and subject to that limit for each person, a total limit ~~of not less than five hundred thousand dollars (\$500,000.00)~~ as determined by the Finance Director for all damages arising out of bodily injuries to or death of two (2) or more persons in any one (1) accident and contractor's comprehensive property damage liability insurance providing for a limit ~~of not less than five hundred thousand dollars (\$500,000.00)~~ as determined by the Finance Director for all damages arising out of injury to, or destruction of, property during the policy period.

Sec. 16-26. Work by owner.

Notwithstanding the provisions of this article, temporary or minor repairs by the owner of an abutting property, or such owner's agent, may be made without a license provided a permit is first obtained from the director of public works services as provided in this article. However, the property owner shall provide a certificate of insurance set forth in Sec. 16-23.

Sec. 16-27. Permit.

(b) An applicant shall file an application for work upon forms furnished by the director of public works services and shall pay a filing an application fee.

Sec. 16-28. Contractor shall protect the public.

REGULAR SESSION

MAY 24, 2010

(a) The permittee shall notify ~~the police department and the fire department twenty-four (24) hours prior to making any excavation. If utility lines are present, the permittee shall notify "Dig Safe" at 1-800-225-4977~~ **twenty-four hours** before excavating.

(b) The contractor shall execute the work in such manner as to interfere as little as possible with public travel; ~~he~~ **the contractor** shall provide railings or suitable barricades to exclude persons and animals from trenches and obstructions and to prevent accident or injury to workmen, other persons, vehicles or animals; ~~he~~ **the contractor** shall cause a sufficient number of amber flashing electric lights to be activated at or near the works from twilight in the evening until sunrise; ~~he~~ **the contractor** shall furnish, set, and maintain ~~such "street closed," "dangerous," "detour," or other~~ signs **in accordance with the Manual of Uniform Traffic Control Devices** as may be necessary for the convenience of traffic or as may be directed by the department of public **works services**; and ~~he~~ **the contractor** shall employ flagmen or additional safeguards when and as necessary, or when required by the department of public **works services**. Flagmen shall be employed when the contractor's operations reduce traffic to less than two-way. **Prior to consideration for any road closure, the contractor must submit a written road closure plan for prior written approval by the Chief of Police and the Public Works Services Director.**

Sec. 16-29. Driveway Line and grade.

- (a) Notice must be given at the office of the director of public **works services** of the town at least ~~seventy-two (72)~~ **forty-eight (48) business** hours before starting any work for which driveway line or grade information is required to be obtained prior to commencing work.
- (b) No permittee shall commence driveway work on a public right of way until such driveway line and grade has been marked by the director of public **works services** or other qualified person. Should any stakes or marks be moved or lost, the permittee shall not proceed without them but shall notify the office of the director of public **works services** and request their replacement. Any work which is not to line and grade shall be removed and replaced to the proper line and grade at the expense of the permittee.

Sec. 16-30. Notice before starting work.

Notice of starting work (for which no line or grade is required) under a permit must be given to the director of public **works services** as far in advance of the starting as possible, but at least ~~twenty-four (24)~~ **forty-eight (48) business** hours.

Sec. 16-34. Tunneling and bracing.

~~Excavation shall be made in open cut and no tunneling will be allowed except by special permission of the director of public works or his agent and under such conditions as he may impose. Trenches over five (5) feet in depth or in loose soil shall be braced and sheeted unless in the opinion of the director of public works such bracing and sheeting is not necessary. All excavations, trenching and/or~~

REGULAR SESSION

MAY 24, 2010

tunneling shall be performed in accordance with Occupational Safety and Health Administration (OSHA) standards, regulations and requirements.

Sec. 16-35. Public safeguards.

All excavated material shall be compactly piled and shall not interfere with public travel to any greater extent than necessary. Suitable barricades must be provided and warning lights kept ~~burning~~ **illuminated** between sunset and sunrise and at any other times as may be required by the director of public **works services** or his designated agent. If the location and extent of work is such that a traffic-control officer, in the opinion of the **Police Chief**, director of public **works services** or his/**her** designated agent, is required, the traffic-control officer shall be obtained through the town police department at the expense of the permittee.

Sec. 16-36. Color-coded marking tape.

A color-coded marking tape shall be placed at least eighteen (18) inches and not greater than two and one-half (2 1/2) feet below final grade above all underground utility installations except sewers and drains running in straight lines between surface catch basins, manholes, or posts identifying the underground installation. Tape shall be **metallic-traceable**, durable, nondegradable plastic, not less than two (2) inches wide by .004 inches thick and in ~~the following colors for the particular underground utility:~~ **accordance with color designations established by "Dig-Safe".**

- (1) **Blue for water;**
- (2) **Red for electric cable;**
- (3) **Yellow for gas;**
- (4) **Orange for telephone;**
- (5) **Green for sewer.**

Sec. 16-38. Temporary trench patch.

Upon completion of trench backfill and temporary pavement, the permittee will be required to maintain the temporary patch for at least a six-month period. During this period the permittee shall inspect the trench at such regular intervals as may be necessary to maintain the trench in satisfactory condition. The permittee shall make necessary repairs to maintain the trench in satisfactory condition and if the permittee fails to make such repairs, the town may make such repairs as are deemed necessary, and the permittee shall pay the cost of this work. Failure on the part of the town to give notice that repairs are needed shall not relieve the permittee of any of the duties set forth in this article. Thereafter the permittee will maintain and/or replace pavement as necessary to conform to the period of responsibility. The permittee shall conform to specifications set forth in town's general construction standards ~~sheet 1/2, item P/1, standard details for~~ temporary and permanent pavement restorations.

REGULAR SESSION

MAY 24, 2010

Sec. 16-39. Permanent trench patch.

At the end of the six-month maintenance period, or as soon thereafter as weather conditions and plant mix is available, the permittee shall be required to replace the temporary pavement unless otherwise instructed by the director of public **works services**, or his designated agent. The permittee shall conform to specifications set forth in the town's general construction standards ~~sheet 1/2, item P/1, standard details for~~ temporary and permanent pavement restorations.

Sec. 16-40. Other restorations.

The restoring of all other items damaged by the licensee shall be in accordance with the general construction standards of the town available in the public works director's office. These items include, but are not limited to, concrete and asphalt curbing, **sidewalks**, lawns, private driveways and so forth.

Sec. 16-41. Utility main extensions.

(a) Permit applications for all utility main extensions; water, gas, sewer, underground telephone and electric cable; shall be filed with the public **works services** office thirty (30) days in advance of anticipated date of construction. These permits will be reviewed by all appropriate department heads before a permit is issued. **The applicant shall include a plan and profile of the proposed utility main extension in a format acceptable to the public services director.**

Article III. Maintenance and Repair

Sec. 16-62. Same – Appeal from order.

Any owner of land who is aggrieved by any order made in accordance with section 16-61 may petition the **town** council for a revision or modification of the aforesaid order. Such appeal shall be in writing and must be received by the town council within five (5) calendar days after notice has been received by said owner. If such appeal shall be denied, such owner shall have fifteen (15) days from the date of such rejection to effect such work.

Chapter 17 TAXATION Article I. In General

Delete in its entirety:

Section 17-6. Wholesale and retail inventory tax phase out.

REGULAR SESSION

MAY 24, 2010

Article II. Property Assessment Appeals

Amend:

Section 17-21. Filing with the Assessment Board of Review.

