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POSTED – OCTOBER 21, 2020
SPECIAL MEETING OCTOBER 27, 2020

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on **Tuesday, October 27, 2020; Special Meeting at 6:00 P.M.** - Said meeting will be conducted by telephone conference call/ webinar, in accordance with Executive Order 20-46 issued by Governor Raimondo on April 15, 2020, extended to November 9, 2020, which modifies certain provisions of the Open Meetings Act (“OMA”) and the Access to Public Records Act (“APRA”) as part of the State’s emergency response to COVID-19. Members of the public may access and listen to the meeting in real-time by calling 1-877-853-5257 (Toll Free) or 1-888-475-4499 (Toll Free) and entering Meeting ID:818 6378 1504 ; or on the web at <https://us02web.zoom.us/j/81863781504>.

The items listed on the Consent portion of the agenda are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, requests and the Town Council President permits, in which event the item will be removed from Consent Agenda consideration and considered in its normal sequence on the agenda. All items on this agenda, may be considered, discussed and voted upon in executive session and/or open session.

Pursuant to 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.”

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed three (3) minutes. Citizens that wish to speak must submit a written request either dropped off at Town Hall or emailed to wmarshall@middletownri.com or kclancey@middletownri.com . Request must include your information, item number you wish to address and how you will be identified/named on zoom. The request must be filed at least 30 minutes prior to the meeting (6:30 p.m.). If a request is not filed, you will not be able to address the matter.

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to **Reconsider** [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

All items on this agenda were continued from the October 19, 2020 Regular Meeting, with the exception of adding 3MT, LLC – Pizza Hollywood -796 Aquidneck Avenue to item #12 Victualling House License Renewal List, and adding items #13, #14 and #15 on the Consent Calendar. The October 19, 2020 Regular Meeting was cancelled due to technical difficulties.

PRESENTATION

1. National Grid – Virtual Community Open House.

BOARD OF LICENSE COMMISSION

2. (Public Hearing Advertised)
Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2020-2021 licensing year. (See attached list)

PUBLIC HEARING

3. (Public Hearing Advertised)
Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2020-2021 licensing year. (See attached list)

LICENSE

4. Application for Special Event Permit from Clean Ocean Access for its First Annual Pumpkin Smash to be held on Saturday, November 7, 2020 from 12 pm to 2:00 pm at 21 John Clark Road, Middletown. (Applicant requests permit fee to be waived)

CONSENT

5. Notice of Public Hearing from the Zoning Board of Review – Petition of Newport County Regional YMCA (owner) and 127 John Clark Road, LLC (owner) by their attorney Robert M. Silva, Esquire for a Variance from Section 1301(d) to allow parking closer than 10' setback from Section 1302 to allow off-site parking to be located on a lot not occupied by the principal use (plat 115 lot 59). Said real estate is located at 792 Valley Road; TAP 115, Lot 1.
6. Notice of Public Hearing from the Zoning Board of Review – Petition of Newport County Regional YMCA (owner) by their attorney Robert M. Silva, Esquire for a Special Use Permit from Section 605(B)(1) to allow an 11,406 sq. ft addition to the existing structure resulting in a total of 52,844 sq. ft where 35,000 sq. ft. is allowed. Said real estate is located at 792 Valley Road; TAP 115, Lot 1.
7. Resolution of the Town of East Greenwich, re: Supporting Emergency Exemption for All Rhode Island Municipalities in the Computation of Maintenance of Effort Requirements Established by RIGL 16-7-23.
8. Communication of Kathy Giblin Stark, Executive Director, Star Kids Scholarship Program, re: Appreciation for support.
9. Communication of Randy Butler, President, Butler Basketball Club, re: Appreciation for support.
10. Memorial Feasibility Application from Korin Munsterman Lee, Austin, Texas to Honor William J. Day. (Requires Citizens Memorial Committee review and recommendation.)
11. License of Burial, re: Raymond J. Perry – Section 38, Grave 6.
12. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses for the 2020-2021 licensing year. (See attached list)
13. Memorandum of Heather Hole Strout, Executive Director, Dr. Martin Luther King Jr., Community Center, re: Appreciation for support.
14. Resolution of the Town of Tiverton, re: Supporting an Emergency Exemption for All Rhode Island Municipalities in the Computation of Maintenance of Effort requirements Established by RIGL 16-7-23.
15. Resolution of the Town of Tiverton, re: Supporting the Use of CARES Funding as a Means of State Assistance during the COVID-19 Emergency.

