

# RESOLUTION OF THE CITY COUNCIL

No. 274

Effective ~~XXXXXXX~~ April 17, 1995

RESOLVED, That the City Council endorses and urges passage by the General Assembly of Senate Bill 95-S 0933 and House Bill 95-H 6842 relating to Surcharge on Commercial Parking, in substantially the form attached.

IN CITY COUNCIL  
APR 6 1995

READ AND PASSED

*Evelyn V. Fargnoli*  
ACTING PRES.

*Michael R. Clement*  
CLERK

Effective without the Mayor's  
signature:

*Michael R. Clement*  
Michael R. Clement  
City Clerk

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LC894  
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STATE OF RHODE ISLAND

95-H 6842

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1995

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES --  
GARAGE AND PARKING LOT FEES

95-H 6842

Introduced by: Rep. S. Smith and Moura

Date Introduced: March 21, 1995

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-35 of the General Laws entitled "Respon-  
2 sibility of Parking Lots" is hereby amended by adding thereto the fol-  
3 lowing section:

4 31-35-2. Commercial parking surcharge. -- (a) There is hereby  
5 imposed a commercial parking surcharge of not more than fifty cents  
6  (\$.50) per vehicle, per day, for all vehicles parked in a commercial  
7  parking lot. This fee shall not be pro-rated for less than a full day  
8  (24 hours).

9 (b) For purposes of this section, a commercial parking lot is de-  
10  fined as a parking lot or garage which assesses a fee for parking.  
11  Employee parking shall not be considered commercial parking.

12 (c) The surcharge provided for herein shall be effective in all  
13  municipalities, subject to the individual municipality's legislative  
14  body authorizing such surcharge and setting the actual surcharge rate.  
15  Such funds shall be used at the sole discretion of the municipality.

16 (d) Surcharge receipts shall be remitted weekly by the parking  
17  lot operators to the municipal tax collector. Accompanying these

# 95-H 6842

1 receipts shall be a report listing the number of vehicles per day  
2 which used the parking lot for the weekly reporting period. The  
3 financial books and records of the parking lot operator shall be sub-  
4 ject to review by the municipality.

5 (e) Failure to collect or remit the required surcharges and  
6 reports shall be cause for the revocation of the commercial parking  
7 lot license.

8 31-35-3. Severability. -- If any provision of this chapter or  
9 the application thereof to any person or circumstances is held  
10 invalid, such invalidity shall not affect other provisions or applica-  
11 tions of the chapter, which can be given effect without the invalid  
12 provision or application, and to this end the provisions of this chap-  
13 ter are declared to be severable.

14 SECTION 2. This act shall take effect upon passage.

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LC894  
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## EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO MOTOR AND OTHER VEHICLES --  
GARAGE AND PARKING LOT FEES

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1 This act allows municipalities to impose a surcharge on com-  
2 mercial parking lots.

3 This act would take effect upon passage.

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## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

95-S 933

JANUARY SESSION, A.D. 1995

## AN ACT

## RELATING TO SURCHARGE ON COMMERCIAL PARKING

95-S 933

Introduced By: Senators Palazzo  
and Ruggiero

Date Introduced: February 16, 1995

Referred To: Senate Committee on  
Corporations

It is enacted by the General Assembly as follows:

SECTION 3. Title 5 of the General Laws entitled "Business and Professions" is hereby amended by adding thereto to the following chapter:

Chapter 38.3. Garage and Parking Lot Fees.

5-38.3-1 Commercial Parking Surcharge

a.) There is hereby imposed a commercial parking surcharge of not more than \$.50 per vehicle, per day, for all vehicles parked in a commercial parking lot. This fee shall not be pro-rated for less than a full day (24 hours).

b.) A commercial parking lot is a parking lot or garage which assesses a fee for parking. Employee parking shall not be considered commercial parking.

c.) This surcharge shall be effective in all municipalities subject to the individual municipality's legislative body authorizing such surcharge and setting the actual surcharge rate. Such funds shall be used at the sole discretion of the municipality.

d.) Surcharge receipts shall be remitted weekly by the parking lot operators to the municipal tax collector. Accompanying these receipts shall be a report listing the number of vehicles per day which used the parking lot for the weekly reporting period. The financial books and records of the parking lot operator shall be subject to review by the municipality.

e.) Failure to collect or remit the required surcharges and reports shall be cause for the revocation of the commercial parking lot license.