~~Any owner of property aggrieved by the amount of his assessed valuation of such property as determined by the assessor of taxes may file an appeal in writing to the assessment board of review concerning the same, stating that he has been erroneously or incorrectly assessed and specifying the details thereof, which such appeal shall be filed within ninety (90) days from the date the first quarterly tax payment is due as set annually by the financial town meeting, on which such alleged assessment complained of is listed, to the tax collector or the town treasurer as the case may be. A copy of an appeal received by the assessment board of review shall be forwarded to the tax assessor.~~

(a) Any person aggrieved on any ground whatsoever by any assessment of taxes against him or her in any city or town, or any tenant or group of tenants, of real estate paying rent there from, and under obligation to pay more than one-half of the taxes thereon, may within (90) days from the date the first tax payment is due, file an appeal in the local office of tax assessment; provided, if the person to whom a tax on real estate is assessed chooses to file an appeal, the appeal filed by a tenant or group of tenants will be void. For the purposes of this section, the tenant(s) has the burden of proving financial responsibility to pay more than one-half (1/2) of the taxes. The assessor has forty-five (45) days to review the appeal, render a decision and notify the taxpayer of the decision. The taxpayer, if still aggrieved, may appeal the decision of the tax assessor to the local tax board of review, or in the event that the assessor does not render a decision, the taxpayer may appeal to the local tax board of review at the expiration of the forty-five (45) day period. Appeals to the local tax board of review are to be filed not more than thirty (30) days after the assessor renders a decision and notifies the taxpayer, or if the assessor does not render a decision within forty-five (45) days of the filing of the appeal, not more than ninety (90) days after the expiration of the forty-five (45) day period. The local tax board of review shall, within ninety (90) days of the filing of the appeal, hear the appeal and render a decision within thirty (30) days of the date that the hearing was held. Provided, that a city or town may request and receive an extension from the director of the Rhode Island Department of Revenue.

(b) Appeals to the local office of tax assessment are to be on an application. In the event of an appeal to the local tax board of review, the local office of tax assessment, upon request by the taxpayer, shall forward the application to the local tax board of review. The application shall be in the form delineated in the Statute.

Article III. Property Tax Exemptions for Elderly Persons

Amend:

Section 17-42. Qualifications for eligibility; exclusions of certain property; joint ownership.

REGULAR SESSION

MAY 24, 2010

The persons who meet the following qualifications are eligible for tax exemption:

(1) The applicant must be sixty-five years of age or older by December 31st, date of assessment.

Chapter 18
TOURIST ACCOMMODATIONS

Amend:

Sec. 18-4. Licensing generally.

(b) Conditions. The owner or operator of any trailer park or mixed use seasonal facility must be licensed in accordance with the following conditions:

(4) All applications for renewal of licenses shall be submitted to the town council not less than ~~ninety (90)~~ sixty (60) days prior to the start of the licensing year;

(g) Reporting requirements – Building official. Within ~~ninety (90)~~ sixty (60) days of the filing of an application for a license or the renewal thereof, the building official, or his designee, shall verify the accuracy of all submittals and provide written notice to the applicant and the town manager of any deficiencies, inaccuracies and/or omissions of pertinent data necessary for the proper and timely review of the application.

Chapter 19
UTILITIES
Article II. Wastewater Management
Division 1. Generally

Amend:

Sec. 19-16. Definitions.

Commercial unit means each unit of a commercial building separated by vertical walls ~~and having wastewater facilities or each floor of a multi-storied commercial building having wastewater facilities.~~

Director means the ~~utility~~ public services director of the town, or his authorized deputy, agent or representative.

REGULAR SESSION

MAY 24, 2010

Division 3. Private Sewage Disposal

Amend:

Sec. 19-68. Costs, expenses of installation.

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. ~~The building sewer from the street sewer to the property line shall be installed by the town. The cost shall be the actual cost incurred by the town in the installation of each sewer connection. The cost for this connection shall be paid in full at time of billing or may be paid in three (3) annual installments at eight (8) percent interest annually on the unpaid balance. Where building connections of a larger size than six (6) inches are required by the director, the additional material and labor costs for the connection will be charged to the owner.~~

Sec. 19-69. Separate sewer for each building; exception.

(a) A separate and independent building sewer shall be provided for every building, except where one (1) building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer or if no house connection in the street is previously installed and an existing connection is available and approved by the director. ~~If such buildings are on lots not under the same ownership, costs of the building sewer due the town shall be equitably distributed between the owners as determined by the director.~~

Sec. 19-71. Standards for installation.

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavation, placing of pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In absence of Code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the American Society of Testing Materials and Water Pollution Control Federation Manual of Practice No. 9 shall apply. Minimum size shall be six (6) inches for single-family dwellings and such larger size for multiple-family dwellings or other types of building as the director or his agent may determine except four-inch pipe may be allowed on the owner's property if the distance from the owner's street property line to the point of connection at the house does not exceed eighty (80) feet and the line was installed prior to November 1979. Minimum slope shall be 1.67 feet per one hundred (100) feet and/or as required by the director. Connection to sewers shall be made only with a "Y" branch or "chimney." The minimum distance of a building sewer from a water line shall be ten (10) feet and from a public water supply well shall be fifty (50) feet. Where sewer lines cross water lines, they must be

REGULAR SESSION

MAY 24, 2010

constructed of durable corrosion resistant materials with watertight joints preferably below water lines. Sewer lines crossing other pipes should have a minimum separation of twelve (12) inches with a sand "cushion" between the pipes. ~~Pipe material shall meet the approval of the director and meet the following requirements:~~

- ~~1. Asbestos cement sewer pipe ASTM 644. Joints, rubber rings, compression type;~~
- ~~2. Plastic pipe – ABS meeting ASTM D2751 SDR 35 PVC meeting ASTM 3024 '73 SDR 3T. Minimum wall thickness, 0.18 inches, Joints – Rubber compression rings or welded joints and couplings;~~
- ~~3. Vitrified clay pipe ASTM C. 700 standard or extra joints – Rubber compression rings;~~
- ~~4. Fittings.~~
 - ~~a. Normal ring-tight stab-joint and/or couplings with rubber compression rings. Special adapters to join different sizes and different materials of pipe shall be stainless steel band rubber couplings, or couplings fabricated of the pipe material with rubber rings to form a tight joint to the two (2) pipe material and sizes of pipe to be joined.~~
 - ~~b. For industrial wastes, clay pipe may be required at the option of the director of his agent.~~
 - ~~c. Pipe must have support and bedding of sand or gravel for the full length of the barrel with clean fill, sand or gravel placed and hand tamped to one (1) foot above the top of the barrel of the pipe. The minimum cover above the top of the pipe at any point shall be three (3) feet. If required by the plumbing inspector, it must show no leakage at ten (10) feet head of water.~~

Installation of sanitary sewer piping and infrastructure shall be in accordance with South Kingstown Wastewater Specifications.

Sec. 19-74. Connection requirements generally.

(c) The service pipe shall extend to that point on the customer's property line or the street line easiest of access to the utility from its collection system mains and from a point at right angles to the main where practicable in front of the premises to be served at a point opposite the structure to be served. In all cases, a sanitary sewer manhole shall exist no less than ten (10) feet upgradient of the furthest upgradient sanitary sewer lateral connection.

Sec. 19-76. Drainlayers.