ORDINANCES

16. Memorandum of Town Engineer to Town Administrator, re: Third Beach Road, STOP SIGNS at Mitchell's Lane & Wapping Road.

17. An Ordinance of the Town of Middletown (First Reading)
An Ordinance in Amendment to the Town Code Title VII Traffic Code (Three Way Stop Intersection – Mitchell’s Lane, Third Beach Road and Wapping Road). (See Attached Ordinance)
18. Memorandum of Town Engineer to Town Administrator, re: NO THRU TRUCKS.
19. An Ordinance of the Town of Middletown (First Reading)
An Ordinance in Amendment to the Town Code Title VII Traffic Code, Chapter 72 Parking Regulations. (Prohibiting through Commercial Vehicles on Turner Road). (See Attached Ordinance)

TOWN COUNCIL

20. (Tabled from the October 5, 2020, Regular Meeting)
FY21 Civic Appropriations for the following:
 1. Middletown Hockey Boosters
 2. Middletown Little League
 3. Middletown Youth Football & Cheerleading
 4. Middletown Soccer Club
21. (Continued from August 17, 2020, September 21, 2020, and October 5, 2020)
Memorandum of Councillor Flynn, re: Covid-19 Update Request.

TOWN ADMINISTRATOR

22. Memorandum of Town Administrator, re: Resolution - Legislation to Add Police New Hires to Defined Contribution Pension Plan.
23. Resolution of the Council, re: Legislation to Add Police New Hires to Defined Contribution Pension Plan.
24. Memorandum of Chief Kewer, re: Recommendation/Uniform 20 MPH Speed Limit/Upper Easton’s Point.
25. Memorandum of Chief Kewer, re: Recommendation/Crosswalk Installation and Improvements/Lower Aquidneck Avenue.
26. Memorandum of Town Administrator, re: Atlantic Beach District Utilities Undergrounding Update.
27. Memorandum of Town Administrator, re: Purgatory Sidewalks RIDOT Subrecipient Project ID 5072.
28. Resolution of the Council, re: Subrecipient Agreement between RI Department of Transportation and the Town for Purgatory Road Sidewalk Project (TIP ID #5072).

29. Memorandum of Town Administrator, re: Aquidneck Avenue Improvements (Green End Avenue to East Main Road)
30. Memorandum of Finance Director, thru Town Administrator, re: Contract Award: MIDD-021-002 Traffic Calming Improvements.
31. Resolution of the Council, re: Contract Award: MIDD-021-002 Traffic Calming Improvements.
32. Communication of Town Clerk and Accounts Payable Clerk, re: Request Town Council to match employee donations for adopting a family.
33. Memorandum of Finance Director, thru Town Administrator, re: FY2020 School Budget Adjustments as of June 30, 2020.
34. Resolution of the Council, re: FY2020 School Budget Adjustments as of June 30, 2020.
35. Memorandum of Finance Director, thru Town Administrator, re: Municipal Financial Report – Year ended September 30, 2020.
36. Memorandum of Finance Director, thru Town Administrator, re: Beach Operations Financial Report – Twelve months ended September 30, 2020.
37. Executive Order 2020-15 Extension of State of Emergency in Middletown through and including November 23, 2020.

