

POSTED NOVEMBER 10, 2021
REGULAR MEETING NOVEMBER 15, 2021

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 **Monday, November 15, 2021, 6:00 P.M. – Executive Session; Immediately following Executive Session - Regular Meeting** at the **Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island**. 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, or a member of the public so 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, with the exception of the Public Forum Session, 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 five (5) minutes.

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)

EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a), (3) Security, (5) Land Acquisition, (2) Potential Litigation, (1) Collective Bargaining (NEARI, Teamsters and Council 94) and (1) Collective Bargaining (FOP) - review, discussion and/or potential action and/or vote in executive session and/or open session.

PRESENTATIONS

2. Memorandum of MPC Director, thru Town Administrator, re: Islanders Committed Capacity Building Efforts and Plans for the School Year.
3. Brian Schuster, Representing National Grid, re: Aquidneck Island Review – Long-Term Solution Update.
4. Memorandum of Town Administrator, re: Notice of Hearing EFSB Docket SB-2021-04.
5. Memorandum of Town Administrator, re: Investigative Report on 34-38 Warren Avenue Tax Assessment.

PUBLIC FORUM

6. Pursuant to Rule 25 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.

CONSENT

7. Approval of Minutes, re: Regular Meeting, October 18, 2021.
8. Proclamation of the Council, re: Middletown Stone Wall Recognition Day.
9. Petition of National Grid & Verizon New England, Inc., re: proposing to relocate Pole 4 and install a new Pole 5 Vanicek Avenue in order to eliminate an aerial trespass over AP 106 Lot 68. (Roads and Utilities Advisory Committee approval on file)
10. Petition of National Grid, re: Tuckerman Avenue – National Grid proposed to install solely owned pole 45-1 Tuckerman Avenue for the installation of a new service at house 515 Tuckerman Avenue. (Roads and Utilities Advisory Committee approval on file)

11. Petition of National Grid & Verizon New England, Inc., re: proposing to relocate Pole 2 Rosedale Ct, 12ft North of existing Pole for the resident in #5 to install a driveway. (Roads and Utilities Advisory Committee approval on file)
12. Applications received from the following named persons, firms, or corporations for RENEWAL of Victualling House Licenses, for the 2021-2022 licensing year:
 - Fire and Water Concessions SB, Inc. dba Salty's, Second Beach Concession
 - Jim's Pizza, LLC dba Piezonis, 876 West Main Road
 - No Nonsense Nutrition dba Rhode Island Nutrition, 883 West Main Road
 - Plant City X Newport, LLC dba Plan City X, 619 West Main Road
 - Port Pizza, LLC dba Port Pizza, 559 West Main Road

LICENSE

13. Application for a Special Event Permit from Embrace Home Loans for the Embrace Home Loans Christmas Party to be held on December 4, 2021, 25 Enterprise Center from 2:00 pm to 6:00 pm.

OTHER COMMUNICATIONS

14. Email communication Ed Burke, Shore Drive, re: Flooding on Shore Drive from run-off street water.
15. Memorandum of Robert M. Silva, Chairman, Middletown Economic Development Advisory Committee, re: Atlantic Beach District utilities- request for National Grid assistance.

PUBLIC HEARING

16. (Public Hearing Advertised)
Public Hearing Remains Open.
An Ordinance of the Town of Middletown (Second Reading)
An Ordinance in Amendment to the Town Code of the Town of Middletown, Title XV Land Use, Chapter 152 Zoning Code, is amending Article 27B – Outdoor Lighting.

ORDINANCES

17. An Ordinance of the Town of Middletown (Second Reading)
An Ordinance in Amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 98 Short-Term Residential Leases.
18. An Ordinance of the Town of Middletown (Second Reading)
An Ordinance in Amendment to the Town Code of the Town of Middletown, Title V Public Works, Chapter 50 Garbage and Refuse.