(a) Building sewers and connections shall be made only by drainlayers licensed to perform such work in the town. Application forms for drainlayers shall be completed and approved by the director. ~~The application fee shall be deposited at the time of application.~~ Notice must be left at the office of the water/wastewater department at least forty-eight (48) hours before work is begun on a drain, and no material shall be used or work covered until inspected and approved by ~~the plumbing inspector~~, the director or his

REGULAR SESSION

MAY 24, 2010

agent. Such information as the town has with regard to the position of junctions or branches will be furnished to drainlayers, but at their risk as to the accuracy of the same.

(b) Any contractor engaged by a property owner with the permission of the director for installation or repair of house connections in the public streets or highways shall be bound by the conditions for sewer installations stated in sections 19-112 and 19-113.

(c) Drainlayers shall complete and file application for drains in the name of the owner, obtain the owner's signature thereon, pay application and inspection fee, and complete the location plan required by section 19-67(b).

(d) Drainlayers must meet one (1) of the following standards, complete the application form, and pay the drainlayer's fee:

~~(1) Have a current license as installer of individual sewage disposal system issued by the state department of health under state law. Have a license as a master plumber under state licensing requirements.~~

~~(2) Have a license as a master plumber under state licensing requirements. Complete the requirements for qualifying as a drainlayer in the town.~~

~~(3) Complete the requirements for qualifying as a drainlayer in the town.~~

(e) Drainlayers' licenses shall be renewable yearly.

Division 6. Installation

Amend:

Sec. 19-111. By private parties, developers, etc.

Sewers and appurtenances may be extended or constructed as stipulated in section 19-115 by developers, property owners, or groups of property owners at their own cost, providing the plans, design, materials or construction and size and other required information are prepared by a licensed engineer and filed with the **utilities public services** department for final approval by the **utilities** director. Construction methods and tests must meet the approval of the **utilities** director and must be in accordance with the standards described in section 19-112. It is further provided, if so determined by the **utilities** director in his final approval, that the developer, property owner or group of property owners, by written agreement, shall deed such sewers and appurtenances to the town without qualification. All easements for sewers shall be obtained in the name of the town and meet the requirements of the **utilities** director. Before final approval is granted, payment of all town fees, including but not limited to, engineering review fee and cost of construction inspection, is required of the applicant.

Sec. 19-113. Repair of streets; bond required.

Any settlement over the sewer in any street or public way within one (1) year after such sewer is **laid accepted** shall be repaired at the expense of the developer or owner of the property authorized to install such sewer and he shall be required to post a bond to cover the cost of any accident or damage which may occur in consequence of the laying of such sewer during the time the trench is open and for such period of one (1) year after the sewer is **laid accepted**.

REGULAR SESSION

MAY 24, 2010

Sec. 19-115. Connection policy.

The town hereby establishes the following policy relative to future connections to the sewer system:

1. The **utilities** director may require that property(s) proposed for development be required to connect to the sanitary sewer system provided the following conditions are met: i.) satisfactory grades are established meeting the approval of the **utilities** director, and ii.) permanent rights-of-way and easements are granted to the town (where required).

2. The **utilities** director shall consider the following criteria in determining if a mandatory connection and/or sewer main extension is required:

3. If connection is mandated, then the individual property owner(s) must submit an extension request under the following procedure. The owner of property, or his agent, shall apply in writing to the **utilities** department giving the following information:

- (i) Name.
- (ii) Street.
- (iii) Address.
- (iv) Assessor's plat and lot.
- (v) Proposed use of property.
- (vi) Number of units (residential).
- (vii) Proposed daily wastewater flow (nonresidential).

c. Individual sewer lift or pumping stations will be subject to approval by the **utilities**-director. Only pressure connections to individual lots constructed perpendicular to a gravity sewer main will be considered. The pressure sewer line shall transition to a gravity sewer lateral at the applicant's property line. Community low-pressure sewer mains and/or laterals serving more than one (1) property is prohibited.

d. An applicant requesting sewer main extensions within the existing and/or future sewer service area shall prepare an engineering study at applicant's expense by a registered professional engineer delineating various wastewater methodologies satisfactory to the **utilities** director. This study shall address, as a minimum, the criteria identified in subsection (1)b.2 to the satisfaction of the **utilities** director. This document will be subject to applicable local, state and federal regulations.

e. The requested sewer connection must demonstrate that the existing sewer main designated for extension is of sufficient capacity to properly accommodate the projected sewer flows as determined by the **utilities** director.

f. All sewer main extensions for land subdivisions as defined in the Subdivision Regulations of the Town of South Kingstown shall be subject to planning board approval.

g. The **utilities** director may waive the requirement for mandatory sewer connection when in the opinion of the **utilities** director sufficient evidence indicates that sewer connection is not feasible based upon criteria delineated in subsections (1)b.2 and (1)c – e.

REGULAR SESSION

MAY 24, 2010

(3) *Appeals.* Appeals contrary to the **utilities** director's decision regarding sanitary sewer connection shall be made to the town manager.

(4) *Property owner/developer obligations.* The following obligations apply to all sewer line connections:

b. The developer's contractor shall submit evidence satisfactory to the **utilities**—director of experience and qualifications for installing sewer mains, adequate insurance coverage, and assumption of liability by the contractor or developer. The plan of such installation shall be submitted to the **utilities public services** department on a utilities plan at a scale of fifty (50) feet to the inch showing sewer line details and locations, final road boundaries and grade, and location of service connections. The plan shall be in conformance with the standards and specifications of the public services department and shall meet the approval of the director. The plan shall be corrected to as-built drawing upon construction completion, certified by a registered professional engineer licensed by the State of Rhode Island, and filed with the **utilities public services** department on mylar film.

c. The materials and installations shall meet the standards of the **utilities public services** department and be subject to inspection and testing during installation and prior to acceptance. Upon acceptance, if it is so determined by the director, main extensions within town and state highway rights-of-way shall become the property of the town and the responsibility of the **utilities public services** department of the town for maintenance except failures due to materials or workmanship occurring within one (1) year of acceptance, which shall remain the responsibility of the developer. The detailed standards for developers is available in the **utilities public services** department office for a fee shown under fees and charges.

(6) Once eighty (80) percent of plant design capacity is reached, based on an average daily flow of ninety (90) consecutive calendar days, by reason of actual use plus committed allocation estimate (based upon the **utilities** director's estimates of the total as evidenced by final sewer approvals and other pertinent data), no additional sewer applications will be accepted for review by the town. New applications will be placed on a waiting list pending the start of the wastewater treatment plant redesign phase.

Division 8. Fees and User Charges

Amend:

Sec. 19-136. Established.

(b) The town council may revise the sewer user fees upon recommendations of the **utilities** director or town manager at any time.

REGULAR SESSION

MAY 24, 2010

Sec. 19-143. Installment payments; interest for late payment.

(a) Bills for current user charges may be paid on an installment basis. The first payment is due on or before the thirtieth day after the original due date. If payment is not made within the thirty (30) days the entire bill becomes due and payable immediately and shall carry interest at the rate of ~~eight (8)~~ twelve (12) percent per annum from the original due date of the first installment. If the remaining installment or any subsequent installment is not paid within thirty (30) days of the due date for that installment, all rights to pay on an installment basis are forfeited and shall carry interest at the rate of ~~eight (8)~~ twelve (12) percent per annum upon the unpaid balance from the original due date of the first installment. No amount received for user charges shall be applied to any current installment until all previous installments of user charges have been paid.