BOARDS AND COMMITTEES

38. (Continued from the October 5, 2020, Regular Meeting)
Appointment of one (1) member to the Aquidneck Island Planning Commission, term expiring July 2023.

Wendy J.W. Marshall, CMC
Town Clerk

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before the meeting.

Posted on October 21, 2020 at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.

#2

ALCOHOLIC BEVERAGE LICENSES 2020-2021

CLASS A

ANDREW'S AT EASTGATE, LTD/GOLDS WINE & LIQUOR – 1374 WEST MAIN ROAD
AQUIDNECK PACKAGE STORE, INC./AQUIDNECK LIQUORS – 15 EAST MAIN ROAD
BEACH LIQUORS, LLC/BEACH WINE & LIQUORS – 43 AQUIDNECK AVENUE
BREWTUS, INC./SANDY'S LIQUORS- 717 AQUIDNECK AVENUE

CLASS B LIMITED

D ANG P CORPORATION/BANGKOK CITY RESTAURANT – 23 VALLEY ROAD
MISSON, LLC-58 AQUIDNECK AVENUE
WAMM, INC./ANTHONY'S SEAFOOD & RESTAURANT – 963 AQUIDNECK AVENUE

CLASS BM – BREW PUB

D & H, INC./CODDINGTON BREWING COMPANY – 210 CODDINGTON HIGHWAY
NEWPORT VINEYARDS & WINERY, LLC/NEWPORT VINEYARDS, BRIX RESTAURANT &
VINEYARD CAFE- 909 EAST MAIN ROAD

CLASS B VICTUALLER

APPLE NEW ENGLAND, LLC/APPLEBEE'S NEIGHBORHOOD GRILL & BAR-
349 WEST MAIN ROAD
AQ, INC./AQUIDNECK RESTAURANT & PIZZERIA- 27 AQUIDNECK AVENUE
ATLANTIC GRILLE, INC./ATLANTIC GRILLE- 91 AQUIDNECK AVENUE
BACK OF THE BUS, LLC/IDA'S RESTAURANT - 21A VALLEY ROAD
BLUE PLATE DINER, INC./BLUE PLATE DINER- 665 WEST MAIN ROAD
BOTTEGA BOCCONI, LLC/BOTTEGA BOCCONI- 36 AQUIDNECK AVENUE
CHING TAO CHINESE RESTAURANT, INC. – 268 WEST MAIN ROAD
CHIPOTLE MEXICAN GRILL OF COLORADO, LLC/ CHIPOTLE MEXICAN GRILL-
11 EAST MAIN ROAD
DENNIS M. CROOKES, SR./WOODHOOKER'S SPORTS TAVERN – 238 EAST MAIN ROAD
DIEGO'S MIDDLETOWN, LLC- 116 AQUIDNECK AVENUE
HPK, INC./TICKETS – 15 AQUIDNECK AVENUE
ISLAND MANAGEMENT, INC./FLO'S CLAM SHACK – 4 AQUIDNECK AVENUE
K & E CORPORATION/RHEA'S FAMILY RESTAURANT – 120 WEST MAIN ROAD
MIZU WEI JAPANESE RESTAURANT CORPORATION/MIZU WEI JAPANESE RESTAURANT-
250 EAST MAIN ROAD
MR VENTURES, LLC- 499 EAST MAIN ROAD
NEWPORT BEACH HOUSE, INC./NEWPORT BEACH HOUSE – 53 PURGATORY ROAD
NEWPORT NATIONAL GOLF CLUB INC/NEWPORT NATIONAL GOLF CLUB-
324 MITCHELLS LANE
PEPPER DINING, INC./CHILI'S GRILL & BAR – 845 WEST MAIN ROAD
PIMTONG, INC./SIAM SQUARE FINE THAI CUISINE – 238 EAST MAIN ROAD
S.C.S.JR. RESTAURANT CORP., INC./SCOTTY'S BIG DAWG'S SPORTS PUB – 823 WEST
MAIN ROAD
S.H.I.J., INC./NEW SEA SHAI- 747 AQUIDNECK AVENUE
SK INDUSTRIES, INC./RUSTY'S – 44 WAVE AVENUE
THE PUB AT TWO MILE CORNER, INC/ THE PUB AT TWO MILE CORNER- 10 MAPLE AVE
TITO'S CANTINA, INC./TITO'S CANTINA – 651 WEST MAIN ROAD

