

**SMITHFIELD TOWN COUNCIL**  
**JANUARY 4<sup>TH</sup> REVISED AGENDA ITEMS FOR JANUARY 12<sup>TH</sup> TOWN**  
**COUNCIL MEETING**

1. REVISED PUBLIC HEARINGS:

- A. Old Agenda Item VIII.A. “Conduct a public hearing to consider and act upon passage of a resolution approving the Smithfield Onsite Wastewater Management Plan per RIDEM rules and regulations.”

New Agenda Item VIII.A. **“Schedule a public hearing on February 1, 2022 to consider and act upon passage of a resolution approving the Smithfield Onsite Wastewater Management Plan per RIDEM rules & regulations.”**  
**UPDATED MEMORANDUM IS ATTACHED.**

- B. Old Agenda Item VIII.B. “Conduct a public hearing to consider and act upon adoption of Chapter 156 of the Code of Ordinances entitled “Outdoor Lighting”.

New Agenda Item VIII.B. **“Schedule a public hearing on February 1, 2022 to consider and act upon adoption of Chapter 156 of the Code of Ordinances entitled “Outdoor Lighting”. UPDATED MEMORANDUM AND REVISED ORDINANCE ARE ATTACHED.**

2. NEW BUSINESS - ADDITION OF AGENDA ITEM XI.I.

**“Consider, discuss, and act upon the adoption of Emergency Ordinance 2022-1 pursuant to Section 2.14 of the Smithfield Town Charter declaring the existence of an emergency posed by the novel Coronavirus known as COVID-19.”**  
**RECOMMENDED MOTION AND ORDINANCE IS ATTACHED.**



**SMITHFIELD TOWN COUNCIL VIRTUAL  
MEETING  
WEDNESDAY, JANUARY 12, 2022  
7:00 P.M.**

**Please join the meeting from your computer, tablet or smartphone.  
<https://www.gotomeet.me/RandyRossi/smithfield-town-council>**

**You can also dial in using your phone.\*  
United States (Toll Free): [1 877 568 4106](tel:18775684106)  
United States: [+1 \(646\) 749-3129](tel:+16467493129)**

**Access Code: 342-830-965**

**For technical support dial: 401-233-1010**

**AGENDA**

- I. Regular meeting convened at 7:00 p.m.
- II. Prayer.
- III. Salute to the Flag.
- IV. Presentations:
  - A. Home for the Holidays House Decorating Contest Winners.
- V. Minutes:
  - A. Move that the minutes of the December 7, 2021 Town Council executive session held pursuant to Rhode Island General Laws Section 42-46-5(a)(1), Personnel, to interview Jake Gremza, Norman Martineau, and Raymond DiSanto for possible appointments to a Town board or commission be approved as recorded and sealed.
  - B. Move that the minutes of the December 7, 2021 Town Council open session meeting be approved as recorded.
  - C. Move that the minutes of the December 7, 2021 Town Council executive session held pursuant to Rhode Island General Laws Section 42-46-5(a)(5) Real Estate; to consider, discuss and act upon the potential disposition, sale or lease of surplus Town Property and Section 42-46-5(a)(1); Personnel: Town Manager Annual Review be approved as recorded and sealed.
- VI. Consider, discuss and act upon the following possible appointments and reappointments:
  - A. Affordable Housing Advisory Board appointment with a term expiring in April of 2023.

- B. Conservation Commission appointment with a term expiring in July of 2024.
- C. Economic Development Commission appointments (2) with terms expiring in September of 2022.

VII. Public Hearings:

- A. Schedule a public hearing on February 1, 2022 to consider and act upon passage of a resolution approving the Smithfield Onsite Wastewater Management Plan per RIDEM rules & regulations.
- B. Schedule a public hearing on February 1, 2022 to consider and act upon adoption of Chapter 156 of the Code of Ordinances entitled “Outdoor Lighting”.
- C. Conduct a public hearing to consider, discuss and act upon approving the renewal of the Intoxicating Beverage Licenses, as listed, as applied, subject to compliance with all State regulations, local ordinances and a Certificate of Good Standing from the RI Division of Taxation.