5-38.3-2 Severability. If any provision of this chapter is held by a court to be invalid, that invalidity shall not affect the remaining provisions of this chapter, and to this end the provisions of this chapter are hereby declared severable.

SECTION 3. This act shall take effect upon passage.

95-S 933

EXPLANATION  
OF  
AN ACT  
RELATING TO  
SURCHARGE ON COMMERCIAL PARKING

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This Act shall allow municipalities to impose a surcharge on commercial parking lots.

This Act shall take effect upon its passage.

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# RESOLUTION OF THE CITY COUNCIL

No. 275

Effective ~~XXXXXX~~ April 17, 1995

RESOLVED, That the City Council opposes passage by the General Assembly of House Bill 95-H 6839 relating to Historic District Commission, in substantially the form attached.

IN CITY COUNCIL  
APR 6 1995  
READ AND PASSED

*Evelyn T. Fargnoli*  
ACTING PRES.

*Michael R. Clement*  
CLERK

Effective without the Mayor's  
signature:

*Michael R. Clement*  
Michael R. Clement  
City Clerk

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DT410  
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STATE OF RHODE ISLAND

95-H 6839

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1995

A N A C T

RELATING TO HISTORIC DISTRICT COMMISSION

95-H 6839

Introduced By: Reps. Moura and S. Smith

Date Introduced: March 21, 1995

Referred To: Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24.1-3 of the General Laws in Chapter  
2 45-24.1 entitled "Historical Area Zoning" is hereby amended to read as  
3 follows:

4 45-24.1-3. Creation of commission authorized -- Membership  
5 appointment -- Term of office. -- In order to carry out the purposes  
6 of this chapter the city council of any city or the town council of  
7 any town shall have the authority to create a commission to be called  
8 the historic district commission. The membership of a commission in a  
9 city shall consist of seven (7) qualified members, and in a town shall  
10 consist of not less than three (3) nor more than seven (7) qualified  
11 members, whose residence is located in the city or town, provided,  
12 that the historic district commission of the city of Newport shall  
13 consist of nine (9) qualified members, and provided, that the historic  
14 district commission of the city of Providence shall consist of thir-  
15 teen-(13)-qualified-members,-two-(2)-of-whom-shall-be-members--of--the  
16 city-council-elected-by-the-city-council-from-its-councilmanic-members  
17 to--serve--for--a-term-of-four-(4)-years;-and-two-(2)-of-whom-shall-be

1 members-of-the-general-assembly-elected-from-the-city--of--Providence;  
2 one--to-be-appointed-from-the-senate-by-the-senate-majority-leader-and  
3 one-to-be-appointed-from-the-house-by-the-speaker; nine (9) qualified  
4 members; in addition, the Providence city council may select two (2)  
5 of its councilmanic members to serve ex-officio on the historic dis-  
6 trict commission, for a term of four (4) years. In a city the members  
7 shall be appointed by the mayor, ~~except-as--hereinbefore--provided--in~~  
8 ~~the--case--of--the--historic-district-commission-of-the-city-of-Provi-~~  
9 dence; and in a town, by the president of the town council. The  
10 appointed members of such commission shall be appointed for three (3)  
11 year terms, except the initial appointments of some of the members  
12 shall be for less than three (3) years so that the initial appoint-  
13 ments shall be staggered and so that subsequent appointments shall not  
14 reoccur at the same time. Any city or town shall have the right to  
15 name an auxiliary member of the commission appointed in addition to  
16 the regular members of the commission, which auxiliary member shall  
17 sit as an active member, upon the request of the chairperson, when and  
18 if a regular member of the commission is unable to serve at any meet-  
19 ing of the commission. Appointed members of the commission shall be  
20 eligible for reappointment, and, upon the expiration of their term,  
21 shall continue to serve until replaced unless otherwise provided for  
22 in local law. In the event of a vacancy on the commission, interim  
23 appointments of appointed members may be made by the appointing  
24 authority to complete the unexpired term of the position. Duly organ-  
25 ized and existing preservation societies may present to the appointing  
26 authority of a city or town a list of qualified citizens, from which  
27 list the appointing authority may select members of the commission for  
28 his or her respective city or town.

29 SECTION 2. This act shall take effect upon passage.

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DT410  
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# 95-H 6839

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO HISTORIC DISTRICT COMMISSION

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- 1           This act would reduce the number of Providence's historic
- 2   commission members from 13 to 9.
- 3           The act would take effect upon passage.

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DT410  
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