CLASS B TAVERN

COURTYARD MANAGEMENT CORP./COURTYARD MARRIOTT – 9 COMMERCE DRIVE
FIRST BEACH, LLC/NEWPORT BEACH HOTEL & SUITES – 1 WAVE AVENUE
ISLAND HOTEL GROUP, LLC/RESIDENCE INN BY MARRIOTT – 325 WEST MAIN ROAD
MAIN HOTEL, LLC/HOMEWOOD SUITES- 348 WEST MAIN ROAD
MIDDLETOWN TENANT,LLC/PORTOFINO BAR & GRILLE AT ROYAL PLAZA- 425 EAST MAIN ROAD
SEAVIEW HOTEL, INC- 240 AQUIDNECK AVENUE
WM HOTEL GROUP, LLC/HAMPTON INN- 317 WEST MAIN ROAD

CLASS C

BREAKWATERS CIGAR & WHISKEY LOUNGE, LLC- 796 AQUIDNECK AVENUE

CLASS D

CLAMBAKE CLUB OF NEWPORT – 353 TUCKERMAN AVENUE
GILBERT-BURTON VFW POST #4487/CAPTAIN KENNETH L. GILBERT POST #4487,
52 Underwood Lane
MIDDLETOWN COLUMBUS CLUB, INC. – 7 VALLEY ROAD
MIDDLETOWN FRATERNAL ORDER OF POLICE LODGE #21 – 464 MITCHELL'S LANE
(P.O. BOX 4644, MIDDLETOWN)
NORTH END CLUB OF NEWPORT, RI & PROV. PLANTATIONS – 26 BROOKDALE ROAD
WANUMETONOMY GOLF & COUNTRY CLUB, INC. – 152 BROWN'S LANE

CLASS J

KEMPENAAR CATERING, LLC/KEMPENAAR'S CLAMBAKE CLUB – 323 VALLEY ROAD

#3

2:00 A.M. – 6:00 A.M.