TOWN COUNCIL

19. Memorandum of Councillor Flynn, re: Long-Term Beach Restoration Plan.

TOWN ADMINISTRATOR

20. Memorandum of Finance Director, thru Town Administrator, re: Police Department Vehicle Replacement.
21. Resolution of the Council, re: Police Department Vehicle Replacement.
22. Communication of Tax Assessor, re: Cancellation of Taxes for certain Middletown residents.
23. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.
24. Communication of Tax Assessor and Finance Director, re: Cancellation of Taxes for certain Middletown residents.
25. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

BOARDS AND COMMITTEES

26. Appointment of one (1) member to the Aquidneck Island Planning Commission- one (1) vacancy, term expiring July 2024 and one (1) vacancy, to complete a term expiring July 2023.
27. Appointment of three (3) members to the Beach Commission, terms expiring November 2023.
28. Appointment of one (1) member to the Library Board of Trustees, term expiring September 2024.
29. Appointment of three (3) members to the Open Space and Fields Committee, terms expiring November 2024.
30. Appointment of one (1) member to the Zoning Board of Review, regular member, to complete a term expiring April 2026.

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 this meeting.

Posted on November 10, 2021, at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.

ORDINANCE OF THE
TOWN OF MIDDLETOWN, RHODE ISLAND

AN ORDINANCE AMENDING THE TOWN CODE OF THE
TOWN OF MIDDLETOWN

TITLE XV: LAND USAGE
Chapter 152, Zoning Code

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title XV, Chapter 152, Entitled “Zoning Code” is amended by adding Article 27B – Outdoor Lighting as follows (language to be deleted is ~~stricken~~ out within brackets; language to be added is underlined):

Article 27B – Outdoor Lighting

27B00 PURPOSE

Regulation of outdoor lighting is required to:

- A. Protect drivers and pedestrians from the glare of non-vehicular light sources.
- B. Protect neighbors, the environment, and the night sky from glare and light trespass.
- C. Promote energy efficiency.
- D. Protect the visual character of the town.

27B01 APPLICABILITY

- A. All outdoor lighting shall meet the requirements of this ordinance. This includes, but is not limited to, residential, commercial, industrial, and public lighting, ~~except that outdoor lighting for single-family and two-family residential uses is exempt from the provisions of this article.~~
- B. The Town may require or restrict lighting when public health, safety, and welfare are concerns.
- C. In the event of conflict between a provision of this subchapter and any other provision of this chapter, the provisions of this subchapter shall prevail.
- D. The following lighting uses are exempt from the requirements of this ordinance:
 - 1. Temporary decorative lighting is exempt from all but glare-control requirements.
 - 2. Lighting used under emergency conditions.
 - 3. Lighting used at Newport State Airport or required by federal, state, or local law.
 - 4. Lighting used at construction sites.
 - 5. Lighting associated with Town permitted events.
 - 6. Lighting solely for signs (see Sign Ordinance for sign lighting regulations).

