

Town of Johnston
State of Rhode Island

Ordinance 2025- 2

GRANTED

DATE 5/12/25

JOHNSTON TOWN COUNCIL

ATTEST: *[Signature]*

**AN ORDINANCE IN AMENDMENT OF ARTICLE IV § 340-16 OF CHAPTER 340 ENTITLED,
"INDUSTRIAL PERFORMANCE STANDARDS" OF THE TOWN OF JOHNSTON CODE OF
ORDINANCES**

The Town Council of the Town of Johnston hereby ordains:

An Ordinance amending Article IV, Chapter 340, of the Town of Johnston Code of Ordinances by deleting therefrom and adding thereto:

J. Covering of Dirt Mounds to Prevent Environmental and Public Health Hazards

(1) Purpose and Intent

This ordinance is enacted to protect the public health, safety, and welfare of the residents of the Town of Johnston by minimizing dust, sediment runoff, and erosion caused by uncovered dirt mounds. These measures aim to preserve air and water quality, reduce nuisances, and ensure compliance with environmental regulations.

(2) Definitions

For the purposes of this ordinance, the following terms shall have the meanings indicated:

- a) **Dirt Mound:** Any accumulation of soil, sand, gravel, or similar earthen materials exceeding 10 cubic yards or 5 feet in height.
- b) **Covering:** A protective material, such as tarps, plastic sheeting, or other erosion control products, designed to prevent exposure to wind or precipitation.
- c) **Responsible Party:** The property owner of where the dirt mound(s) is located.

(3) Applicability

This ordinance applies to all properties within the jurisdiction of the Town of Johnston where dirt mounds are created, stored, or maintained, including construction sites, landscaping projects, and excavation activities.

(4) Covering Requirements

a. A dirt mound(s) must be covered when:

- i. The mound(s) is in use but remains undisturbed for more than 24 hours; or
- ii. The mound(s) are stored on a property.

b. Acceptable covering methods include, but are not limited to:

- i. Secured tarpaulins or similar impermeable materials.
- ii. Application of water or soil stabilizers to control dust temporarily.
- iii. Erosion control blankets for long-term stabilization.

c. Dirt mounds that cannot be covered due to active use must have dust suppression measures in place, such as:

- i. Routine water spraying.
- ii. Installation of wind barriers.
- iii. Use of chemical stabilizers in accordance with manufacturer instructions.

(5) Exceptions

The following activities are exempt from the covering requirement:

- a. Dirt mounds used in ongoing construction activities that will be removed or redistributed within 24 hours.
- b. Agricultural activities regulated under separate statutes.
- c. Small-scale residential landscaping projects, provided the total mound volume does not exceed 10 cubic yards.

(6) Enforcement and Penalties

a. The Department of Planning and Public Services, also referred to as the Department of Public Works (DPW), is authorized to enforce this ordinance and may conduct inspections to ensure compliance.

b. Violations of this ordinance are subject to the following penalties:

a. A fine of \$250 for the first offense.

b. A fine of \$500 for each subsequent offense.

c. Suspension or revocation of permits for a business license, construction, or land disturbance activities.

(7) Effective Date

This ordinance shall take effect immediately upon its adoption and publication as provided by law.

F-K. Appeals

Compliance with applicable laws and regulations. The above list of industrial performance standards shall be in addition to, and not in lieu of, any other applicable federal and state laws and regulations with which an industrial use is bound to comply.

This Ordinance shall take effect immediately upon its passage.

Linda L. Folwelli

Councilperson

Approved to form:

af

Ordinance 2025-2

Date of passage May 12, 2025

Aye

Linda L. Folcarelli-Councilwoman
District 1

Aye

Lauren A. Garzone - Vice-President
District 2

Aye

Alfred T. Carnevale -Councilman
District 3

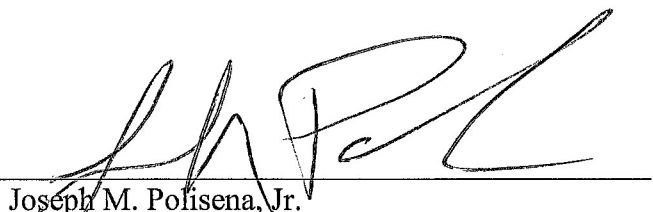
Aye

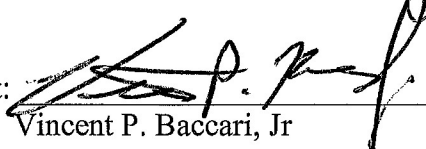
Robert J. Civetti - Councilman
District 5

Aye

Robert V. Russo -President
District 4

Approve ✓ Veto _____


Joseph M. Polisena, Jr.
Mayor

Attest: 
Vincent P. Baccari, Jr
Town Clerk

Date 5/14/25