**INTOXICATING BEVERAGE LICENSE RENEWALS 2021-2022**

**CLASS B-VICTUALLER BEVERAGE LICENSE**

- 1. Chipotle Mexican Grill of Colorado, LLC d/b/a “Chipotle Mexican Grill”, 473 Putnam Pike (approved for outdoor bar service)
- 2. JNN, Inc. d/b/a “Rocco’s Pub & Grub”, 55 Douglas Pike, Unit 101 (approved for outdoor bar service)
- 3. Rogue Squadron Group, LLC d/b/a “Tavolo Wine Bar & Tuscan Grille”, 970 Douglas Pike, Bldg. C (approved for outdoor bar service)
- 4. The Orchard Grill, Inc. d/b/a “The Orchard Grille”, 132 Pleasant View Avenue
- 5. Thirsty Beaver Smithfield, LLC d/b/a “Thirsty Beaver Pub & Grub”, 45 Cedar Swamp Road (approved for outdoor bar service)
- 6. Uno Restaurants, LLC d/b/a “Uno’s Pizzeria & Grill”, 371 Putnam Pike, Suite 200

**CLASS D BEVERAGE LICENSE**

- 1. Smithfield Elks #2359, 326 Farnum Pike
- D. Consider scheduling a Show Cause Hearing on Tuesday, January 18, 2022, to consider, discuss and act upon the possible suspension, revocation, or other sanction regarding the listed Liquor Licenses due to non-renewal or non-compliance with the conditions of renewal:
  - 1. ALG 33 Enterprises, Inc. d/b/a “Piezoni’s”, 259 Putnam Pike (Failure to produce necessary paperwork required for renewal)
  - 2. DLA, LLC d/b/a “Parma Ristorante”, 266 Putnam Pike, Unit 1 (Failure to produce a Certificate of Good Standing and copy of TIP Cards)

3. Ichiraku, LLC d/b/a “Ichiraku Ramen and Fusion”, 970 Douglas Pike (Failure to obtain a Certificate of Good Standing and outstanding tangible taxes)
4. Lola’s Lounge, LLC d/b/a “Lola’s Lounge”, 55 Douglas Pike (Failure to pay outstanding tangible taxes and failure to have a fire inspection done)
5. Rebel Alliance Group, LLC d/b/a “Bistecca Chop House”, 332 Farnum Pike (Failure to obtain a Certificate of Good Standing and outstanding tangible taxes)

VIII. Licenses:

- A. Consider, discuss and act upon approving a one (1) One-Day Beer/Wine License for the Smithfield Senior Center as follows:

- New Year’s Party to be held on Thursday, January 13, 2022

The party will take place at the Smithfield Senior Center, 1 William J. Hawkins, Jr., Trail from 12:00 p.m. to 3:00 p.m., as applied, subject to State regulations and local ordinances.

- B. Consider, discuss and act upon approving the renewal of two (2) Victualling Only Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances:

1. B & B Hospitality, Inc. d/b/a “Sure Stay Plus by Best Western”, 355 George Washington Highway
2. CALM Enterprises, Inc. d/b/a “Del’s Of Smithfield”, 115 Pleasant View Avenue

- C. Consider, discuss and act upon approving the renewal of two (2) Entertainment Licenses, as listed, as applied, subject to compliance with all State regulations and local ordinances:

1. Rogue Squadron Group, LLC d/b/a “Tavolo Wine Bar & Tuscan Grille”, 970 Douglas Pike, Bldg. C
2. Thirsty Beaver Smithfield, LLC d/b/a “Thirsty Beaver Pub & Grub”, 45 Cedar Swamp Road

- D. Consider, discuss and act upon approving the renewal of one (1) Special Dance License, as applied, subject to compliance with all State regulations and local ordinances:

1. Thirsty Beaver Smithfield, LLC d/b/a “Thirsty Beaver Pub & Grub”, 45 Cedar Swamp Road

- E. Consider, discuss and act upon approving a new Victualling Only License for D.E. Foods, LLC d/b/a “Kentucky Fried Chicken”, 421 Putnam Pike, as applied, subject to compliance with all State regulations and local ordinances.

