

The Codified Ordinances of the City of Newport, Rhode Island

Chapter 8.16. NUISANCES

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8.16.010. Undesirable accumulations and vegetation.

No person shall allow or permit debris, mounds of dirt, soil, gravel or rock, rubbish, trash, junked automobiles, tin cans, broken glass, bottles, papers, filth and stagnant water to accumulate, or a dense growth of trees, vines, weeds, hedges, grass or underbrush to develop, on any lot, tract or parcel of land in the city to such an extent that it constitutes a menace to life, property or the public health, safety or welfare, or creates a fire hazard. Such accumulations and growth are declared to be public nuisances. (Prior code § 678.02)

8.16.015. New construction--Dirt piles and dust control.

No person shall allow or permit dirt piles to exist after thirty (30) days of foundation construction for new construction projects. No person shall cause or permit any materials, including but not limited to sand, gravel, soil, aggregate and any other organic or inorganic matter capable of releasing dust, to be handled, transported, mined, quarried, stored or otherwise utilized in any way so as to cause airborne particulate matter to travel beyond the property line of the emission source without taking adequate precautions to prevent particulate matter from becoming airborne. Such precautions shall be in accordance with good industrial practice. Violations of this section constitute a nuisance and will be enforced in accordance with the abatement procedures stated in this chapter. (Ord. 2002-49 § 1, 2002)

8.16.020. Notice to abate nuisances.

If the director of the department of planning, zoning and development, or his or her designee, finds that debris, mounds of dirt, soil, gravel or rock, rubbish, trash, junked vehicles, tin cans, broken glass, bottles, papers, filth, and stagnant water have accumulated or been permitted to accumulate, or a dense growth of trees, vines, weeds, hedges, grass or underbrush has developed on any lot, tract, or parcel of land within the city to such an extent that it constitutes a menace to life, property, or the public health, safety or welfare, or creates a fire hazard, the director or designee shall issue a summons to Newport municipal court to the record owner, or his or her agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant if a copy thereof is served upon him or her personally, or if a copy thereof is sent by certified mail to his or her last known address, or if service of such notice is made by any other method authorized or required under the laws of the state of Rhode Island. (Ord. 8-91 § 1 (part), 1991: prior code § 678.03)

8.16.030. Abatement by city--Collection of costs.

If the owner of record, agent, or occupant of a property for which a nuisance summons has been issued by the city under Section 8.16.020 fails to accept legal notice or if the conditions of the property described constitute a menace to life, property, or public health, safety or welfare, such that immediate remediation of the existing conditions is necessary, the city shall cause the conditions to be remedied at the expense of the property owner. All expenses incurred in remedying the conditions shall be paid by the owner, agent, occupant, or person who caused or permitted the conditions to exist. If such expenses are not paid within a reasonable time, then the same may be recovered in an action of the case brought in the name of the city. (Ord. 8-91 § 1 (part), 1991: prior code § 678.05)

8.16.040. Referral of unpaid costs to city solicitor.

In the event remediation expenses incurred by the city as described in Section 8.16.030 are not paid within a reasonable time, after notice to the owner of the property involved of the amounts due, this matter shall be referred to the city solicitor's office for collection. The city solicitor may bring suit to collect the amounts owed to the city. Any expenses not recovered by the city shall become a lien on the subject property and recorded in the land evidence records. (Ord. 8-91 § 1 (part), 1991: prior code § 678.06)

8.16.050. Designation of city as mosquito abatement district.

The entire area within the geographical limits of the city is designated a mosquito abatement district. (Prior code § 678.16)

8.16.060. Nuisance abatement--Procedure.

A. Whenever a nuisance and/or a violation of Chapter 8.12 is alleged to exist, the city solicitor or any person may bring an action in the name of the city upon sworn complaint

on a form provided by the clerk of the municipal court. The complaint shall be duly sworn by the complaining party, unless brought by the city solicitor, and shall set forth the names of the parties, the object of the action, a description of the place complained of, and detailed statement of facts constituting the alleged nuisance.

B. The clerk of the court shall endorse upon the complaint the date and time of filing and shall forthwith deliver the original complaint together with a copy thereof to the police department. The defendant shall be summonsed to appear in municipal court, not less than fourteen (14) days nor more than twenty-one (21) days, from the date of the filing of the complaint.

C. A copy of the complaint shall be served upon the defendant within seven days. The return of service shall include the date, time, place and manner of service. The original complaint, together with the return of service endorsed thereon, shall be returned to the clerk of the court on the next business day following service.

D. In the event service is unable to be made upon the named defendant within seven days of the receipt of the complaint, a notation to that effect shall be made upon the complaint which shall include details of all attempts to make personal service and shall return the complaint to the clerk of the court forthwith. The clerk of the court shall then serve the complaint upon the defendant by certified U.S. mail, return receipt requested, at the defendant's last known address.

E. No action filed under this section shall be dismissed without the consent of the city solicitor and, if the city solicitor is of the opinion that the action ought not to be dismissed, he may be substituted for the original complaining party. If an action is brought by a person other than the city solicitor and the court finds that there is no reasonable grounds thereto, costs shall be awarded against the complaining party. (Ord. 37-94 § 1 (part), 1994)

8.16.070. Filing fee.

The filing fee for any sworn complaint shall be fifteen dollars (\$15.00). (Ord. 37-94 § 1 (part), 1994)