

PCO-1-07

THE CITY OF WARWICK
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 26
HOUSING CODE

No..... Date.....

Approved.....Mayor

AN ORDINANCE RELATIVE TO STAGNANT WATER AS
A PUBLIC NUISANCE

Be it ordained by the City of Warwick:

1 SECTION I, Chapter 26 of the Code of Ordinances of the City of Warwick is hereby
2 amended by adding thereto the following Article:

3 **ARTICLE XVII. STAGNANT WATER**

4 **Sec. 26-500. Prohibition against the accumulation of stagnant water in swimming**
5 **pools, spas, hot tubs, artificial ponds, and containers on private property.**

6
7 (a) Purpose. The city council finds that the accumulation of stagnant water in swimming
8 pools, spas, ho tubs, artificial ponds and other man-made containers and objects on
9 private property constitutes a health hazard since such accumulations of stagnant water
10 serve as breeding grounds for mosquitoes which have been found to serve as conduits for
11 serious and possibly fatal diseases such as Eastern Equine Encephalitis (EEE) and the
12 West Nile Virus. The city council further finds that in the interest of the health, safety
13 and welfare of the citizens of the City of Warwick that accumulations of stagnant water
14 in swimming pools, spas, hot tubs, artificial ponds and other man-made containers and
15 objects on private property be declared a public nuisance and that the department of
16 building inspection be empowered to issue citations for violations of this article,
17 punishable in the municipal court, and that the city be empowered to abate said nuisance
18 if not abated by the owner or occupier of land on which it exists.

19
20 (b) Definitions.

21 Artificial Pond: Any body of water, which is located or placed on private
22 property as a result of human labor or means and shall include any excavation, trench,
23 hole, or manmade object intended to serve as an artificial fish or garden pond. Any
24 wetland or body of water designated as wetlands by either the Rhode Island Department
25 of Environmental Management or the Rhode Island Coastal Resources Management
26 Council is hereby exempted from the provisions of this article.

27

1 Container. Any man-made vessel which has the capability of retaining more than
2 one inch of water, including, but not limited to, buckets, pails, tires and portable and/or
3 storable swimming pools.

4
5 Director. The director of the department of building inspection, or any person
6 acting in said capacity.

7
8 Hot tub. Any man made container designed to hold water in which one or more
9 persons bathe or soak, and shall include spas and whirlpools.

10
11 Spa. Any man made container designed to hold water in which one or more
12 persons bathe or soak, and shall include hot tubs and whirlpools.

13
14 Stagnant water. Any body of water, one inch of depth or more, in any swimming
15 pool, spa, hot tub, artificial pond, or container, which is not fully enclosed in a building,
16 house or other structure and which is neither moving by artificial or natural means, nor
17 chemically treated nor filtered so as to prevent the growth of mosquito larvae. Stagnant
18 water as used in this article shall not include any body of water designated as wetlands by
19 either the Rhode Island Department of Environmental Management or the Rhode Island
20 Coastal Resources Management Council.

21
22 Swimming pool. Any container or tank, whether constructed in ground or placed
23 above ground, designed for one or more persons to swim.

24
25 Private property: Any parcel of real property located either partly or entirely
26 within the City of Warwick which is owned, leased or occupied by any person, firm,
27 corporation, trust, association or other entity other than the City of Warwick, or any of its
28 departments or agencies, the State of Rhode Island, or any of its departments or agencies
29 or of the United States, or any of its departments or agencies.

30
31 (c) Stagnant water as a public nuisance; violations. It is hereby declared by the city
32 council that any accumulation of stagnant water in any swimming pool, spa, hot tub,
33 artificial pond or other man-made container, which is not fully enclosed in a building,
34 house or other structure, for more than seven (7) consecutive days is a public nuisance
35 and a public health hazard. It shall be unlawful for the owner, lessee or occupier of any
36 parcel of real property to cause or to allow to exist said public nuisance on any parcel of
37 real property he or she owns, leases or occupies. Any person found in violation of this
38 section shall subject to a fine pursuant to Sec. 1-4 of the Warwick Code of Ordinances.

39
40 (d) Notice of violation. Upon a finding by the director, or his or her designee, that there
41 exists stagnant water on a parcel of private property, a notice of violation shall be issued
42 to the owner, lessee or occupant of the property by leaving same with any person of the
43 age of majority in occupancy of said property, or if no person is available to receive