IX. Old Business: None.

X. New Business:

- A. Consider, discuss, and act upon authorizing a request from Ocean State Multisport to hold a “Fierce for Shannon” Road Race in Deerfield Park on September 25, 2022.
- B. Consider, discuss and act upon authorizing a contract, through the Buyboard Purchasing Cooperative #607-20, with ClearGov for Operational Budgeting & Digital Budget Books in an amount not to exceed twenty five thousand dollars (\$25,000.00) for the period of July 1, 2022 through June 30, 2025.
- C. Consider, discuss, and act upon authorizing the Town Manager to enter into contract, through the OMNIA Partners Contract #254, with Rehrig Pacific Company of Miami-Dade County, Florida, for the purchase of 112 - 65 gallon refuse and 112 - 65 gallon recycling carts for a total cost of seventeen thousand, nine hundred, eighty-two dollars and seventy-two cents (\$17,982.72).
- D. Consider, discuss, and act upon authorizing a bid award for the sale of property located at 12 Whipple Road (Assessor’s Plat 24, Lot 110).
- E. Consider, discuss, and act upon adopting a resolution to sell property, reserving a utility easement to the Town of Smithfield, located at 12 Whipple Road (Assessor’s Plat 24, Lot 110) to David M. Conti for the amount of twenty-five thousand dollars (\$25,000.00).
- F. Consider, discuss, and act upon amending a contract with Rowse Architects to include additional scope of services for the RIDE Stage II application for Smithfield High School Boyle Athletic Complex in an amount not to exceed twenty-four thousand dollars (\$24,000.00).
- G. Consider, discuss, and act upon authorizing a performance contract with Honeywell Energy Solutions for energy services for Smithfield High School and Gallagher Middle School in an amount not to exceed twenty-five thousand, seven hundred and sixty five dollars (\$25,765.00).
- H. Consider, discuss, and act upon a bid award for renovations to the East Smithfield Neighborhood Center in an amount not to exceed two hundred and twenty three thousand dollars (\$223,000).
- I. Consider, discuss, and act upon the adoption of Emergency Ordinance 2022-1 pursuant to Section 2.14 of the Smithfield Town Charter declaring the existence of an emergency posed by the novel Coronavirus known as COVID-19.

XI. Public Comment.

XII. Adjournment.

**AGENDA POSTED: THURSDAY, JANUARY 6 2022**

**\*It is advised that you download the GoToMeeting app from gotomeeting.com in advance of the meeting.**

**\*\*If you are participating in the virtual meeting from your phone, please hit “\*6” to mute and unmute yourself.**

**\*\*\*Documentation relating to agenda items can be found on the Town of Smithfield website at <https://www.smithfieldri.com/2022-meeting-agendas/>.**

**The public is welcome to any meeting of the Town Council or its sub-committees. If communication assistance (readers/interpreters/captions) or any other accommodation to ensure equal participation is needed, please contact the Smithfield Town Manager’s office at 401-233-1010 at least forty-eight (48) hours prior to the meeting.**



# Town of Smithfield

## MEMO

January 6, 2022

**TO:** Honorable Town Council  
**DEPT:**

**FROM:** Kevin Cleary, PE, LSIT, Town Engineer  
**DEPT:** **Engineer**

**SUBJECT:** On Site Wastewater Management Program  
Public Hearing Request

Honorable Council,

As requested in November a public hearing on the subject matter was approved for January 4, 2022. The meeting was canceled and rescheduled. As such the public hearing for this item must be rescheduled and re-advertised.

It is requested the public hearing be rescheduled for February 1, 2022 on the matter. A revised public notice is attached.

**MOVED:** *The Smithfield Town Council hereby re-schedules a Public Hearing to consider a resolution of support for the Smithfield Onsite Wastewater Management System Management Plan on February 1, 2022.*

Attachments: Public Hearing Notice

Cc: Randy R. Rossi, MBA, CGFM, Town Manager  
Anthony Gallone, Esq., Town Solicitor  
Lyn Antonuccio, Town Clerk  
Jim Riordan, AICP, Weston & Sampson

**TOWN OF SMITHFIELD  
TOWN COUNCIL VIRTUAL MEETING  
NOTICE OF PUBLIC HEARING  
TO CONSIDER & ACT UPON PASSAGE OF A RESOLUTION  
SUPPORTING THE ONSITE WASTEWATER MANAGEMENT PROGRAM**

The following application will be considered at the **Town Council Meeting on Tuesday, February 1, 2022 at 6:00 p.m.**

**Review and Public Hearing to consider and act upon passage of a resolution supporting the Smithfield Onsite Wastewater Management Program.**

Notice is hereby given of the intent to hold a public hearing on support of the resolution.