~~(b) Payment for house connection charges may be made in three (3) equal installments. The first payment is due on or before the thirtieth day after the original due date. In addition to the amount of the subsequent installments, interest will be charged, from the original due date, on the unpaid balance at the rate of eight (8) percent per annum.~~

Delete in its entirety:

Sec. 19-144. Notification of sale or transfer of serviced property required.

Division 9. Onsite Wastewater Management Ordinance

Amend:

Sec. 19-152. Findings.

The South Kingstown Town Council hereby finds the following evidence as documented in the Comprehensive Plan and the South Kingstown Onsite Wastewater Management Plan in support of the establishment of an onsite wastewater management district. All documentation and findings included in the South Kingstown Onsite Wastewater Management Plan are incorporated herein by reference.

(1) The natural resource element of the Comprehensive Plan:

- a. Recognizes septic systems and cesspools as a significant source of contamination to the town's ground and surface waters; mandates adoption of a town-wide wastewater management district that allows the town to inspect ~~individual sewage disposal systems~~ onsite wastewater treatment systems (hereinafter "~~ISDS~~" "OWTS" or "septic systems") and ensure their maintenance. Such a program will decrease the amount of ground and surface water contamination from septic systems that do not function properly. The plan further states that the district shall first be implemented in the Salt Pond area;
- b. Recognizes that in South Kingstown almost fifty (50) percent of the unsewered, residentially zoned land under two (2) acres has constraints relative to the proper functioning of ~~ISDS~~ OWTS.

(2) According to the facilities element of the Comprehensive Plan, in 1990, sixty (60) percent of the residents relied on ~~ISDS~~ OWTS. Due to a limited sewer expansion plan and

REGULAR SESSION

MAY 24, 2010

the location of potentially developable land outside expansion areas, the percentage of **ISDS OWTS** users relative to sewer users will continue to increase.

(3) According to the town's 2000 database there are an estimated five thousand nine hundred seventy-three (5,973) individual sewage disposal systems. Based on a record of which houses were constructed prior to 1970, approximately two thousand three hundred sixty (2,360) systems or thirty-nine and one-half (39.5) percent predate **ISDS OWTS** regulations.

(4) South Kingstown's ground and surface waters are important natural and recreational resources that are vital to the town's economic, environmental and public health.

(5) The people of South Kingstown rely on groundwater for a safe drinking water supply. According to the town's 2000 database, approximately thirty (30) percent of the population rely on private wells and seventy (70) percent on public wells. No feasible supply alternatives are available. Certain land uses, including substandard, improperly functioning and poorly maintained **ISDS OWTS** pose a threat to the quality of ground and surface waters.

(6) Septic systems located in sandy soils with fast percolation rates, particularly in areas of high water tables, pose a significant threat to groundwater and receiving surface waters.

(7) In some areas of town, soils with slow percolation rates, high water tables and improperly designed, installed and maintained **ISDS OWTS** result in surface breakouts of sewage and threaten public health and the quality of receiving surface waters.

(8) Many of the **ISDS OWTS** in coastal portions of the town were initially designed for smaller summer homes that were subsequently expanded and converted to year round use, without the necessary improvements to the **ISDS OWTS**.

Sec. 19-153. Purpose.

(1) *Purpose.* The town council hereby finds that **ISDS-OWTS** are prone to failure due to age, outmoded design, overuse, improper installation, lack of needed repair and poor maintenance. **ISDS OWTS** failure poses a risk to public health and is a source of contamination to surface and groundwater. The purpose of this ordinance is to establish an onsite wastewater management district (OWMD) consistent with the South Kingstown Onsite Wastewater Management Plan approved by both the town council in June 1999 and RIDEM in October 1999. Within this district all **ISDS OWTS** in South Kingstown shall be properly operated, regularly inspected, and routinely maintained in order to prevent system malfunction and insure maximum system longevity.

(2) *Framework.* This ordinance and the associated onsite wastewater management regulations approved by the town council, provide a framework for the efficient inspection, repair and maintenance of **ISDS OWTS** in the town and recognize the property owner's responsibility to ensure that their system is well maintained and properly functioning.

Sec. 19-154. Onsite wastewater management district definitions.

(2) *Other definitions.* Any term not defined herein shall be governed by the definition as it appears in the current RIDEM rules and regulations establishing minimum standards

REGULAR SESSION

MAY 24, 2010

relating to the location, design, construction and maintenance of ~~individual sewage disposal systems~~ onsite wastewater treatment systems (hereinafter RIDEM **ISDS OWTS** regulations), and the South Kingstown regulations governing the onsite wastewater management district. In the case of conflict the RIDEM regulations shall apply. Any other term not defined therein shall be governed by the definition as it appears in the South Kingstown Zoning Ordinance.

Sec. 19-155. The ISDS OWTS commission and program administration.

(1) *Program administrator.* The public services director shall serve as the program administrator. It shall be the duty of the program administrator or his/her designee to:

(a) Supervise the administration of a program of surface water and groundwater protection through maintenance and inspection of **ISDS OWTS** as authorized by this ordinance and Title 45, Chapter 24.5 of the Rhode Island General Laws.

(b) Serve as enforcement officer pursuant to the authority granted under subsection (h) herein, as well as the authority to levy fines for violations of this ordinance.

(c) Contract, through the town manager, for services with **ISDS OWTS** inspectors, installers, maintenance providers and others as necessary.

(d) Order the maintenance of **ISDS OWTS** systems based upon inspection results.

(e) Provide technical assistance to property owners on all matters pertaining to **ISDS OWTS** maintenance, repair, upgrade and replacement.

(f) Provide technical and administrative support to the **ISDS OWTS** commission.

(g) Oversee the implementation of the onsite wastewater management plan.

(h) Maintain **ISDS OWTS** inspection, maintenance and upgrades records.

(2) **ISDS OWTS** *commission.* The South Kingstown Conservation Commission shall serve as the **ISDS OWTS** commission. It shall be the duty of the **ISDS OWTS** commission to:

(e) Review **ISDS OWTS** repair and installation plans and provide technical assistance to system owner and advisory recommendations to the planning and zoning boards as applicable.

(f) Assist the town manager in the development of the qualification requirements of the onsite wastewater management specialist.

(3) *Technical support.* It shall be the duty of the planning department and the department of public services to provide technical and administrative support to the program administrator or his/her designee and the **ISDS OWTS** commission.

(4) *Fees and fines collection.* It shall be the duty of the tax collector to collect any fees and fines relative to properties regulated under this ordinance.

(5) *Jurisdiction.* Under this ordinance the town, through the public services department, shall have jurisdiction to ensure the operation and maintenance of all existing and future **ISDS OWTS** within the town. This ordinance authorizes the passage of authorized representatives of the town onto private property for the inspection of **ISDS OWTS**.

(6) *Location, setbacks, and need for enhanced wastewater treatment.* Location of **ISDS OWTS**, setbacks from sensitive resources, performance standards for various resource areas and requirements for enhanced onsite wastewater treatment are governed by the South Kingstown Zoning Ordinance.

REGULAR SESSION

MAY 24, 2010

Sec. 19-156. Education program and phased implementation.

