

AN ORDINANCE  
CHAPTER

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## 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

IN CITY  
COUNCIL

JAN 20 1983

FINAL READING  
READ AND PASSED

PRESIDENT

CLERK

APPROVED

FEB 28 1983

MAYOR

No.

**CHAPTER**

**AN ORDINANCE**

**THE COMMITTEE ON**

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

*Rose M. Mendonca*  
**Clerk** **Chairman**

*December 13, 1982*

**153**  
**VERIFIED**

ACTING CITY SOLICITOR  
GERARD MCG. DeCELLES



MAYOR  
VINCENT A. CIANCI

## 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:

A handwritten signature in cursive script, appearing to read "Gerard McG. DeCelles", is written over a horizontal line.

GERARD MCG. DECELLES,  
ACTING CITY SOLICITOR

GMD/smr

PHONE 421-7740 EXT. 381-382-340

55 EDDY STREET • 6TH FLOOR

PROVIDENCE, RHODE ISLAND 02903

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

8 2 -- H 7685 SUBSTITUTE A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1982

A N A C T

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

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  
\*\*\*\*\*

EXECUTIVE DEPARTMENT  
Received MAY 14 1982

APPROVED

MAY 18 1982

GOVERNOR

A N A C T

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

Presented by

HELD ON DESK MAY 11 1982  
FOR CONSIDERATION  
BY THE SENATE

*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 S. Burns*  
SECRETARY OF STATE

IN THE SENATE MAY 5 1982

Read and referred to  
the Committee on  
CORPORATIONS

*Robert F. Wall*  
Reading Clerk

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. Crutcher*  
FOR THE COMMITTEE

READ AND PASSED

7685 Sub A  
*Rep Joseph L. Caspell*