Please join the meeting from your computer, tablet or smartphone.  
<https://www.gotomeet.me/RandyRossi/smithfield-town-council>

You can also dial in using your phone.\*  
United States (Toll Free): 1 877 568 4106  
United States: +1 (646) 749-3129

Access Code: 342-830-965

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The public is welcome to any meeting of the Town Council or its sub-committees. If communication assistance (readers/interpreters/captions) or any other accommodation to ensure equal participation is needed, please contact the Smithfield Town Manager's office at 401-233-1010 at least forty-eight (48) hours prior to the meeting.

To view the full text of the proposed ordinance and supporting documents, please visit the Town's Web Site at: [www.smithfieldri.com](http://www.smithfieldri.com).

By order of the Town Council:

Lyn Antonuccio  
Acting Town Clerk

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**Not part of ad:**

Advertisement to run in the Valley Breeze-Observer on January 27, 2022.

Rhonda: Please provide a proof to Acting Town Clerk Lyn Antonuccio, 233-1000. Thank you.

Copies to: Town Manager  
Town Council  
Town Solicitor  
Town Engineer  
IT Manager for Town Website (full text attachment to follow)





# Town of Smithfield

## MEMO

January 6, 2022

**TO:** Honorable Town Council  
**DEPT:**

**FROM:** Kevin Cleary, PE, LSIT, Town Engineer  
**DEPT:** **Engineer**

**SUBJECT:** Proposed Ordinance - Chapter 156, Outdoor Lighting (Draft)  
Rescheduling of Public Hearing Request

Honorable Council,

As requested in November a public hearing on the subject matter was scheduled for January 4, 2022. The meeting was canceled and rescheduled. As such the public hearing for this item must be rescheduled and re-advertised.

It is requested the public hearing be rescheduled for February 1, 2022 on the matter. A revised public notice is attached.

**MOVED:** *The Smithfield Town Council hereby re-schedules a Public Hearing to consider and act upon passage of Ordinance 156, Outdoor Lighting on February 1, 2022.*

Attached: Draft Ordinance 156; Outdoor Lighting  
Draft Public Notice

Cc: Randy R. Rossi, MBA, CGFM, Town Manager  
Anthony Gallone, Esq., Town Solicitor  
Lyn Antonuccio, Town Clerk

**Outdoor Lighting**  
[Added 12-15-2020 by Ord. No. 156]

**§ 156-1. Purpose.**

Recognizing that artificial night-time environment lighting is necessary to safely illuminate roadways, public places, sidewalks, parking lots, industrial, commercial and residential areas, the Town of Smithfield also recognizes that artificial light is energy consumptive and a form of pollution.

Light pollution contributes to excessive energy waste, can contribute to uncomfortable glare, light trespass from property to property and is an environmental concern to wildlife and human habitats alike. The Town of Smithfield has enacted this ordinance to regulate the installation and retrofit of outdoor lighting in order to achieve the following purposes:

- A. To promote energy efficient and sustainable lighting practices and luminaires;
- B. To promote energy conservation and reduce greenhouse gas emissions associated with the production of energy through depletion of natural resources.
- C. To minimize adverse off-site impacts from new and existing lighting installations; and
- D. To permit reasonable uses of outdoor lighting for safety, security, productivity, commerce and enjoyment.
- E. To protect the existing unique qualities of Smithfield's dark skies for astronomy, protection of environment, enjoyment purposes, promote tourism and reduce light pollution;
- F. To protect the residents and surrounding environment, including light sensitive plants, animals and habitats, from the unintended effects of artificial light pollution;
- G. No part of this Ordinance is intended to be in conflict with applicable sections of the Smithfield Zoning Ordinance relating to the subject matter or with RIGL §42-136 Outdoor Lighting Control.

**§ 156-2. Definitions.**

- a. DARK SKY — Ability to visually identify, without aid, zodiacal light, a prominently bright defined night sky, including star clusters galaxies and other deep sky objects.
- b. HOLIDAY SEASONAL LIGHTING: Lighting that is installed

seasonally during a holiday period and shall otherwise be construed as a temporary lighting condition whereupon expiration of said holiday is to be removed or otherwise discontinued from use, shall not be subject to enforcement under this chapter.