EXPIRES DECEMBER 1ST ANNUALLY

AQ, LLC/Aquidneck Restaurant & Pizzeria – 27 Aquidneck Avenue

Aquidneck Donuts, Inc./Dunkin' Donuts – 811 West Main Road

Aquidneck Donuts, Inc./Dunkin' Donuts – 536 East Main Road

Beebe & Family, Inc./7-Eleven Food Stores – 726 Aquidneck Avenue

Cardinal Restaurant Corp./IHOP Restaurants – 159 West Main Road

Colbea Enterprises, LLC/Seasons Corner Market- 207 East Main Road

Colbea Enterprises, LLC/West Main Shell- 1149 West Main Road

Cumberland Farms Store #1264 –94 Aquidneck Avenue

Leite Donuts, Inc./Ma's Donuts & More – 78 West Main Road

Middletown Taco, Inc./ Taco Bell- 641 West Main Road

Shaw's Supermarkets, Inc, - 71 East Main Road

Speedway, LLC/Speedway #02822 – 876 West Main Road

Starbucks Corporation/Starbucks Coffee #7599- 85 East Main Road

Tecs Donuts, Inc./ Dunkin' Donuts- 159 East Main Road

#12

VICTUALLING HOUSE LICENSE 2020-2021

Apple New England LLC/Applebee's Neighborhood Grill & Bar – 349 West Main Road

AQ, Inc./Aquidneck Restaurant And Pizzeria – 27 Aquidneck Avenue

Aquidneck Donuts, Inc./Dunkin Donuts – 811 West Main Road

Aquidneck Donuts, Inc./Dunkin Donuts – 536 East Main Road

Atlantic Grille, Inc./ Atlantic Grille, 91 Aquidneck Avenue

Back of the Bus, LLC/IDA's Restaurant- 21A Valley Road

Bagel Barn, Inc./Bagel Boys – 747 Aquidneck Avenue

Barnes & Noble Booksellers, Inc. – 1311 West Main Road

Beebe & Family, Inc./7-Eleven Food Stores – 726 Aquidneck Avenue

Lisa Bettencourt, LLC/Pickles Deli – 936 Aquidneck Avenue

BJ'S Wholesale Club, Inc. – 173 East Main Road

Blue Plate Diner, Inc./Blue Plate Diner – 665 West Main Road

Boston Culinary Group, Inc./Island Cinema – 866 West Main Road

Bottega Bocconi, LCC/Bottega Bocconi- 36 Aquidneck Avenue

Bucks & Dough Enterprises, Inc/Domino's Pizza- 19 West Main Road

Bucks & Dough Enterprises, Inc/Domino's Pizza- 1397 West Main Road

Byam, Ken/Subway Sandwiches – 238 East Main Road

Cardinal Restaurant Corp./IHOP Restaurants – 159 West Main Road

China Star II 778, Inc./China Star II – 877 West Main Road

Ching Tao Chinese Restaurant, Inc. – 268 West Main Road

Chipotle Mexican Grill of Colorado, LLC/ Chipotle Mexican Grill- 11 East Main Rd

Colbea Enterprises LLC/Seasons Corner Market – 207 East Main Road

Colbea Enterprises LLC/ West Main Shell – 1149 West Main Road

Courtyard Management Corp./Courtyard Marriott – 9 Commerce Drive

Dennis M. Crookes, Sr./Woodhooker's Sports Tavern – 238 East Main Road

Cortes, Deltra/The Nutrition Spot- 796 Aquidneck Avenue Unit D

Cortes, Deltra/Totally Prepared- 796 Aquidneck Avenue Unit D

Cumberland Farms Store #1264 – 94 Aquidneck Avenue

Custom House Coffee, LLC/Custom House Coffee – 796 Aquidneck Avenue
D & H, Inc./Coddington Brewing Company – 210 Coddington Highway
D ANG P Corp./Bangkok City Restaurant – 23 Valley Road
D.E. Food, Inc./Kentucky Fried Chicken – 1387 West Main Road
Diego's Middletown, LLC – 116 Aquidneck Avenue
Double RB, Inc./Becky's BBQ – 82 East Main Road
Eckhart, Jan & Michelle/Sweet Berry Farm- 915 Mitchell's Lane
Flat Waves, LLC/Flat Waves- 1130 Aquidneck Avenue
First Beach, LLC/Newport Beach Hotel & Suites – 1 Wave Avenue
Foy, Carmen/Sprout and Lentil, LLC- 796 Aquidneck Avenue Unit 3
Ghorayeb, Moufid B/International Pockets Cafe – 52 East Main Road
HPK, Inc./Tickets – 15 Aquidneck Avenue
Island Hotel Group, LLC/Residence Inn by Marriott – 325 West Main Road
Island Management, Inc./Flo's Clam Shack – 4 Aquidneck Avenue