(1) *Establishment of a public education program.* A public education program shall be established and overseen by the **ISDS OWTS** commission in conjunction with the public services department and planning department, to inform people about the findings, benefits and goals of onsite wastewater management in South Kingstown. The educational program shall include, but not be limited to the following:

- (a) Proper inspection, operation and maintenance of **ISDS OWTS**.
- (b) Operation and management framework of the program.
- (c) Proper disposal of hazardous waste, including household hazardous waste.
- (d) Water conservation.
- (e) Protection of sensitive resources.
- (f) Use of environmentally sensitive cleaning products.
- (g) Use of alternative and innovative septic systems and associated technologies.
- (h) Availability of financial assistance.
- (i) Costs to homeowners to ensure compliance with WWMO provisions.

(2) *Phased implementation.* The implementation of section 19-157, **ISDS OWTS** inspection and maintenance, shall occur over a period of seven (7) years in accordance with the map titled "Wastewater Management Inspection Schedule," dated June 15, 2001, located in the offices of the planning department and public services department. Phasing shall begin in the Green Hill Pond watershed, and then proceed in order to the watersheds of the other coastal ponds and Narrow River, the Groundwater Protection Overlay District (GPOD) and lastly to the remainder of the town. The program administrator shall have the authority to alter the phased inspection schedule by ordering the inspection of any **ISDS OWTS** when it has been determined that the **ISDS OWTS** is in need of immediate improvements.

Sec. 19-157. **ISDS OWTS** inspection and maintenance.

(1) **ISDS OWTS** inspections. The purpose of **ISDS OWTS** inspections is to assess the current condition of the **ISDS OWTS** in order to determine:

- (a) What maintenance is required;
- (b) When the maintenance should be undertaken;
- (c) The date of the next inspection; and
- (d) The need for system upgrade or replacement.

Maintenance requirements shall be based upon inspection results. Information from the inspections will also be used to complete a town-wide **ISDS OWTS** inventory and to track system inspections, maintenance and upgrades. All inspections shall follow the criteria and procedures outlined in the Rhode Island Department of Environmental Management's Septic System Check-Up: The Rhode Island Handbook for Inspection (hereinafter referred to as "the handbook").

(2) *Who may inspect.* All **ISDS OWTS** shall be subject to inspections by a private, town-approved **ISDS OWTS** inspector. Where appropriate, an inspector may also be a designee of the program administrator. Town-approved septic system inspector(s) shall determine the maintenance and pumping requirements for each **ISDS OWTS** based upon criteria outlined in the handbook. In order for an inspector to be approved by the town,

REGULAR SESSION

MAY 24, 2010

he/she must satisfactorily complete a training course in inspection methodology consistent with use of the handbook and adhere to state regulations, or hold a valid State of Rhode Island Professional Engineer License and hold a valid Class II or Class III ISDS Designers License as issued by the Rhode Island Department of Environmental Management. The **ISDS OWTS** commission and the public services department shall maintain a list of town-approved inspectors and make such list available to property owners for the purpose of arranging the inspection of their own **ISDS OWTS**.

(3) **ISDS OWTS maintenance and owner's responsibility.** The inspector shall give the property owner and the program administrator an inspection report that details the **ISDS OWTS** condition, components, inspection schedule and maintenance requirements. The **ISDS OWTS** owner(s) shall assume all responsibility for hiring a septage hauler or maintenance contractor to complete the maintenance and inspection requirements contained in the **ISDS OWTS** inspection report within the time frame required. As proof of compliance, the property owner shall submit a receipt for pumping and other documented system maintenance to the program administrator within thirty (30) days of the date stipulated in the **ISDS OWTS** inspection report.

(4) *Change in inspection or maintenance schedule.* The program administrator, upon written notification to the property owner and the appropriate **ISDS OWTS** inspector, may change the inspection schedule and/or maintenance requirements of an **ISDS OWTS**, where such a change is deemed necessary for the proper functioning of the **ISDS OWTS**. Reasons for a schedule change include, but are not limited to, change in household occupancy, seasonal use, rental status, water consumption, system functioning, site characteristics and proximity to sensitive resources such as drinking water supplies, poor soils with septic system constraints and coastal and freshwater wetlands. Likewise, the property owner(s) may petition the program administrator to alter the inspection and/or maintenance schedule. The owner must demonstrate, to the satisfaction of the program administrator, through the use of appropriate site data and household information, that such a change in the requirements would still ensure the proper operation of the **ISDS OWTS** and not impair the intent of this ordinance.

(5) *Failure to inspect, repair, pump or maintain an ~~ISDS~~ OWTS.* Failure to inspect, repair, pump or otherwise maintain an **ISDS OWTS** within the time frame provided under this ordinance and associated regulations and to submit proof of such to the program administrator shall constitute a violation of this ordinance.

(6) *Immediate need to pump.* In the event of a system failure or malfunction where there is an immediate need to pump that poses a public health or environmental hazard, the **ISDS OWTS** inspector shall immediately notify the property owner and the program administrator. The program administrator shall immediately serve upon the owner a notice and order directing the owner that he/she has five (5) days to pump the system and to present evidence to the program administrator. Such evidence may be in the form of a receipt from an approved septage hauler. Failure to comply with this administrative order shall constitute a violation under this ordinance.

(7) *Accessibility, effluent filters and inspection ports.* Although not required, it is recommended that all **ISDS OWTS** that presently have no access risers be equipped with three (3) access risers to grade located at the inlet, center and outlet of the septic tank and an effluent filter be installed at the outlet end of the septic tank. Although not required, it is recommended that all **ISDS OWTS** that have only an existing center access riser be equipped with access risers at the inlet and outlet ends of the septic tank and an effluent

REGULAR SESSION

MAY 24, 2010

filter be installed at the outlet end of the septic tank. Access risers shall be watertight and should be consistent with state standards. These measures will help locate **ISDS OWTS**, facilitate the inspection and pumping of a septic tank and ultimately the longevity of the **ISDS OWTS**. The **ISDS OWTS** commission and program administrator will provide technical information and support regarding the installation of these structures on both new and existing **ISDS OWTS**.

(8) *Watertight septic tanks.* Per RIDEM regulations, any existing tank that leaks may be declared a failed system. All septic tanks installed after the effective date of this ordinance shall be certified watertight in accordance with ASTM minimum standards or those developed by the **ISDS OWTS** commission. Tank installation must be done in accordance with manufacturer's requirements. In addition, tanks installed after the effective date of this ordinance must be site tested to ensure that they are watertight. The accepted procedure(s) for site testing tanks as watertight shall be available from the South Kingstown Public Services Department.

(9) *Cesspools:* Cesspools are a substandard and inadequate means of onsite wastewater treatment. All cesspools shall be replaced with an onsite wastewater system which conforms with [to] current state and local standards within twelve (12) months after the sale of a property or within five (5) years of the date of the first maintenance (baseline) inspection, whichever date comes first. If the **ISDS OWTS** inspection report identifies a failed cesspool or a cesspool with evidence of structural damage, overflow, or standing water above the invert, then the owner of a property shall have eighteen (18) months from the date of notice of violation to design and replace said failed cesspool with a new **ISDS OWTS** as approved by the appropriate regulatory authority. In addition, any cesspool that requires two (2) or more pumpings within a twelve-month period shall have eighteen (18) months from the date of the notice of violation to design and replace said cesspool with a new **ISDS OWTS** as approved by the appropriate regulatory authority.

The applicable provisions of R.I.G.L. Sections 23-27.3-124.1 and 23-27.3-124.2 shall apply regarding cesspools in those instances where the cesspool failure results in an unsafe condition to the public health.

