

CHAPTER 2021-3

No. 100 AN ORDINANCE AMENDING ARTICLE XIII "MOTOR VEHICLE REPAIR BUSINESS" OF CHAPTER 14 "LICENSES" OF THE PROVIDENCE CODE OF ORDINANCES

Approved March 11, 2021

Be it ordained by the City of Providence:

Section 1. Chapter 14, "Licenses", Article XIII, "Motor Vehicle Repair Business" is hereby amended as follows:

ARTICLE XIII. - MOTOR VEHICLE REPAIR BUSINESS

Sec. 14-260. - License required.

No person shall engage in the business of motor vehicle repair within the City of Providence unless such person shall be so licensed by the board of licenses of the City of Providence.

Sec. 14-261. - Motor vehicle repair business defined.

"Motor vehicle repair business" shall be any place, establishment, garage, outdoor work area or work area enclosed within a building, including a used automobile dealership, where repairs are made or caused to be made to motor vehicles, including engines, carburetors, brakes, transmissions, muffler systems, electrical systems and general running gear of motor vehicles including auto body repairs, as well as the repair and/or replacement of motor vehicle tires. Motor vehicle repair business shall not include a new automobile dealership.

Sec. 14-262. - License application; fee.

- (a) Every applicant for a license required pursuant to section 14-260 above shall submit the following information, on a form provided by the board of licenses:
- (1) Full name, including middle name, any aliases, address, date of birth, and social security number of applicant and/or principals of any applicant corporation.
 - (2) Location of the proposed motor vehicle repair business.
 - (3) Radius map and property owner list identifying owners of property within a two-hundred-foot radius of the motor vehicle repair business as appears on the most current property tax list certified by the tax assessor of the city.
- (b) All applications shall be accompanied by an application fee of one hundred dollars (\$100.00), plus the costs of advertising, posting and mailing as determined by the board of licenses.

Sec. 14-263. - Hearing and notice.

The board of licenses shall hold a public hearing on any application for a motor vehicle repair business license;

- (1) Notice of such hearing shall be published in a newspaper of general circulation in the city once a week for at least two (2) weeks prior to the public hearing.
- (2) Notice of said hearing shall also be mailed to all owners of property within a two-hundred-foot radius of the proposed site of the motor vehicle repair business as listed on the most current property tax list certified by the tax assessor of the city.

Sec. 14-264. - Zoning approval.

Prior to holding a public hearing on applicant's license, the board of licenses shall submit the application for review to the director of the department of inspection and standards. The director of inspection and standards shall report to the board of licenses whether or not a motor vehicle repair business is allowed in the proposed location pursuant to the zoning ordinance of the city.

Sec. 14-265. - Fire safety regulations.

Prior to holding a public hearing on applicant's license, the board of licenses shall submit the application for review to the chief of the fire department. The chief of the fire department shall report to the board of licenses whether or not the proposed motor vehicle repair business meets all applicable fire code and fire safety regulations. Sec. 14-266. - Criminal records.

Prior to holding a hearing on applicant's license, the board of licenses shall submit the application to the chief of police for review. The chief of police shall report to the board of licenses whether or not the applicant or any principals of the applicant's corporation have a criminal record.

Sec. 14-267. - Requirements for license approval.

No license shall be granted for a motor vehicle repair business unless the following conditions are met:

- (1) The motor vehicle repair business must be allowed in the proposed location pursuant to the zoning ordinances of the city.
- (2) The motor vehicle repair business must be substantially operated within a building.
- (3) The motor vehicle repair business must meet all applicable fire code and fire safety regulations.
- (4) The motor vehicle repair business must be operated in a lawful manner, in conformity with all applicable federal, state and municipal laws, statutes, ordinances and regulations.
- (5) The criminal record(s) of the applicant(s) and/or principal(s) of the applicant corporation shall be considered.

Sec. 14-268. - Renewal of license.

All licenses to engage in a motor vehicle repair business must be renewed annually.

Sec. 14-269. - Disposal of Tires

Any licensed motor vehicle repair business shall dispose of all used motor vehicle tires handled by the business by delivering said tires to a facility operated by the Rhode Island Resource Recovery Corporation designated for that purpose, or to a privately operated tire storage or tire recycling or recovery facility licensed by the director of environmental management for that purpose, or by delivery for transportation to an out-of-state recycling facility as required by Rhode Island General Law §23-63-2. All licensed motor vehicle repair businesses shall, upon request, provide receipts for the prior twelve (12) months from the date of the request that evidence the proper disposal of all used motor vehicle tires in compliance with this Section 14-269.

Sec. 14-270. - Display of license.

All licenses granted under the provisions of this article shall be kept on display in a conspicuous place within the motor vehicle repair business so licensed. Sec. 14-271. - Annual license fee.

The annual fee for all licenses required by section 14-260 shall be one hundred dollars (\$100.00).

Sec. 14-272. - Suspension or revocation.

Any person licensed to engage in or operate a motor vehicle repair business who shall violate any of the conditions or restrictions imposed upon the issuance of such license, or who shall have submitted false information in the application to obtain such license, or who shall violate any applicable federal, state or municipal laws, statutes, ordinances or regulations in the operation of such motor vehicle repair business, shall suffer suspension or revocation of said license; in addition, said license may be revoked at any time for just cause other than those specified above, including violation of other provisions of the Code of Ordinances and/or any federal or state laws.

Sec. 14-273. - Violation.

Any person engaging in or operating a motor vehicle repair business without first obtaining a license pursuant to this article shall be subjected to a fine of five hundred dollars (\$500.00) or imprisonment not exceeding six (6) months for each offense.


Sec. 14-274. - Enforcement.



The provisions of this article shall be enforced by the Providence Police Department and the Rhode Island State Police.

Sec. 14-275. - Severability.


If any provision of this article, or application thereof to any person or circumstances, is held unconstitutional, illegal, or otherwise invalid, the remaining provisions of this chapter and the application of such provisions to other persons or circumstances, other than those to which it is held invalid, shall not be affected thereby.

Section 2. This Ordinance shall take effect upon passage.

IN CITY COUNCIL
FEB 18 2021
FIRST READING
READ AND PASSED
 CLERK

IN CITY
COUNCIL
MAR 4 2021
FINAL READING
READ AND PASSED
 PRESIDENT
 CLERK

I HEREBY APPROVE.



Mayor
Date: 3/11/21