J & W Ice Cream Inc/Clementine's Homemade Ice Cream- 62 Wave Avenue
JSC New England Operating, LLC/Burger King #1221- 569 West Main Road
K & E Corporation/Rhea's Family Restaurant – 120 West Main Road
Kasbac, LLC/McDonald's Restaurants – 1425 West Main Rd
Kasbac, LLC/McDonald's Restaurants – 300 East Main Rd
Kempenaar's Catering LLC/Kempenaar's Clambake Club – 323 Valley Road
Kimark, Inc./Frosty Freez – 496 East Main Road
KJM Enterprises, II/Carmella's Pizzeria, II – 330 West Main Road
LaPetite Gourmande/The Power of Juice- 1149 Aquidneck Avenue
June Lawton/ June Love English Cakes- 796 Aquidneck Avenue
Leite Donuts, Inc./Ma's Donuts & More – 78 West Main Road
Li, Zusheng/Ming Moon- Aquidneck Avenue
Lin Enterprises, LLC/Yumi Garden Buffet- 872 West Main Road
Longade, LLC/Del's Lemonade – 729 West Main Road
Mahmoud, Wissam/Pick Pockets Deli- 510 East Main Road
Main Hotel LLC/Homewood Suites- 348 West Main Road
Shawn Margolis/ Sig's Place- 1151 Aquidneck Avenue
John Messenger/Jay Vending Company- 305 Sachuest Point Road
Middletown Taco, Inc./Taco Bell – 641 West Main Road
Middletown Tenant,LLC/Portofino Bar & Grille at Royal Plaza- 425 East Main Road
Milk and Honey, LLC/Aquidneck Meat and Provisions. – 800 Aquidneck Avenue
Mission, LLC- 58 Aquidneck Avenue
Miz Wei Japanese Restaurant Corporation/
Mizu Wei Japanese Restaurant- 250 East Main Road
M.O.P.O., Inc./The French Confection- 72 East Main Road
MR Ventures, LLC- 499 East Main Road
Nardolillo, Michael Joseph/Provencal Bakery – 750 Aquidneck Avenue
New England Authentic Eats, LLC/D'Angelos – 401 West Main Road
Newport Beach House, Inc/Newport Beach House-3 Aquidneck Avenue
Newport Creamery, LLC – 208 West Main Road
Newport National Golf Club, Inc/Newport National Golf Club- 324 Mitchell's Lane
Newport Vineyards & Winery, LLC/ Newport Vineyard-909 East Main Road
No Nonsense Nutrition/Rhode Island Nutrition- 883 West Main Road

Peabody's Beach Enterprises/Peabody's Beach- Third Beach Road
Pepper Dining, Inc./Chili's Grill & Bar – 845 West Main Road
Pimtong, Inc./Siam Square Fine Thai Cuisine – 238 East Main Road
Port Pizza, LLC/Port Pizza- 659 West Main Road
Progasco, Inc/ Neon- East Main Road
The Pub at Two Mile Corner Inc/The Pub at Two Mile Corner- 10 Maple Avenue
Quinn, Barnaby/Le Bec Sucre- 696 Aquidneck Avenue
RI Fried Chicken, Inc./Crown Chicken, 390 West Main Road (NEW)
Rodrigues, Richard & Hooks, Gary/Chelsea's – 1015 Aquidneck Avenue
S.C.S.JR. Restaurant Corp., Inc./Scotty's Big Dawg's Sports Pub – 823 West
Main Road
Seaview Hotel, Inc./Johnny's at the Atlantic Resort- 240 Aquidneck Avenue
Shaw's Supermarket, Inc. #7442 – 71 East Main Road
S.H.I.J., Inc./New Sea Shai- 741 Aquidneck Avenue
SK Industries, Inc./Rusty's- 44 Wave Avenue
Speedway, LLC/Speedway #02822-864 West Main Road
Starbucks Corporation/ Starbuck's Coffee #7599– 85 East Main Road
Stop & Shop Supermarket Company, Inc. – 1360 West Main Road
Sugar Bake Shoppe, LLC/Sugar Bake Shoppe- 124 Aquidneck Avenue
Tecs Donuts, Inc./Dunkin' Donuts- 159 East Main Road
Teli, Inc./Yia's Yia's Café – 147 Aquidneck Avenue
Tito's Cantina, Inc./Tito's Cantina – 651 West Main Road
Wamm, Inc./Anthony's Seafood & Restaurant – 963 Aquidneck Avenue
Wendy's International/Wendy's – 62 Valley Road
Wicked Good Shakes, LLC/Slim Possible-717 Aquidneck Avenue
WM Hotel Group, LLC/Hampton Inn- 317 West Main Road
Myxuan Xa/Sunrise Restaurant – 823 West Main Road
3MT, LLC/Pizza Hollywood – 796 Aquidneck Avenue