(10) *Remediation plans.* The owner(s) of any lot or parcel of land containing more than one (1) detached dwelling unit may be required by the program administrator to develop a remediation plan. Where there are existing cesspools or substandard systems, the program administrator and/or his designee shall work with the owners and/or lessees to develop a remediation plan that ensures the protection of the environment and the public health safety and welfare which may include gray water systems and shared systems. The **ISDS OWTS** commission and/or program administrator shall offer technical assistance in the development of the remediation plan.

(11) *Time of replacement for failed **ISDS OWTS**.* The owner of a property with a failed **ISDS OWTS** shall have eighteen (18) months from the date of the notice of violation to design and replace said failed **ISDS OWTS** with a new **ISDS OWTS** as approved by the appropriate regulatory authority. In addition, any **ISDS OWTS** that requires two (2) or more pumpings within a twelve-month period shall also have eighteen (18) months from the date of the notice of violation to design and replace said **ISDS OWTS** with a new **ISDS OWTS** as approved by the appropriate regulatory authority.

REGULAR SESSION

MAY 24, 2010

(12) Holding tanks. The use of holding tanks is prohibited as a long term wastewater management method except for those sites that have been developed at the time of passage of this amendment, where it can be demonstrated that there is not adequate area available for installation of a conventional OWTS or advanced treatment OWTS. Holding tanks are prohibited for any new construction on an undeveloped parcel or expansion of or re-development of an existing use.

Sec. 19-158. Enforcement.

(1) *Notice of violation.* If an owner of an **ISDS OWTS** is determined to be in violation of this ordinance the program administrator or his designee shall issue a written notice of violation (NOV) via certified mail to the owner. The notice shall explain the nature of the violation, required actions, any assistance that is available from the **ISDS OWTS** commission or program administrator, and the possible consequences for noncompliance.

(2) *Administrative review meeting.* A property owner is encouraged to resolve issues at an informal administrative level before appealing a decision of the program administrator. Any owner of an **ISDS OWTS** who receives an NOV shall have the right to an administrative conference with the program administrator to determine how best to bring the system into compliance. The program administrator may seek an advisory opinion from the **ISDS OWTS** commission relative to available methods for bringing the system into compliance. In the case of a NOV, an administrative meeting, if desired, shall be requested in writing within ten (10) days following the date of notice. A written consent agreement signed by the public services director and the **ISDS OWTS** owner shall outline the specifics of the any agreement developed as the result of the administrative meeting.

(4) *Failure to pay.* Failure to pay any fees or fines assessed by the town for the administration of the wastewater management district shall constitute a lien on the owner's property. In addition to the bill and any associated fines, the **ISDS OWTS** owner shall be responsible for any interest, administrative and court costs associated with the collection of the funds.

Sec. 19-159. Financing.

(1) *Program financing.* The town council shall have the authority to raise funds for the administration, operation, contractual obligations, and services of the onsite wastewater management program (OWMP).

(2) *Fee structure.* The program administrator and town manager may propose a fee schedule, for approval by the town council, to be assessed each owner of an **ISDS OWTS**. Said fee shall be based on the total number of **ISDS OWTS** in the OWMD and the administrative and technical costs associated with providing the services herein. Any funds collected or raised for purposes of implementing the onsite wastewater management program shall be kept as an enterprise account, separate from the town's general fund.

REGULAR SESSION

MAY 24, 2010

(3) *Grant and loan program.* The town under the authority of the state legislature shall have the authority to issue bonds or notes, to receive grants or to assess **ISDS OWTS** owners for the purpose of establishing a revolving fund. This fund may be used to make low interest loans or grants available to qualified property owners for the improvement, correction, or replacement of a failed **ISDS OWTS**. The **ISDS OWTS** commission in conjunction with the public services department shall establish specific criteria to define eligibility for grants or loans. These criteria are subject to approval by the town council.

**Article III. Water Supply
Division 1. Generally**

Amend:

Sec. 19-161. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Director means the director of **utilities public services** of the town, or his authorized deputy, agent or representative.

~~**Special customer means a customer covered under special rates prior to July 1, 1976, having a number of dwellings or units supplied through one (1) meter to one (1) platted lot.**~~

Division 2. Standards

Amend:

Sec. 19-189. Pipe size.

(b) In all cases, the size of main shall be as determined by the **utilities** director and shall exceed eight (8) inches as the conditions of the distribution system requires.

Sec. 19-192. Marking.

All water mains and services in streets, highways, rights-of-way, etc., shall have a blue plastic **metallic-traceable** marking tape meeting the requirements of the director installed approximately two (2) feet below final grade.

Division 4. Service Connections

REGULAR SESSION

MAY 24, 2010

Amend:

Sec. 19-227. Ownership.

(c) All such installation shall be ~~by licensed plumbers and~~ subject to inspection before backfilling by the ~~town plumbing inspector~~ director or his agent.

Sec. 19-229. Time of installation.

New service pipe will not normally be laid between ~~December fifteenth~~ November first and March ~~fifteenth thirtieth~~ except upon approval of the director and then only if the applicant agrees to pay a ~~fifty (50) percent~~ surcharge the actual cost above the normal installation fee to cover added cost for frozen ground, water conditions or road repairs.

Sec. 19-230. Size.

- (a) The size of the service connection shall be ~~as determined by the director but~~ no less than three-quarters of an inch nominal diameter service pipe.
- (b) If the premises are to be used for any purpose other than normal domestic single family use, the owner must file with the utility ~~the type of occupancy in detail with water requirements, for the director to determine the required size or service pipe and meter.~~ a written size certification for both service pipe and meter. Said certification must be stamped by a Rhode Island licensed professional engineer and approved by the director. The size of separate fire service connection shall be as determined by the fire insurance rating agency concerned but not less than four (4) inches internal diameter of pipe, nor less than six (6) inches if one (1) or more private fire hydrants are installed.
- (c) The installation of combined fire and domestic service connection will not be permitted.

Sec. 19-231. Meter setting and location.

(c) Plumbers shall install a meter setting in a horizontal position in the house piping as near to where the service pipe enters the building as practicable. ~~Until the meter is set, the plumber may install a meter spacer furnished by the utility.~~ The location of the meter shall be in a protected place easily accessible for removal, reading and maintenance. Underground locations in meter pits or locations in crawl spaces will require special written approval of the director. Meters located in such unsuitable areas may require relocation.

REGULAR SESSION

MAY 24, 2010

Sec. 19-232. Turn on and off.

(a) Only employees of the utility, state licensed master plumbers, or those authorized by the director may turn water service "on" or "off." ~~Persons seeking to be authorized shall file at the office of the utility an application which must be renewed annually by notifying the office of the utility. Any person turning "on" or "off" water service must notify the office of the utility prior to doing the work.~~

(b) Customers will be charged for turn on and turn off, ~~including disconnecting, and reconnecting the meter,~~ providing the customer gives forty-eight-hour notice prior to any required turn off or turn on and access to the meter is provided. Each additional turn on and/or turn off will be charged at the prescribed rate.

Sec. 19-233. Inspection.

~~Prior to~~ After installation of meter and turn on of service, a certificate of occupancy supplied by the building inspector of the town must be issued and the house plumbing receive the approval of the plumbing inspector of the town. Premises served by wells and applying for service shall be subject to plumbing inspection before service is supplied.

Sec. 19-234. Meter size.