27B02 CRITERIA

- A. Illumination Levels

1. Illumination levels shall be appropriate to the application. Illumination levels shall not be greater than is reasonably necessary for its purpose.
- B. Fixture Design
 1. Fixtures shall be of a type and design appropriate to the lighting application.
 2. For the lighting of predominantly horizontal surfaces, such as roadways, sidewalks, parking lots, and building entrances, fixtures shall be fully-shielded and aimed straight down.
 3. For the lighting of predominantly non-horizontal surfaces where downward, fully-shielded fixtures are impractical (e.g. facades, landscaping, monuments), fixtures shall be located, aimed, and shielded to avoid lighting nuisances and hazards and limit impacts on the night sky.
 4. Fixtures with the International Dark-Sky Association's (IDA) seal of approval are preferred and strongly encouraged.
- C. Lamp correlated color temperature (CCT)
 1. Light sources shall have a "warm" CCT at or below 3000K. Higher CCTs include more blue light which has a negative impact on glare, human health, and the night sky.
- D. Lighting Control
 1. All lighting shall be located, aimed, designed, shielded, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely travel and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
 2. The illumination projected from any use onto a residential use shall not exceed 0.1 footcandle, measured line-of-sight and from any point on the receiving residential property.
 3. The illumination projected from any property onto a non-residential use shall not exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.
 4. Vegetation screens shall not serve as the primary means for controlling glare. Glare control shall be achieved primarily using such means as fixture location, aiming, design, shielding, and illumination level.
 5. Lighting Control for single family and two-family residential property owners
 - a. Directional fixtures such as floodlights, wall packs, and spotlights shall be permitted for use by individual property owners, but shall conform to the following requirements: (1) They shall be directed, shielded, and installed so they do not project onto neighboring properties or public rights-of-way, create unacceptable glare from an adjacent residential property, or have a significant impact on the night sky. (2) They shall be aimed no more than 45 degrees from straight down. (3) The maximum allowed lumens per fixture shall be 1800 lumens (i.e. one 120-watt incandescent bulb or two 60-watt incandescent bulbs), though lesser brightness is preferred.
- 6.5. Lighting Control for common space in multi-family residential and mixed-use developments that include residential use
 - a. While outdoor lighting might not be required to be installed in multi-family and mixed-use residential developments (i.e. apartment and

condominium complexes), should a developer or property owner choose to include lighting it shall comply with this ordinance.

- b. Directional fixtures such as floodlights, wall packs, and spotlights shall require approval from the Planning Board when going through the land development plan process or the building official when a new fixture is to be added to an existing use. Such fixtures shall conform to the following requirements: (1) They shall be directed, shielded, and installed so they do not project onto neighboring properties or public rights-of-way, create unacceptable glare from an adjacent residential unit or property, or have a significant impact on the night sky. (2) They shall be aimed no more than 45 degrees from straight down.
- c. For multi-family residential developments outdoor lighting shall be extinguished nightly by 11 p.m. Exceptions include lighting of pedestrian pathways and sidewalks that grant access to dwellings and parking areas.
- d. For mixed-use developments outdoor lighting shall be extinguished nightly by 11 p.m. or within one-half hour of the close of commercial uses on the property, whichever is later. Exceptions include lighting of pedestrian pathways and sidewalks that grant access to dwellings, and parking areas used by residents of the development.

7-6. Non-Residential lighting control

- a. Directional fixtures such as floodlights, wall packs, and spotlights shall require approval from the Planning Board when going through Development Plan Review process, or the Building Official when a new fixture is to be added to an existing use. Such fixtures shall conform to the following requirements: (1) They shall be directed, shielded, and installed so they do not project onto neighboring properties or public rights-of-way, create unacceptable glare from an adjacent residential property, or have a significant impact on the night sky. (2) They shall be aimed no more than 45 degrees from straight down.
- b. With the exception of security lighting, all outdoor lighting for commercial, office, industrial, and institutional uses, including lighting for parking areas and vehicular and pedestrian ways shall be extinguished nightly within one-half hour of the close of the facility. When after-hours site security lighting is required, the use of motion-sensor controlled lighting is encouraged.
- c. Canopy lighting used at gas stations, drive throughs, hotel marquees, etc. shall be accomplished using flat-lens, fully-shielded fixtures aimed straight down.

8-7. Streetlight Control

- a. This ordinance shall apply to streetlights.
- b. Ornamental streetlights, as may be installed in a village center or residential neighborhood, shall have a minimal impact on the night

sky due to uplight. Fixtures with the International Dark-Sky Association's (IDA) seal of approval are preferred.

- c. Streetlight illumination level shall be appropriate for its context, with streetlights in residential neighborhoods being dimmer than streetlights on highly trafficked streets or in commercial areas.
- d. In appropriate locations and circumstances, the town may extinguish or dim streetlights after 11 p.m.