- c. INTERNATIONAL DARK SKY ASSOCIATION (ISA) — Established in 1988 as an educational, environmental 501(c)(3) nonprofit dedicated to protecting and preserving the nighttime environment and the heritage of dark skies through quality outdoor lighting. With thousands of members in more than 70 countries, IDA is the leading authority concerning the problems and solutions related to light pollution.
- d. LIGHT, DIRECT — Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.
- e. LIGHT FIXTURE, FULL CUT-OFF TYPE — A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree horizontal plane from the base of the luminaire.
- f. LIGHT, FULLY SHIELDED — Fully shielded luminaire light fixture which can control the glare in any direction.
- g. LIGHT GLARE — Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see and may cause bothersome visual discomfort.
- h. LIGHT, INDIRECT — Direct light that has been reflected or has scattered off of surfaces other than those associated with the light fixture.
- i. LIGHTING, OUTDOOR — The nighttime illumination of an outside area or object by any manufactured device located outdoors that produces light by any means.
- j. LIGHT POLLUTION — Stray or reflected light that is emitted into the atmosphere above the 90-degree horizontal plane from the luminaire, and which can or does cause unwanted sky glow, upright or which can or is directly seen from an abutting property.
- k. LIGHT TRESPASS — Direct light from an artificial light source on one property that is intruding into an area, or property where it is unwanted, does not belong or that may be perceived as a nuisance.
- l. LUMINAIRE — A complete lighting system, including a light source component (lamp or lamps that produce the actual light) and a fixture.
- m. LUMINAIRE, HEIGHT OF — The vertical distance from the

ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

- n. STREETLIGHT – A publicly owned streetlight, overhead, area, post top or high-flood, which illuminates a public right of way, parks, school or public facility.
- o. TARGET AREA — The location of the target which is to be hit by the light source.
- p. UPLIGHTING — Any light source that distributes illumination above a 90-degree horizontal plane.

**§ 156-3. Applicability.**

A. New Installations: All outdoor lighting, with the exception of lighting and/or light fixtures installed on a structure and/or property devoted exclusively to single family residential use, installed after the effective date of this ordinance shall conform to the standards set forth herein.

(1) In the case of new single family residential uses, all outdoor lighting shall be properly aimed as to not create excess glare, uplight or trespass in an unreasonable manner as to not be construed as a nuisance.

(2) Existing Installations: All outdoor lighting installed prior to the effective date of this ordinance shall be exempt from the provisions of this ordinance, until a light and/or light fixture(s) must be repaired, modified, refurbished and/or replaced. At the occurrence of any of these several events, any light and/or light fixture with the exception of lighting and/or light fixtures installed on a structure and/or property devoted exclusively to single family residential use, shall conform to the standards set forth herein.

B. Existing and new streetlight installations: All municipally owned and maintained streetlight assets, whether overhead, post top, flood or other shall be shielded, recessed or directed as to avoid conflict of light trespass into private property, reduce or eliminate uplight and uncomfortable glare to the greatest extent practicable without compromise to public safety.

- (1) Install a replacement dark sky compliant lamp fixture with an ISA certification.
- (2) Consider light and light fixture aiming or glare control devices such as light shields to prevent and/or reduce light trespass and light pollution.
- (3) All government-owned and operated properties and facilities are urged to immediately conform to the provisions of this

ordinance, in accordance with RIGL § 42-136.

- (4) Lighting for site security should be configured for motion or infrared sensor operation, except in the case of lighting required by state or federal safety standards, property insurance coverage requirements or site safety standards.
- (5) Lighting for site security should be configured for dimming, occupancy or timing controls, except in the case of lighting required by state or federal safety standards, property insurance coverage requirements or site safety standards.