The size of the meter installed shall be ~~as follows, depending on the accommodation of the number of families or occupancy and use of the premises serviced: five-eighths (5/8) x three-quarters (3/4) of an inch. If a larger than standard meter size is required, the owner shall file with the utility a written size certification stamped by a Rhode Island licensed professional engineer and approved by the director.~~

TABLE INSET:

Occupancy	Service pipe size (inches)	Meter Size (inches)
Single-family & two-family	3/4	5/8
Three to four families, apartments or motels equivalent to eight bedrooms	1	1
Five to eight families, apartments or motels equivalent to sixteen bedrooms	1 1/2	1 1/2

~~Over eight (8) families, apartments or motels equivalent to sixteen (16) bedrooms or any commercial, institutional or industrial service shall be as determined by the director upon submission of complete detailed information of occupancy and anticipated water use furnished by the owner.~~

REGULAR SESSION

MAY 24, 2010

Delete in its entirety:

Sec. 19-237. Temporary service.

Add:

Section 19-237. (Reserved)

Division 5. Extensions

Amend:

Sec. 19-252. Plans.

The plan of such installation shall be prepared by a RI Licensed Professional Engineer and submitted to the water utility on a utilities plan at a scale of ~~fifty (50)~~ forty (40) feet to the inch showing pipe size and location, valve locations, final road boundaries and grade, location of service connections and curb stop, and location of hydrant connections. The plan shall be in conformance with the standards of the water utility, the pipe size, valves, and the hydrant locations shall meet the approval of the director. On completion and approval of the installation, the plan shall be corrected to "as built" drawing and certified by a RI Licensed Professional Engineer and filed with the utility on ~~tracing paper~~ mylar.

Sec. 19-254. Individual property owner extensions.

~~Wherever in platted or partially developed areas and satisfactory grades are established meeting the approval of the town engineer and permanent rights-of-way and easements are granted to the town (where required) individual property owners request extension of water mains where no service connection is presently available, the procedure set out in this division following, shall be followed. The cost for design, construction and testing of a water main extension shall be the financial responsibility of the person(s) desirous of potable water supply.~~

Delete in its entirety:

Sec. 19-255. Application.

Amend:

Sec. 19-256. Contract.

~~(a) The applicant will enter into a contract with the water department to install the main at a location approved to be determined by the ~~utilities~~ director and shall ~~deposit with the department, the estimated cost of the construction as prepared by the utility including the cost for any unusual conditions of pavement replacement or rock excavation.~~ pay all associated application fees.~~

REGULAR SESSION

MAY 24, 2010

~~(b) The contract will remain in force ten (10) years and the utility will make refunds without interest not to exceed the cost of the extension. Such refund will be one hundred twenty five dollars (\$125.00) for each abutting consumer on the extension applying for service within the contract period.~~

~~(c) If the applicant represents more than one (1) original contributor for the extension, such chairman shall pro rate the distribution of refunds. New customers connecting to an extension under an active contract will be required to pay one hundred twenty five dollars (\$125.00) in addition to the normal service charge.~~

Division 6. Hydrants And Fire Connections

Sec. 19-268. Use.

Public and private fire hydrants are installed for water distribution system flushing and the sole purpose of fire protection and with the exception of members of legitimate fire departments operating the same for purposes of control of fire or training, no use of such hydrants shall be made unless specifically approved by the director.

Division 9. Fees, Charges And Rate Schedule

Sec. 19-309. Time of payment.

All water rates are payable in advance and may be paid annually or semiannually. Sales in advance to other municipalities shall be on an estimated use from the prior year's billing and adjusted at the end of the year. ~~Bills will be rendered on the first business day of July.~~ Prior year's excess will be billed at this time also. Excess charges and the sales tax thereon must be paid in full before payment of the annual charge in advance. If one elects to pay semiannually, the first payments shall consist of the excess in full plus the sales tax on any excess and fifty (50) percent of the annual minimum charge in advance, plus the sales tax thereon. ~~This payment is due July first payable by August fifteenth. The remaining half is due January first payable by February fifteenth.~~

Sec. 19-313. Property transfer.

(a) When transfers of property are to be made, those interested should have the meter read for the proper water charge adjustment between buyer and seller.

~~(b) The seller should promptly notify, in writing, the office of the utility's water department of the sale and meter readings as of date of sale and give the name and address of the purchaser. The new owner must promptly sign a new application for service.~~

~~(c) Whenever a customer sells or transfers property and fails to notify the utility, the owner of record at time of next billing shall be liable for payment of all just charges including bills for water furnished him or previous owners. It shall be presumed that the seller and buyer have agreed between them that the buyer would assume outstanding obligations at the time of sale. Any unpaid bills shall constitute a lien on the property.~~

REGULAR SESSION

MAY 24, 2010

Sec. 19-314. Rebates.

No rebates will be made for the discontinuance of service or use of water during the year, ~~except in cases of change of ownership in which case charge will be made only up to date of such change of ownership and providing the utility is duly notified of such change. Any rebate will be prorated on a monthly basis taking into account any excess water used on such basis.~~

Sec. 19-317. Schedule.

The fees and charges for various services shall be rendered in accordance with the water rate schedule which is on file in the office of the town clerk and shall become due ~~forty-five (45)~~ thirty (30) days after the billing date.

8. COMMUNICATIONS

A. Jude Nuzum is present and begins his presentation by criticizing the Zoning Board of Review's decision approving Tri-Level Construction's application for a Special Use Permit to construct a dwelling on Assessor's Map 31-2, Lot 123 at Biscuit City and Ledgewood Roads. An abutting neighbor, John Hadley purchased this lot after the Zoning Board's decision, to keep it from being developed. Mr. Nuzum again requests that the Council impose a moratorium on the granting of special use permits involving wetland and wetland stream setback relief, at least until we complete the Five-Year Update of the Comprehensive Plan, and presents additional information. He also requests that flood abatement and stormwater management be added as one of the top five initiatives for the Comprehensive Plan, and suggests that the Comp Plan be featured on the Town's website.

The Town Solicitor comments that these issues have been referred to the Planning Department and Planning Board for their information in addressing stormwater, drainage and flood issues to give the Zoning Board of Review additional tools to use when they are evaluating requests for special use permits for OWTS systems. The Conservation Commission is also reviewing these issues. This process may result in recommendations coming to the Council for zone changes.

L. Vincent Murray, Director of Planning describes the tentative plan for review and discussion with the Planning Board beginning in early June. He notes that issues related to drainage and flood management will be key among the considerations included in the Comprehensive Community Plan update.

Following discussion, it is

UNANIMOUSLY VOTED: that a communication dated May 4, 2010, continued from May 10, 2010 by request dated May 9, 2010, from Jude M. Nuzum requesting to present additional information relative to the petition previously submitted to the Town Council concerning a moratorium on the granting of special use permits involving wetland and wetland stream setback relief is received, placed on file and referred to the Planning Board. (5/6/2010 Miscellaneous, Item II M.)

REGULAR SESSION

MAY 24, 2010

C. Discussion ensues relative to a resolution presented by Roland Benjamin regarding the RI Department of Education's proposed Funding Formula. It is the consensus to thank Mr. Benjamin for his efforts; the Council is satisfied with the resolution they adopted on May 10, 2010, and it is

UNANIMOUSLY VOTED: that a communication dated May 13, 2010 from Roland Benjamin requesting consideration of a resolution regarding the RI Department of Education's proposed Education Funding Formula is received and placed on file. (5/313/2010 Interim, Item I.)