#17

TOWN OF MIDDLETOWN, RHODE ISLAND
ORDINANCE
OF THE
TOWN OF MIDDLETOWN

AN ORDINANCE IN AMENDMENT TO THE TOWN CODE OF THE TOWN OF
MIDDLETOWN, TITLE VII, TRAFFIC CODE

BE IT ORDAINED BY THE TOWN OF MIDDLETOWN AS FOLLOWS:

- FIRST: MITCHELL'S LANE, THIRD BEACH ROAD AND WAPPING ROAD is hereby designated as a THREE WAY STOP INTERSECTION.
- SECOND: Traffic control signage traveling south on MICHELL'S LANE shall be installed.
- THIRD: Traffic control signage traveling north on THIRD BEACH ROAD shall be installed.
- FOURTH: Traffic control signage traveling west on WAPPING ROAD shall be installed.
- FIFTH: A STOP LINE shall be painted on the road at each Stop Sign, indicating the point at which a vehicle is to stop.
- SIXTH: The Public Works Director is hereby directed to install the proper signage.
- SEVENTH: This ordinance shall take effect upon its adoption and all ordinances or parts of ordnances inconsistent herewith are hereby repealed.

#19

**ORDINANCE OF THE
TOWN OF MIDDLETOWN**

**AN ORDINANCE AMENDING THE TOWN CODE
OF THE TOWN OF MIDDLETOWN**

AN ORDINANCE IN AMENDMENT TO TITLE VII TRAFFIC CODE, CHAPTER 72 OF THE TOWN CODE OF THE TOWN OF MIDDLETOWN ENTITLED "PARKING REGULATIONS"

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

(Additions are underlined; deletions are stricken)

72.12 THROUGH TRAFFIC.

(A) Commercial vehicles prohibited on certain streets.

(1)The operation of through commercial vehicles on Forest Avenue is prohibited.

(2) The operation of through commercial vehicles on Turner Road is prohibited.

(B) For purposes of this section, a **COMMERCIAL VEHICLE** is defined as a motor vehicle or combination of vehicles used to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds, or a towed unit with a gross vehicle rating of more than 10,000 or more pounds, or has a gross vehicle weight rating of 26,001 or more pounds; or

(2) Is designed to transport 16 or more passengers including the driver; or

(3) Is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F, as it may be revised from time to time.

(C) Nothing contained in this section shall affect the use of such streets or highways by:

(1) Any fire truck, town public works department truck, police vehicle, ambulance, school bus, bus serving the area or other motor truck using such streets or highways in any emergency or engaged in delivering goods, wares, merchandising or materials to or from any residence, building or lot within the town bordering on such streets or highways; or

(2) Any farm vehicle as defined in R.I. Gen. Laws § 31-1-8, which is registered with farm vehicle plates pursuant to R.I. Gen. Laws § 31-3-31.

(D) In all instances where motor vehicle traffic is restricted or prohibited under this section, the Town Administrator is directed to cause signs to be erected on such streets or highways giving notice of such, in accordance with the Manual on Uniform Traffic Control Devices.

(E) Any driver who operated a commercial vehicle in contravention of this section shall be subject to a fine not less than \$25 for a first violation, \$50 for a second violation, and not less than \$125, but no more than \$500 for each subsequent violation thereof.

SECOND: Chapter 72, Parking Regulations, All Sections and Subsections not indicated within this ordinance remain unchanged.

THIRD: This ordinance shall take effect upon its adoption and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