#### **§ 156-4. General standards.**

All new, retrofitted, refurbished and/or modified outdoor lighting that is installed in the Town of Smithfield, with the exception of lighting and/or light fixtures installed on a structure and/or property devoted exclusively to single family residential use, as defined herein, shall be the minimum necessary, in both number of luminaires and intensity of light, to achieve the intended purpose of the lighting, and shall meet the following standards, as relevant:

- A. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to:
  - (1) Prevent glare, light trespass, uplighting or light pollution; and
  - (2) Be shielded to the extent possible so as to confine the light glare within the target area.
- B. In all areas adjacent to residential property, no externally mounted, roof top mounted, source illumination directed towards the property line shall be visible at the property line at ground level or above.
- C. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
  - (1) Full cut-off type fixtures or
  - (2) Fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
  - (3) Correlated Color Temperature (CCT) of lighting shall not exceed 4000\*-Kelvin for outdoor applications; 3000\*-Kelvin is recommended.
- D. Lighting fixtures for building security or aesthetics and any display purposes shall be:
  - (1) Top downward (not upward or sideways), and
  - (2) Full cut off or fully shielded/recessed.
- E. Where outdoor playing fields or other special outdoor

activity areas are to be illuminated, lighting fixtures shall be specified, mounted and aimed so that:

- (1) The lighting fixture's beams fall within the primary playing target area and immediate surroundings, and
- (2) No direct lighting trespass or light pollution.

F. The height of luminaires, except streetlights in public rights-of-way, shall be the minimum necessary to provide adequate illumination, but shall typically not exceed a height of fifteen (15) feet when pole mounted unless a properly credentialed illuminating engineer hired for the benefit of the Town finds that a height of any luminaire structure up to twenty (20) feet will result in no greater Light Trespass and no greater Light Pollution than a luminaire structure at fifteen feet (15) in height or unless the luminaires must overhang vehicle travel lanes. Luminaires attached to the building shall be limited to the height necessary for illumination of entrances or locations not served by pole lighting. In no case shall a building fixture be mounted on the roof.

#### **§ 156-5. Waterfront lighting.**

Outdoor lighting in and around the ponds, lakes, rivers, and other waters of the Town shall not be installed or maintained so as to create a hazard or nuisance to other property owners and shall comply with the following:

- A. Lights on docks shall be no more than three feet above the dock, shall be directed downward and be full cut off fixtures.
- B. Lights illuminating paths, stairs, decks, etc., shall not be directed towards the water and shall not direct light upwards.
- C. All exterior lighting shall be located, mounted and shielded, so that direct illumination is not focused towards the water surface more than 20 feet from shore.
- D. Correlated Color Temperature (CCT) of lighting under this article shall be as low on the Kelvin Scale to reasonable attain the desired lighting levels. CCT for this article is recommended not to exceed 3000\*-Kelvin.

#### **§ 156-6. Architectural and landscape lighting.**

- A. All fixtures shall be aimed and/or shielded to illuminate only the target area such that no stray light from the luminaire passes above the horizontal plane.
- B. Upward aimed façade and building lighting shall be fully shielded and fully confined from projecting into the sky by the building

eaves, roofs, overhangs or structures and shall be mounted as flush with the illuminated wall as possible.

#### **§ 156-7. Canopy and service lighting.**

Outdoor sales and gas station service canopy lighting shall be aimed downward, recessed and installed such that the center of the fixture's luminous opening is flush with or recessed into the canopy ceiling. All lighting from the canopy must be substantially confined to the ground area directly beneath the perimeter of the canopy. All exterior lighting for canopies and/or service areas shall be of an indirect nature, emanating only from fixtures located under canopies, under eaves on the principal building or at ground level in the landscaping. Exterior lighting shall be arranged and shielded so there shall be no glare or reflections onto adjacent properties or street rights-of-way.

#### **§ 156-8. Signage.**

In addition to the requirements of this ordinance, all signs shall also comply with the provisions of Article VIII of the Smithfield Zoning Ordinance, as applicable. The Building Official or assigned designee shall determine compliance with the provisions of this article.

- A. Illuminated signs shall not cause glare distracting to drivers, nor shall they be in such a position, such color or lumen output as will hamper the readability of traffic lights or traffic signs.
- B. Signs may be illuminated externally by a downward-directed stationary light. Sign lighting shall not be directed upwards unless the sign is affixed to the side of the building and is fully shielded and fully confined from projecting into the sky.
- C. The requirements of this section are for the lighting of signs only. Article VIII of the Smithfield Zoning Ordinance regulates signs and shall be used in conjunction with this section.

#### **§ 156-9. Flagpole lighting.**

All flagpole lighting shall be from the top of the pole downward, no up-lighting of the flagpole is permitted.