D. Discussion ensues, and it is

UNANIMOUSLY VOTED: that a communication dated May 14, 2010 from the Burrillville Town Council requesting support of their resolution seeking repeal of RIGL §44-34.1, The Motor Vehicle and Trailer Excise Tax Elimination Act of 1998 in its entirety is received and placed on file. (5/20/2010 Miscellaneous, Item II B.)

9. COMMENTS FROM INTERESTED CITIZENS

Council President Fogarty invites residents to come forward with comments.

Jonathan Daly-Labelle is present and thanks our representatives in the General Assembly for the delay in implementation of the Education Funding Formula.

Councilwoman Whaley thanks Representative Caprio, who is present, for attending the Town Council's Work Session with Education Commissioner Gist.

10. TOWN MANAGER'S REPORT

The Town Manager's Interim Report dated May 13, 2010, and the Agenda and Miscellaneous Reports dated May 20, 2010 are accepted, approved and placed on file.

11. TOWN SOLICITOR'S REPORT

The Town Solicitor has no additional report this evening.

12. APPOINTMENTS

None

13. NEW BUSINESS

A. UNANIMOUSLY VOTED: to adopt a proclamation honoring Sarah George for attaining the Girl Scout Gold Award, as follows:

SARAH GEORGE

REGULAR SESSION

MAY 24, 2010

WHEREAS, SARAH GEORGE has devoted her time and her energy to complete the requirements of and participate in such a worthwhile organization as the Girl Scouts of America, and

WHEREAS, she has met the “Challenge of Living the Promise and Law” of the Girl Scout program and excelled in leadership, service and personal development. She has demonstrated self-discipline, time management skills, originality, and initiative, and

WHEREAS, SARAH'S Girl Scout Gold Award project was entitled: “Orphan Outreach” which provided benefits to an orphanage in Ghana. She was inspired by a visit to Ghana in July 2008 where she helped to refurbish a local orphanage in the village of Akwam. When she returned home, she spoke to students at her local middle school about her trip and the poverty that exists in Africa, and how the orphanage in Ghana needed help. The students helped to collect clothes, shoes, toys and school supplies that Sarah then delivered to the orphanage in Ghana in 2009; and

WHEREAS, she has attained the highest rank in Girl Scouting by achieving the Gold Award, bringing pride to herself and honor to her Troop #641, her family, and to her community; may this be a preview of her future dedication to a purpose and service – to pursue until she accomplishes the goal that she is seeking.

NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN do hereby extend our congratulations for a job well done and best wishes for success in all future endeavors.

B. UNANIMOUSLY VOTED: to adopt a proclamation honoring Lillia Wild for attaining the Girl Scout Gold Award, as follows:

LILLIA WILD

WHEREAS, LILLIA WILD has devoted her time and her energy to complete the requirements of and participate in such a worthwhile organization as the Girl Scouts of America, and

WHEREAS, she has met the “Challenge of Living the Promise and Law” of the Girl Scout program and excelled in leadership, service and personal development. She has demonstrated self-discipline, time management skills, originality, and initiative, and

WHEREAS, LILLIA'S Girl Scout Gold Award project was entitled: “Festival of the Arts,” an effort to raise awareness of children in the community of different ways of displaying art. Being passionate about dancing, she taught dance lessons to children who couldn't afford dance classes, with different routines throughout each lesson. She also held a drive to collect art supplies which were donated to local shelters, and put on a concert for her community; and

WHEREAS, she has attained the highest rank in Girl Scouting by achieving the Gold Award, bringing pride to herself and honor to her Troop #641, her family, and to her

REGULAR SESSION

MAY 24, 2010

community; may this be a preview of her future dedication to a purpose and service – to pursue until she accomplishes the goal that she is seeking.

NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN do hereby extend our congratulations for a job well done and best wishes for success in all future endeavors.

Councilwoman Whaley leaves the meeting.

E. UNANIMOUSLY VOTED: to authorize an award of bid to Odyssey Automotive Specialty, Inc., 317 Richard Mine Road, Wharton, NJ 07885 for one 2010 Chevrolet Tahoe ambulance conversion per bid specifications in an amount not to exceed \$50,198, including trade-in allowance; and as further described in a memorandum from the EMS Director to the Town Manager dated May 18, 2010 and entitled: “Bid Recommendation – Type C1 (non-transporting) Ambulance.” Ref. No. G-2010-492.

F. UNANIMOUSLY VOTED: to authorize an award of contract to Stokes Title Services, 112 New Road, Exeter, RI 02822 for Superfund landfill related property title services in an amount not to exceed \$10,800, including a contingency; and as further described in a memorandum from the Public Services Director to the Town Manager dated May 12, 2010 and entitled: “Superfund Landfill Title Services Recommendation.” Ref. No. PS-2010-318.

I. UNANIMOUSLY VOTED: to establish the following boards, and affirm their current charges, membership and existing terms of appointment, as further described in a memorandum from the Deputy Town Clerk to the Town Manager dated May 19, 2010 and entitled: “Re-establishment of Boards and Commissions”:

1. Building Code Board of Appeals
2. Conservation Commission
3. Economic Development Committee
4. Housing Authority
5. Minimum Housing Code Board of Appeals
6. Trustees of the South Kingstown School Funds
7. Waterfront Advisory Commission
8. Emergency Management Agency

J. UNANIMOUSLY VOTED: to authorize the following fee schedule, effective July 1, 2010, for the Rose Hill Regional Transfer Station and amend the Town’s Schedule of Fees:

Residential User Refuse Tags	\$1.80 per tag
Yard Waste Tags	\$1.16 per tag

And as further described in a memorandum from the Public Services Director to the Town Manager dated May 18, 2010 and entitled: “FY 2010-11 Refuse Tag and Yard Waste Tag Fee Schedule Resolution.”

REGULAR SESSION

MAY 24, 2010

L. UNANIMOUSLY VOTED: to authorize an award of bid to Waste Haulers LLC, 1 Starline Way, Cranston, RI 02921 for the Regular Refuse Package at the unit costs per pickup in accordance with their bid for fiscal years 2010-2011 and 2011-2012; and as further described in a memorandum from the Public Services Director to the Town Manager dated May 19, 2010 and entitled: "Bid Recommendation – Refuse Collection Contract." Ref. No. P-2010-319.

M. UNANIMOUSLY VOTED: to authorize an award of bid to Waste Management Inc., 26 Patriot Place, Suite 300, Foxborough, MA 01035 for the Grit Package at the unit cost of \$45 per pickup for fiscal years 2010-2011 and 2011-2012; and as further described in a memorandum from the Public Services Director to the Town Manager dated May 19, 2010 and entitled: "Bid Recommendation – Refuse Collection Contract." Ref. No. PS-2010-320.

N. UNANIMOUSLY VOTED: to authorize an award of bid to Waste Haulers LLC, 1 Starline Way, Cranston, RI 02921 for the Sludge Transportation Package at the unit cost of \$95 per round trip for fiscal years 2010-2011 and 2011-2012; and as further described in a memorandum from the Public Services Director to the Town Manager dated May 19, 2010 and entitled: "Bid Recommendation – Refuse Collection Contract." Ref. No. PS-2010-321.

UNANIMOUSLY VOTED: to adjourn at 8:53 PM.

Susan M. Flynn, CMC
Deputy Town Clerk