E. Installation & Maintenance

- 1. Electrical feeds for fixtures mounted on poles for the illumination of parking areas shall be run underground, not overhead.
- 2. Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, shall be placed a minimum of five feet outside paved area, curbing, or tire stops, or on concrete pedestals at least thirty inches above the pavement, or suitably protected by other approved means.
- 3. Fixtures shall not be mounted more than twenty feet above finished grade of the surface being illuminated, except that fixtures that are not fully shielded, if approved, shall not be mounted more than sixteen feet above finished grade.
- 4. Fixtures and ancillary equipment shall be maintained to always meet the requirements of this ordinance.

27B03 ADMINISTRATION

~~A. Single family and two family residential property owners shall be exempt from this subchapter and may install outdoor lighting without prior approval from the town. Such lighting shall be in conformance with the Criteria section of this subchapter.~~

B-A. Wherever outdoor lighting is proposed, lighting plans shall be required and approved during the subdivision, land development plan, development plan review, or building/electrical permit application process. Submission requirements shall include:

- 1. A site plan with structures, parking areas, building entrances, roads and sidewalks, and abutting uses. The plan shall include the location of all proposed lighting fixtures and existing lighting fixtures proposed to remain. The following information should be provided about each fixture: location, mounting height, orientation, aiming direction, fixture type, lamp type, photometry, correlated color temperature (if LED), fixture catalog cuts, glare reduction devices, on/off control devices, pole foundation details (if applicable), and mounting methods.
- 2. For projects where a landscaping plan is required to be submitted, that plan shall contain lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- 3. Calculations demonstrating that the proposed lighting plan will not exceed the allowable number of footcandles at any point along the lot lines.

C-B. When requested by the Planning Board or Building Official, the applicant shall submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate lighting impacts.

D-C. The following plan notes shall appear on the lighting plan

- 1. "Post-approval alterations, including equipment substitutions, to approved lighting plans shall be submitted to and approved by the Town prior to installation."

2. "The Town reserves the right to conduct post-installation inspections to verify compliance with requirements and approved Lighting Plan commitments, and, if necessary, to require remedial action at no expense to the Town."

27B04 COMPLIANCE MONITORING

A. Safety Hazards

1. If the Town judges a lighting installation creates a safety hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action without undue delay.
2. If appropriate corrective action has not been taken within thirty days of notification, the Town may initiate appropriate legal action.

B. Nuisance Glare and Inadequate Illumination Levels

- a. When the Town judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Town may notify the person(s) responsible for the lighting and require appropriate remedial action.
- b. If appropriate corrective action has not been taken within thirty days of notification, and the Town determines the infraction so warrants, the Town may initiate appropriate legal action.

27B05 NONCONFORMING LIGHTING

- A. Any fixture or lighting installation existing on the effective date of this subchapter that does not conform with the requirements of this subchapter, shall be considered as a lawful nonconformance.
1. A nonconforming fixture or lighting installation shall be made to conform with the requirements of this subchapter when:
 - a. Minor corrective action, such as re-aiming or shielding the light source can achieve conformity
 - b. It is deemed by the Town to create a safety hazard
 - c. It is replaced by another fixture or is relocated
 - d. There is a change in use of the property

27B06 DEFINITIONS

- A. Fixture. The complete lighting unit, consisting of the lamp(s), and parts designed to distribute the light (reflector, lens, diffuser), position and protect the lamp(s), and connect the lamp(s) to the power supply. Also called a Luminaire.
- B. Footcandle. The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one-foot square from a distance of one foot.
- C. Fully-shielded fixture. A fixture constructed and installed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixtures lowest light-emitting part.
- D. Glare. Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility
- E. Lamp. A generic term for a source of light, often called a "bulb" or "tube".
- F. Light trespass. Light that falls beyond the property it is intended to illuminate.

- G. Lumen. The unit of measure used to quantify the amount of light produced by a lamp or emitted from a fixture. This is different from a watt which is a measure of power consumption; a 12-watt LED bulb and a 60-watt incandescent bulb each produce about 900 lumens.
- H. Photometry. The measurement of light in terms of its perceived brightness to the human eye.