#### **§ 156-10. Enforcement.**

This ordinance shall be enforced by the Town Engineer, or designee, as assigned by the Town Manager of the Town of Smithfield, and who shall interpret, administer and enforce the provisions of this Chapter. The Town Engineer, or designee, shall investigate suspected violations and issue notices of violation requiring corrective action,

and shall have the ability to assign penalties for noncompliance in accordance with provisions as allowed by the Code of Ordinances for the Town of Smithfield.

- a) Any person violating the provisions of this Chapter shall be punished by a fine of up to One Hundred Dollars (\$100.00) for each violation. The Town Engineer's office shall oversee compliance with the provisions of this Chapter and all violations issued hereunder shall be adjudicated in the Smithfield Municipal Court.
- b) The imposition of a fine for a violation of the provisions of this Chapter shall not preclude the Town from seeking or obtaining any or all other legal and equitable remedies to prevent or remediate a violation of this chapter, including but not limited to injunctive relief.

**§ 156-11. Severability.**

If any of the provisions of this Chapter shall be held invalid by a court of competent jurisdiction, then such provision shall be considered separate and apart from the remaining provisions of this Chapter, which shall remain in full force and effect.

The Ordinance shall take effect 30-days after its adoption.



**TOWN OF SMITHFIELD  
TOWN COUNCIL VIRTUAL MEETING  
NOTICE OF PUBLIC HEARING  
TO CONSIDER ADOPTION OF AN ORDINANCE  
CREATING CHAPTER 156 OF THE SMITHFIELD CODE OF ORDINANCES  
ENTITLED “ OUTDOOR LIGHTING”**

The following application will be considered at the **Town Council Meeting on Tuesday, February 1, 2022 at 6:00 p.m.**

**Review and Public Hearing for adoption of local Ordinance  
Chapter 156: Outdoor Lighting**

Notice is hereby given of the intent to hold a public hearing on a new local ordinance creating Chapter 156 in the Smithfield Code of Ordinances entitled “Outdoor Lighting”.

Please join the meeting from your computer, tablet or smartphone.  
<https://www.gotomeet.me/RandyRossi/smithfield-town-council>

You can also dial in using your phone.\*  
United States (Toll Free): 1 877 568 4106  
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To view the full text of the proposed ordinance and supporting documents, please visit the Town’s Web Site at: [www.smithfieldri.com](http://www.smithfieldri.com).

By order of the Town Council:

Lyn Antonuccio, MPA, CMA Acting Town Clerk

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**Not part of ad:**

Advertisement to run in the Valley Breeze-Observer on January 27, 2022

Mary: Please provide a proof to Acting Town Clerk Lyn Antonuccio, 233-1000. Thank you.

Copies to: Town Manager  
Town Council  
Town Solicitor  
Town Engineer  
IT Manager for Town Website (full text attachment to follow)

**Recommended Motion:**

That the Smithfield Town Council hereby adopts Emergency Ordinance 2022-1 pursuant to Section 2.14 of the Smithfield Town Charter declaring the existence of an emergency posed by the novel Coronavirus known as COVID-19.

**TOWN OF SMITHFIELD**  
**EMERGENCY ORDINANCE 2022-01**

**SECTION 1. CHAPTER 23 OF THE SMITHFIELD CODE OF ORDINANCES ENTITLED “CIVIL DEFENSE” IS HEREBY AMENDED BY ADDING THERETO SECTIONS 23-3-0 - 23.3-5 ENTITLED “STATE OF EMERGENCY RESULTING FROM NEW COVID-19 VARIANTS”**

WHEREAS, the Town of Smithfield on the 12<sup>th</sup> day of **January, 2022**, needs to address a public health crisis resulting from a state of emergency posed by the Delta and Omicron Variants and other emerging variants of SARS-CoV-2;

WHEREAS, on March 9, 2020, Rhode Island declared a state of emergency due to the dangers to health posed by the original strain of SARS-CoV-2, the virus that is responsible for COVID-19;

WHEREAS, at the time of that declared state of emergency, the original SARS-CoV-2 strain had a rate of spread of 2-3, meaning that one person would likely spread the virus 2-3 others;

WHEREAS, the Delta and Omicron variants of the SARA-CoV-2 are now sweeping the country and has become the dominant strain in Rhode Island and nationally;

