AN ORDINANCE AMENDING CHAPTER 312 OF THE TOWN OF SMITHFIELD MUNICIPAL CODE ENTITLED "STREETS AND SIDEWALKS" BY ADDING THERETO ARTICLE IV ENTITLED "VEHICLE IMPACT PROTECTION DEVICES".

IT IS HEREBY ORDAINED BY THE TOWN OF SMITHFIELD AS FOLLOWS:

Section 1. Chapter 312 of the Smithfield Municipal Code is hereby amended to read as follows:

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§312-34 Purpose.

The purpose of this article is to have in place a logical process for installation of Vehicle Impact Protection Devices relative to new business construction, pedestrian travel, and outdoor seating, in the interest of public safety.

§312-35 Definitions.

A. BARRIER - An object, natural or man-made, other than a bollard, which is used to obstruct the passage of motor vehicles and separate customers, pedestrian, and adjacent storefronts from vehicular traffic.

B. BOLLARD - A vertical post designed and used to obstruct the passage of motor vehicles and separate customers, pedestrian, and adjacent storefronts from vehicular traffic.

C. Retail - The act of selling goods or products directly to the end consumer.

D. Vehicle Impact Protection Devices - A device that is designed, engineered, and sited so as to effectively separate areas of pedestrian and vehicular travel and prevent automobiles from encroaching into areas which are solely intended for customer and pedestrian use and travel; vehicle impact protection devices shall be comprised of bollards or barriers, or a combination of both.

§312-36 Performance Standards.

A. Compliance: All vehicle impact protection devices shall be engineered and determined to be in compliance with low-speed vehicle impact testing standards prescribed by the American Society of Testing and Materials ASTM F3016. Compliance with ASTM F3016 (Impact Speed Rating S30) shall be confirmed and certified by a bollard manufacturer or structural engineer and reviewed for conformance by the Building and Zoning Official.

B. Placement and Spacing:

    a. Barrier devices shall be spaced no closer than three feet apart and no further than five feet apart.

b. One barrier device or bollard shall be placed centrally at the head of each structure facing the parking spaces closest to the structure. Bollards will be placed in the middle of each parking space.

c. One barrier device or a series of bollards shall be placed immediately adjacent to each public entrance opposite a travel lane where a vehicle may approach the entrance at a right angle.

d. One barrier device or a series of bollards shall be placed immediately adjacent to each pedestrian travel lane where a vehicle may move in a parallel path within an immediately adjacent vehicular travel lane.

e. Exception 1: Emergency vehicle access may require installation of removal bollards in specific instances.

f. Exception 2: Spacing between barrier devices or bollards in accordance with current State Accessibility Code shall be maintained to allow access by persons with mobility challenges.

C. Design:

a. Bollards shall be set with the top of the device not less than three (3) feet and not greater than four (4) feet in height as measured from the finished grade immediately adjacent to the perimeter of the bollard.

b. Barriers shall be set with the top of the device not less than three (3) feet in height as measured from the finished grade adjacent to the perimeter of the barrier.

c. The scale of the bollard or barrier shall be proportional to the size of the building so as not to detract from the appearance of the building. Note: Adherence to a. and b. above must be maintained.

d. Devises designed to be temporary concrete or plastic traffic barricades shall be prohibited for use as a permanent Vehicle Impact Protection Device.

e. All vehicle protection devices shall be vertical relative to the finished grade. All vehicle protection devices shall have a non-reflective brushed stainless-steel finish or be painted or covered with a plastic sleeve. The color of the surface finish or plastic sleeve must be determined to be appropriate by the Planning Board or Town Planner. Finishes may not be prone to tarnish, corrode, oxidize, rust, or include any mirror finishes unless determined appropriate by the Planning Board or Town Planner. Vehicle protection device surface finish determinations shall be enforced by the Building and Zoning Official.

D. Installation:

a. All vehicle protection devices shall be installed in a manner consistent with the most recently adopted Rhode Island building code.

b. Bollards or barriers shall be set with the bottom of the device at least forty-two inches (42") below the finished grade immediately adjacent to the perimeter of the bollard, or otherwise below the frost line where possible. Alternative shallow mount installations may be approved by the Building and Zoning Official as dictated by site conditions.

c. The devices shall be maintained, repaired and replaced as needed to prevent rust, corrosion or damage and to maintain structural integrity.

d. Use and replacement of protective or decorative sleeves as bollard covers is encouraged consistent with all provisions in this section.

§312-37 Applicability.

A. This article shall apply to any newly constructed structures suitable for retail uses with parking areas lying within seventy-five (75) feet of the location's store front.

B. This article shall apply to any parking areas lying within seventy-five (75) feet of outdoor pedestrian seating area unless in the opinion of the Town Building and Zoning Official, adequate grade separation exists between the parking area and the outdoor pedestrian seating area requiring protection; however, in no event shall the grade separation be less than thirty-six (36) inches, nor shall the area of grade separation be comprised of a non-vertical wall, a ramp or stairs.

§312-38 Compliance.

A. No certificate of occupancy or letter of completion shall be issued for any newly constructed building or structure that does not meet the requirements of this article when it is applicable as determined by the Building and Zoning Official.

B. The Building and Zoning Official, when issuing an order requiring the installation of vehicle impact protection devices for a building or structure, shall also serve on the owner thereof written notice of the following:

a. The right of the owner to appeal the installation order to the Smithfield Zoning Board of Review. The notice shall include details as to where, when and how such an appeal may be filed.

b. The right of the owner, at his or her own expense, to provide to the Building Official the report of a professional engineer or architect concerning the imperviousness from vehicle impact of the subject building or structure. The Building Official shall consider the professional engineer's or architect's report and, in his or her discretion, may reconsider the decision to issue the vehicle impact protection order.

§312-39 Modification.

The Planning Board may approve minor modifications to any of the vehicle impact protection standards contained in this section to accommodate for the location of above-ground or underground utilities, other

existing or planned features of the development, or any other constraints or limitations towards compliance with the provisions established by this section; provided, that the modifications achieve protections which are functionally equivalent to those intended by this section; the Building and Zoning Official shall have the sole discretion and authority to modify the vehicle impact protection standards herein for administrative permit applications.

§312-40 Enforcement:

The vehicle impact protection code shall be enforced by the Building and Zoning Official.

Section 2. These Ordinance Amendments shall take effect Thirty (30) days after their adoption by the Smithfield Town Council.

APPROVED AS TO FORM AND LEGALITY:

Anthony M. Gallone, Jr.
TOWN SOLICITOR

ADOPTED: 3/19/2024

T. Michael Lawton
TOWN COUNCIL PRESIDENT

Lyn M. Antonuccio
TOWN CLERK