SECOND: This ordinance shall take effect upon adoption and its provisions shall supersede any inconsistent or contrary provision in any other ordinance.

DRAFT

Item #17

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

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

**TITLE IX: GENERAL REGULATIONS
Chapter 98 SHORT-TERM RENTAL LEASES**

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title IX, Chapter 98, entitled “Short-Term Residential Leases” is amended as follows (language to be deleted is stricken; language to be added is underlined and presented in red ink):

CHAPTER 98: SHORT-TERM ~~RESIDENTIAL~~RENTAL LEASES

Section

- 98.01 Legislative findings and intent
- 98.02 Definitions
- 98.03 Applicability
- 98.04 Registration and inspection required
- 98.05 Registration form
- 98.06 Registration term
- 98.07 Filing requirement
- 98.08 Fee
- 98.09 Occupancy limits and parking requirements
- 98.10 Owner's obligations
- 98.11 Tenant's obligations
- 98.12 Local representative

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- 98.99 Enforcement; penalty for violations

§ 98.01 LEGISLATIVE FINDINGS AND INTENT.

The Town Council of the Town of Middletown, Rhode Island, finds:

(A) The Constitution of the State of Rhode Island, Article XIII, Section 2, grants to the Town of Middletown the power to “enact and amend local laws relating to its property, affairs and government” as long as such local laws are consistent with the Constitution and laws enacted by the General Assembly. This delegation of power includes the police power

to enact reasonable legislation to regulate and supervise rental dwellings in order to protect the public health, safety and welfare;

(B) Short-term ~~residential~~ rentals in Middletown have been the source of noise, congestion, pollution, and rowdy and disorderly behavior involving tenants and other persons on and near the premises, particularly between the hours of 10:00 p.m. and 6:00 a.m. Activities on and near the premises of short-term ~~residential~~ rentals have also been associated with a disproportionate number of violations of Town ordinances, including the Noise Abatement Chapter, §§ 130.75 through 130.91, the Zoning Code, Chapter 152, and the Parking Regulations, Chapter 72, as well as violations of various Rhode Island statutes.

(C) These conditions have disturbed the peace of the neighborhoods in which they have occurred; they have violated the repose, comfort and quiet enjoyment of persons in their homes; they have produced unreasonable disturbances of the peace, and they are inconsistent with the public health and safety and the general welfare of the people.

(D) The intent of this chapter is to eliminate, so far as is reasonably possible, the adverse conditions described above in order to protect residents of the Town, while preserving the right of ~~residential~~~~rental~~ property owners to rent their property, for either short or long term, without undue restrictions.

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17)

§ 98.02 DEFINITIONS.

(A) Words and phrases used in this chapter shall have the following meanings, unless otherwise clearly indicated by the context:

BEDROOM. The definition for bedroom is "sleeping room" as set forth in the current version of the Rhode Island Building Code SBC-1. Only a room meeting the definition of "sleeping room" in said code and complying with all provisions therein related to square footage, private accessibility, window specifications, and ventilation shall be considered a BEDROOM for the purposes of this chapter.

~~DWELLING UNIT~~~~DWELLING UNIT~~. A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

LOCAL REPRESENTATIVE. A person designated on a registration form filed under this chapter as the person authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises. A local representative may, but need not, also serve as property manager.

REGISTRAR. The Middletown ~~Building Official/Zoning Enforcement Officer~~~~Town Clerk~~
~~RENTER and/or TENANT. Any and all individuals occupying a Dwelling Unit under the terms of a Short-Term Rental Lease, including any and all guests of tenants.~~

SHORT-TERM ~~RESIDENTIAL-RENTAL~~ LEASE. A lease or other contractual arrangement for the occupation of a ~~dwelling unit~~~~Dwelling Unit~~ for a term of ~~six months~~~~thirty one days~~ or less; provided, however, that this term does not include an extension, including a month-to-month extension, granted without an intervening period of non- occupancy to tenants currently occupying the premises under a written lease for a term of more than ~~six months~~~~thirty one days~~.