WHEREAS, the State of Rhode Island and various public health officials have reached out to the Town of Smithfield to take emergency steps to contain the spread of COVID-19;

WHEREAS, a serious threat to public health exists because of the Delta and Omicron Variants and the Town of Smithfield needs to take additional measures to limit the spread of these Variants and other new variants of concern;

WHEREAS, Rhode Island General Laws § 30-15-12 and 30-15-13, as well as Town of Smithfield Town Charter § C-2.14, permit the Town Council to declare a state of emergency for the purpose of, among other things: providing for the cooperation in epidemic prevention, preparedness, response and recover; preparing for emergency health threats that require the exercise of extraordinary governmental functions; providing the town with the ability to respond rapidly and effectively to potential or actual public health emergencies; and reducing loss of life;

WHEREAS, Rhode Island General Laws § 30-15-9(e)(4) and 30-15-12(b), as well as the Town of Smithfield Town Charter §C-2.14, permit the Town Manager, as authorized by the Council, to suspend the provisions of any statute, regulation, or requirement prescribing the procedures for the conduct of town business, or the orders, rules, regulations of any town department, board, or agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with this emergency; and

WHEREAS, Rhode Island General Laws § 30-15-9(e)(3) and (7), and 30-15-12(b), as well as the Town of Smithfield Town Charter § C-2.14, permit the Town Manager, as authorized by the Council, to transfer the direction, personnel, or functions of town departments and agencies or units thereof for the purpose of performing or facilitating emergency services; to control ingress and egress to and from high risk areas, the movement of persons within the area, and the occupancy of premises therein; and to take appropriate measures for the protection of health, safety, and welfare of the people of the city/town and to prevent or minimize the loss of life.

WHEREAS, the Smithfield Town Council has determined that extraordinary measures must be taken to alleviate the serious health consequences associated with the virus and to protect and rehabilitate property;

IT IS HEREBY ORDAINED BY THE SMITHFIELD TOWN COUNCIL NOW, THEREFORE, the Smithfield Town Council, by virtue of the authority vested in said office, pursuant to the Rhode Island General Laws and the Smithfield Town Charter, including but not limited to Title 30, Chapter 15 of the General Laws and Smithfield Town Charter § C-2.14, do hereby order and direct the following:

23.3-0 STATE OF EMERGENCY RESULTING FROM THE NOVEL CORONAVIRUS KNOWN AS COVID-19. A state of emergency is declared within the Town of Smithfield.

23.3-1. The Town's Emergency Operating Plan (EOP) and Emergency Operations Center (EOC) have been activated.

23.3-2. Pursuant to an Executive Order by the Governor, public bodies conducting meetings, as those terms are defined by the Open Meetings Act, Rhode Island General Laws §42-6-1 et seq. (OMA), will be relieved from the prohibitions regarding use of telephonic or electronic communication to conduct meetings, contained in Rhode Island General Laws §42-46-5(b), and are required to make provisions to ensure public access to the meeting of the public body for members of the public through adequate, alternative means.

23-3-3. Based on the Governor's Executive Order all Town of Smithfield Boards and Commissions will conduct their meetings virtually effective January 10, 2022.

23.3-4. Town offices and departments will restrict in-person business activities.

23.3-5. The Town Manager, department heads and public safety personnel shall reassess the situation on a daily basis.

23.3-6. Pursuant to the emergency powers granted by the Rhode Island General Laws, and any other applicable provisions of state or local law, the Town Manager shall from time to time issue additional directives, orders, and recommendations as circumstances require, either written or verbal.

23.3-7. Nothing in this Executive Order shall constrain duties and powers of the Town and the Town Manager authorized by Title 30, Chapter 15 of the General Laws and the Town Charter.

**SECTION 2.** This Emergency Ordinance shall take effect on January 12, 2022 and remain in full force and effect through March 13, 2022 unless earlier repealed by the Smithfield Town Council.

SO ORDERED this 12<sup>th</sup> day of **January, 2022.**

**APPROVED AS TO ITS FORM AND LEGALITY:**

\_\_\_\_\_  
**TOWN SOLICITOR**

**ADOPTED: January 12, 2022**

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**TOWN COUNCIL VICE PRESIDENT**

\_\_\_\_\_  
**TOWN CLERK**