

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

AN ORDINANCE  
CHAPTER

CHAPTER 1983-1

No. 56

AN ORDINANCE IN AMENDMENT OF ARTICLE IV OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE RELATIVE TO OFF-STREET PARKING STRUCTURES.

Approved January 28, 1983

Be it ordained by the City of Providence:

SECTION 1. Article IV of Chapter 14 of the Code of Ordinances of the City of Providence is hereby amended by inclusion of the following:

SECTION 2. Any structure hereinafter constructed within the City of Providence, whether such structure be located above or under or upon the ground and used by the public for the parking of motor vehicles off the street or highway be exempt from taxation provided:

a.) That such structure increase by no less than two hundred (200%) percent the parking capacity of the premises as they existed prior to such construction.

b.) The owner(s) and/or operator(s) make(s) proper application for such exemption with the Assessor of Taxes upon a form and in a manner prescribed by him.

c.) That such application is approved by virtue of a resolution enacted by the City Council and approved by the Mayor.

d.) That any exemption from taxes shall be limited to that portion of the structure exclusively used for or devoted to the off-street parking of motor vehicles owned by the public.

e.) Should the structure cease to be used as parking facilities as described herein, within the period of said exemption, the owner and/or operator shall pay to the Collector of Taxes of the City of Providence any taxes together with any interest thereon at the regular rate and in the manner provided by law.

f.) No exemption shall extend beyond December 31, 1993.

g.) Any exemption shall become effective on the 31st day of December of the year in which said resolution is properly enacted; however, in no event shall any exemption be granted unless application for the same is made prior to May 18, 1985.

SECTION 3. This Ordinance shall take effect upon its Passage.

IN CITY COUNCIL

JAN 3 1983  
FIRST READING  
READ AND PASSED

*Rose M. Mendonca* CLERK

IN CITY COUNCIL

JAN 20 1983  
FINAL READING  
READ AND PASSED

*[Signature]*  
PRESIDENT  
*[Signature]*  
CLERK

APPROVED  
Jan. 28 1983  
*[Signature]*  
MAYOR

No.

CHAPTER  
AN ORDINANCE

**THE COMMITTEE ON**

~~FINANCE~~  
**Approves Passage of  
The Within Ordinance**

*Rose M. Menckner*  
Clerk ~~Chairman~~

December 13, 1952

WESTERN

153



LAW DEPARTMENT

December 8, 1982

The Honorable Carolyn F. Brassil  
Chairwoman  
Committee on Finances  
c/o City Clerk's Office  
City Hall  
Providence, Rhode Island 02903

Dear Chairwomen Brassil:

You have requested an opinion regarding the capacity of parking garages for which the City Council is authorized to exempt from taxation pursuant to 82-H-7685, Substitute A now Public Law 82-297. The act provides in pertinent part:

"....provided that the capacity of said structure is at least two hundred (200%) percent of the parking capacity of the premises as they existed prior to the erection of said structure...."

This statute authorizes an exemption for premises when the capacity has been doubled. For example, if a lot or structure prior to construction had a capacity of one hundred (100) cars and a capacity of at least two hundred (200) cars after construction, it would qualify for the exemption. This may be distinguished from 82-H-7685 (prior to amendment) which required a "....two hundred (200%) percent increase in parking capacity...."

Therefore, it is the opinion of this office that the legislature intended a doubling and not a tripling of parking capacity in order to qualify for the exemption authorized.

RESPECTFULLY SUBMITTED:

  
GERARD MCG. DECELLES,  
ACTING CITY SOLICITOR

GMD/smr

City of Providence



Rhode Island

Department of City Clerk

**MEMORANDUM**

DATE: November 29, 1982

TO: Acting City Solicitor Gerard DeCelles

SUBJECT: REQUEST FOR A LEGAL OPINION

CONSIDERED BY: Councilwoman Carolyn F. Brassil, Chairwoman Committee on Finance

DISPOSITION: Attached are copies of Resolutions to be

presented to the City Council at its next meeting scheduled to be held Thursday, December 2, 1982.

Also being transmitted is a copy of the Act Passed by the State of Rhode Island relative to the exemption of parking decks for twelve years.

The above named Committee requests a legal opinion from you prior to the meeting relative to the portion requiring a capacity of 200% of the parking capacity, etc., as it pertains to the Resolution.

City Clerk

S T A T E   O F   R H O D E   I S L A N D

I N   G E N E R A L   A S S E M B L Y

J A N U A R Y   S E S S I O N ,   A . D .   1 9 8 2

A N   A C T

A U T H O R I Z I N G   T H E   C I T Y   O F   P R O V I D E N C E  
T O   E X E M P T   O F F - S T R E E T   P A R K I N G  
S T R U C T U R E S   F R O M   T A X A T I O N

Introduced By: Representatives Freda and Skeffington

Date Introduced: March 10, 1982

Referred To: House Committee on Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. The city council of the city of Providence, by  
2 ordinance, may exempt, in whole or in part, from taxation for a  
3 period not exceeding twelve (12) years, any structure above or  
4 under the ground which may hereafter be constructed and located  
5 in such city and used by the public for the parking of automo-  
6 biles off the street or highway; provided that the capacity of  
7 said structure is at least two hundred (200%) percent of the  
8 parking capacity of the premises as they existed prior to the  
9 erection of said structure, and provided further, that the exemp-  
10 tion shall be limited to that portion of the structure exclu-  
11 sively used for or devoted to the parking of automobiles and  
12 vehicles of that nature. And further provided, that the then  
13 existing owner of said structure shall pay to the tax collector  
14 the amount of the taxes exempted with interest at the statutory

1 rate if said structure then ceases to be used as a parking facil-  
2 ity within a subsequent time period equal to the length of exemp-  
3 tion granted. No exemption shall be granted unless the owner of a  
4 structure shall apply for said exemption within three years after  
5 the effective date of this act.

6 SECTION 2. This act shall take effect upon passage and all  
7 acts, or parts of acts inconsistent herewith are herewith  
8 repealed.

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EH253/SUB A/2  
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MAY 4

7685 Sub A

Rep Joseph B. Caspell

HELD ON DESK MAY 11 1982  
 FOR CONSIDERATION  
 BY THE SENATE  
*Robert F. Wall*  
 Reading Clerk

IN PUBLIC OFFICE OF THE SENATE  
 MAY 4 1982  
 READ AND PASSED

IN THE SENATE MAY 5 1982  
 Read and referred to  
 the Committee on  
 CORPORATIONS  
*Robert F. Wall*  
 Reading Clerk

IN THE SENATE MAY 14 1982  
*Robert F. Wall*  
 Read and PASSED  
 IN CONCURRENCE  
 Reading Clerk

READ AND PASSED IN CONCURRENCE,  
 TRANSMITTED TO THE GOVERNOR  
 MAY 14 1982  
*John J. Burns*  
 SECRETARY OF STATE

IN SENATE MAY 11 1982  
 THE COMMITTEE ON CORPORATIONS  
 RECOMMEND THE PASSAGE IN CON-  
 CURRENCE .....  
 OF THE BILL MARKED SUBSTITUTE "A"  
 AND THE INDEFINITE POSTPONEMENT  
 OF THE ORIGINAL BILL  
*William A. Crutge*  
 FOR THE COMMITTEE

Presented by

EXECUTIVE DEPARTMENT  
 Received MAY 14 1982  
 APPROVED  
 MAY 18 1982  
*J. Joseph Gammahy*  
 GOVERNOR

AN ACT  
 AUTHORIZING THE CITY OF PROVIDENCE  
 TO EXEMPT OFF-STREET PARKING  
 STRUCTURES FROM TAXATION