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(B) Unless otherwise defined in this section, words and phrases shall have the meaning stated in Article 4 of the Zoning Code if defined therein.

(C) All words and phrases in this chapter, whether or not defined in this section or the Zoning Code, shall be interpreted so as to carry out the Council's intent as stated in § 98.01. (Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17)

§ 98.03 APPLICABILITY.

The provisions of this chapter shall apply to all ~~residential rental~~ property except (1) hotels and motels, ~~(2) boarding and rooming houses,~~ and ~~(23)~~ group homes, community residences, family day care homes, and congregate housing. (Ord. passed 11-16-99; Am. Ord. 2019-7, passed 6-3-19)

§ 98.04 REGISTRATION AND INSPECTION REQUIRED.

(A) All ~~dwelling unit~~ Dwelling Units which are let, leased, rented or otherwise occupied, in whole or in part, by a tenant for ~~residential rental~~ and/or dwelling purposes for a period of ~~six months~~ thirty one days or less under a short-term ~~residential rental~~ lease shall be registered by the record property owner with the ~~R~~egistrar before any tenant occupies the premises.

(B) ~~At the time of each annual registration, Each the Dwelling Unit shall have an annual registration. The Dwelling Unit shall be subject to annual inspection. be subject to inspection~~ by the Building Official or his designee. The purpose of the inspection is to determine the occupancy limit of the unit pursuant to § 98.09 of this chapter.

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17; Am. Ord. 2019-7, passed 6-3-19)

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98.05 REGISTRATION FORM.

The rental registration form shall indicate the tax assessor's plat and lot number, address of the rental ~~dwelling unit~~ Dwelling Unit, the number of rental ~~Dd~~ Dwelling Units therein, the name and permanent mailing address of the record owner and of his or her local representative, if any, and the usual period of occupancy by tenants (~~summer,~~ monthly, weekly or other).

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17)

§ 98.06 REGISTRATION TERM.

A short-term ~~residential rental~~ registration shall be valid from ~~December 1~~ May 1 to the following ~~April 30~~ December 1, except that an initial registration filed after ~~May~~ December 1 shall be valid from the date of registration until the following ~~April 30~~ December 1.

(Ord. passed 11-16-99)

§ 98.07 FILING REQUIREMENT.

On or before ~~May~~ December 1 of each year, the record owner of a ~~dwelling unit~~ Dwelling Unit subject to this chapter shall file a rental registration form with the registrar and pay the registration fee.

(Ord. passed 11-16-99)

§ 98.08 FEE.

The fee for registering ~~dwelling units~~ under this chapter shall ~~be~~ be \$55.00 for each bedroom in the unit with a minimum fee of \$55.00; the fee for premises on which the owner maintains his or her principal residence shall be \$55.00 per dwelling unit, regardless of the number of bedrooms.

(Ord. passed 11-16-99; Am. Ord. 2019-7, passed 6-3-19)

§ 98.09 OCCUPANCY LIMITS AND PARKING REQUIREMENTS.

(A) The maximum occupancy for the ~~dwelling unit~~ Dwelling Unit shall be two persons per bedroom. The maximum occupancy may be further limited by the requirements of division (B) below. For the purpose of establishing occupancy, a person is defined as an individual at least 12 years of age; provided however, that in no event shall the occupancy of a dwelling exceed the occupancy load as defined in the current version of the Rhode Island Building Code SBC-1, which requires a floor area of 200 gross square feet per occupant; fractions shall be rounded down to the next lower whole number; and provided further, that in no event shall the occupancy of a dwelling exceed the design load of the property's septic system, if applicable.

~~(B) One off-street parking space shall be provided on the same lot on which the short term rental is located for each two persons of dwelling occupancy, as determined by division (A) above. Where the number of parking spaces required by this section cannot be provided on-site, the permitted occupancy of the dwelling shall be reduced to conform to the available amount of off-street parking. All parking spaces required hereunder shall not be located on any lawn area. On-street parking by residents of short term rentals is prohibited.~~

One off-street parking space shall be provided on the same lot on which the short term rental is located for each two persons of dwelling occupancy, as determined by division (A) above. All parking spaces required hereunder shall not be located on any lawn area. On-street parking by residents of short term rentals is prohibited. Each bedroom in every Dwelling Unit must have a minimum parking area of nine (9) feet by eighteen (18) feet.

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-~~17~~; Am. Ord. 2019-7, passed 6-3-19)
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§ 98.10 OWNER'S OBLIGATIONS.

(A) Required lease terms. All short-term ~~residential rental~~ leases shall have as an attachment a copy of the applicable Short Term Rental Permit for the premises, and contain the following provisions, either as worded below or in substantially similar language:

The following provisions are required by law to be a part of this lease. In these provisions, "you" and "your" mean each tenant under this lease.

(1) The legal occupancy of this ~~dwelling unit~~ Dwelling Unit is limited by town ordinance and may not exceed the number of persons aged at least 12 years of age set forth on the Short Term Rental Permit attached hereto. Exceeding said occupancy limit is a violation of this chapter and is subject to a fine of up \$1,000 per day.

(2) If you sublet any portion of the premises, you become subject to the requirements of the Short-Term ~~Residential~~Rental Leases ordinance, including the requirement to register the subleasing at the Town Hall. Allowing a person who is not a tenant to stay one or more nights on the premises in exchange for money or anything else of value constitutes a sublease.

~~—(3) As the tenant under a short term residential lease, you may be held legally responsible for any violations of law committed by you or by your guests while at the premises, including violations of the ordinances pertaining to noise, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits. In addition, if you are charged with a violation pertaining to legal occupancy, excessive noise, or other disturbance of the peace, you may be subject to immediate eviction under R.I. Gen. Laws § 34-18-36(f).~~

~~—(4) You are required to furnish the landlord with accurate and up to date information about all motor vehicles registered to or used by tenants, including the model, year, color, and vehicle registration of each vehicle. This information will be made available to enforcement authorities if you are reasonably suspected of violating any of these required terms in the lease.~~

(B) In addition to the foregoing mandatory provisions, the record owner may include in the lease a provision restricting or prohibiting any subleasing of the premises.

(C) Posting ordinances. The record owner shall post, in plain view and in a conspicuous place within the rental ~~dwelling unit~~Dwelling Unit, a notice containing:

(1) The full text of ordinances pertaining to noise, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits, and any other ordinance which the Council may deem appropriate from time to time. Printed form notices shall be available at the office of the registrar;

(2) The maximum number of occupants permitted to stay in the dwelling, and notice that failure to conform to the occupancy limit is a violation of this Code and is subject to a fine of up \$1,000 per day;

(3) The name and telephone number where the record owner can be reached;

(4) Where applicable, the name of the record owner's local representative and a telephone number where the local representative may be reached;

(5) The number and location of onsite parking spaces; and

(6) The telephone number and website address for the Middletown Police Department.

(7) Trash pickup requirements, including the location of trash cans.

(D) Posting lease and registration form. The record owner of a ~~dwelling unit~~Dwelling Unit or any person in control or possession of said ~~dwelling unit~~Dwelling Unit subject to the provisions of this chapter, shall cause a copy of the active lease, with the printed names of all tenants and the registration form required by this chapter to be posted or fixed to the inside of the primary access door to said ~~dwelling unit~~Dwelling Unit, so as to allow the lease and registration form to be readily available for inspection by police, zoning or building officials of the Town of Middletown.

~~(E) Vehicle and tenant information. Record owners who rent a dwelling unit under a short term residential lease shall:~~

~~—(1)—~~

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~~At the beginning of the lease term obtain from each tenant accurate and up-to-date information, including the names, home addresses and phone numbers of the tenants, the date of the rental period and the model, year, color and vehicle registration of all motor vehicles registered to or used by such tenants;~~

~~—(2) Maintain this information throughout the term of the lease and for 90 days thereafter; and~~

~~—(3) Make this information available to Town Officials who are lawfully investigating or prosecuting any offense reasonably believed to involve one or more of the tenants. Failure of the record owner to maintain or provide this required information shall constitute a violation of this chapter.~~

~~(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17; Am. Ord. 2019-7, passed 6-3-19)~~

§ 98.11 TENANT'S OBLIGATIONS.

In addition to obeying the law generally, ~~including the ordinances pertaining to noise, keeping dogs on a leash, parking, and trash maintenance and disposal,~~ tenants under short-term ~~residential~~ rental leases are specifically required to adhere to the following requirements imposed by this chapter:

(A) The occupancy limits and parking requirements imposed by § 98.09.

~~—(B) The duty to furnish accurate and up-to-date vehicle information to the record owner at the beginning of the lease term, and to notify the record owner of any changes to this information occurring during the lease term, as required by § 98.10(C).~~

~~(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17; Am. Ord. 2019-7, passed 6-3-19)~~

(C) As the renter under a short-term rental lease, you may be held legally responsible for any violations of law committed by you or by your guests while at the premises, including violations of the ordinances pertaining to noise, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits. In addition, if you are charged with a violation pertaining to legal occupancy, excessive noise, or other disturbance of the peace, you may be subject to immediate eviction.

(Ord. passed 11-16-99; Am. Ord. 2017-3, passed 1-17-17; Am. Ord. 2019-7, passed 6-3-19)

§ 98.12 LOCAL REPRESENTATIVE.

(A) The record owner shall designate on the Registration Form an individual who permanently resides in Newport County, or a property manager with a physically staffed office within ten vehicular miles of Newport County, as the record owner's local representative, who shall be authorized to receive any process, notice or demand required or permitted to be served upon the owner of the premises. The record owner may be designated as the local representative, if he or she resides in Newport County.

(B) The local representatives must be authorized by the record owner to respond to tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the use of the dwelling for short term rentals. The local representative shall respond to those complaints ~~in~~ awithin two (2) hours timely manner to ensure that the use of the dwelling complies with the requirements of this chapter, as well as all other applicable town ordinances pertaining

to parking, noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol and/or the use of illegal drugs.

(D) The failure of the local representative to respond to Middletown Police Department inquiries in a timely manner more than twice during the term of the annual permit, shall be considered a violation of this chapter.

(E) The record owner may change the designation of the local representative from time to time by filing an amended permit application including the name, address and telephone number the new local representative. Failure to notify the town of any change in the local representative shall constitute a violation of this chapter.

(Ord. 2017-3, passed 1-17-17)

§ 98.99 ENFORCEMENT; PENALTY FOR VIOLATIONS.

(A) Violations of this chapter shall be enforceable through issuance of citations by either the Police Department or the Zoning Officer. Violations shall be dealt with at the next municipal court session following the violation. Pre-trial pleas may be accepted and action taken at the initial hearing unless the person cited seeks a trial before the judge.

(B) Any violation of the provisions of this chapter shall be subject to a fine of not more than \$1,000 per day for each day the violation continues.

(Ord. passed 11-16-99; Am. Ord. 2019-7, passed 6-3-19)

Item #18

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

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

**TITLE V: PUBLIC WORKS
Chapter 50, Garbage and Refuse**

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title V, Chapter 50, entitled "Garbage and Refuse" , Section 50.07 Enforcement is amended, as follows (language to be deleted is stricken out within brackets; language to be added is underlined and presented in red ink):

§ 50.07 ENFORCEMENT.

~~It shall be the duty of the Chief of Police or to enforce the provisions of this chapter.~~ This chapter shall be enforced by the Police Department, or any other Town Department designated by the Town Administrator.

SECOND: Chapter 50, Garbage and Refuse, All Sections and Subsections not indicated within his ordinance remain unchanged.

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