

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1984-52

No. 411 **AN ORDINANCE** IN AMENDMENT OF ARTICLE III
OF CHAPTER 15 OF THE CODE OF ORDINANCES OF THE CITY OF
PROVIDENCE.

Approved July 16, 1984

Be it ordained by the City of Providence:

SECTION I. PURPOSE OF SECTION.

The City Council of the City of Providence finds that:

Dismantled, junked, or inoperable vehicles within the City of Providence constitute a significant blight in the City and a public nuisance, and that:

Such vehicles also constitute potential harborage for rats and other vermin and as such are public health hazards.

SECTION II. REPEAL OF EXISTING ARTICLE.

Sections 15-36 through 15-43 of Article III of Chapter 15 of the Code of Ordinances of the City of Providence are hereby repealed in their entirety, and the following substituted therefore.

SECTION III. DEFINITIONS.

(a) "Dismantled, junked, or inoperable vehicles" shall mean vehicles legally or physically incapable of being operated or which have not been duly registered according to law, or which do not have legal evidence of said lawful registration affixed thereto, or which lack to a substantial degree, the equipment in good operating condition as required by law to enable them to be registered, and further shall be deemed to include major parts thereof including bodies, engines, transmissions, rear ends, and the like.

(b) "Premises" shall include public or private property.

(c) "Public Property" shall include property owned or otherwise legally or equitably held by the City.

SECTION IV. STORAGE LICENSE REQUIRED.

No person, firm or corporation shall deposit, store, keep or permit to be deposited stored or kept in the open upon public or private property a dismantled,

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junked or inoperable vehicle, unless a license for such storage has theretofore been obtained from a proper authority.

SECTION V. DETERMINATION OF VIOLATION.

Upon observation by the Director of the Department of Public Works, or his designee, of any vehicle which reasonably appears to be in violation of this Article:

(a) The Director or his designee shall enter upon the premises, and determine the presence of a violation of this section.

(b) The Director or his designee shall determine the Vehicle Identification Number of the vehicle, and shall furnish that number to the Providence Police Department for a determination as to whether or not the vehicle is stolen, and for a determination as to the current registered owner, if any.

(c) A vehicle which is determined to be stolen shall be turned over to the custody of the Providence Police Department.

SECTION VI. ACTION UPON DETERMINATION OF VIOLATION.

(a) A vehicle which is determined to be in violation of this Article shall have affixed thereto notice indicating that the vehicle is in violation of the law, and is to be removed within seven (7) days of the notice. The notice will further indicate that should the vehicle not be removed within seven (7) days it will be removed by the Department of Public Works, or an authorized agent thereof. The notice shall further indicate an opportunity for the owner to request a hearing before the Director of the Department of Public Works, or his designee, to protest the afore-said determination of violation, which hearing shall be afforded prior to any further action taken under this Article. The notice shall also indicate that the costs of removal shall be borne by the owner, and that the vehicle may be redeemed by payment.

(b) If a structure is located within or upon the premises at which the vehicle is located, a notice of similar content will be left at that structure. If the name and address of the current registered owner can be determined through a Police Department check, a notice of similar content shall be sent from the Department of Public Works, by regular mail, postage pre-paid, to the address of record of the owner.

SECTION VII.. FAILURE TO REMOVE UPON PROPER NOTICE.

(a) If said vehicle is not removed within seven (7) days, the Department of Public Works, through a licensed towing company, shall have the vehicle towed to the place of business and/or storage of the tow company. At that time, if a structure is located within or upon the premises at which the vehicle was located, a notice shall be left at that structure, substantially consistent with Sec. VI of this Article. And if the name and address of the current registered owner has been determined, similar notice shall be sent by regular mail, postage pre-paid, to that owner, both of which notices shall indicate the location at which the vehicle shall be redeemed within seven (7) days.

SECTION VIII. REDEMPTION OF VEHICLE REQUIRED.

(a) The owner of any vehicle removed under the terms of this Article shall within seven (7) days after removal, redeem the said vehicle from the tow company authorized by the Department of Public Works. The costs of said removal shall be calculated at a rate for transport and storage in accordance with tariffs on file with the Public Utilities Commission by the said tow company, and other conduct of the licensed tow company shall be consistent with the Rules and Regulations of the said Commission, and other existing law.

(b) Failure to redeem a vehicle as provided within this Article shall be punishable as indicated in Section 1-10 of this Code of Ordinances.

SECTION IX. RECORDS REQUIRED.

(a) Each authorized tow company shall file a monthly report with the Director of the Department of Public Works, showing an accounting of vehicles towed, vehicles released, and fees collected.

SECTION X. AMENDMENT OF INCONSISTENT SECTIONS.

Section 15-27 of Article II of Chapter 15 of the Code of Ordinances of the City of Providence entitled "Post-seizure hearings for towed or impounded vehicles applicable to other sections of the Code of Ordinances." is hereby amended to read as follows:

"Section 15-27 Post-seizure hearings for towed or impounded vehicles applicable to other sections of the Code of Ordinances

The procedure for post-seizure hearings for towed or impounded vehicles shall also apply to sections 15-19 and 15-22 of Article II."

SECTION XI. EFFECTIVE DATE.

This Ordinance shall take effect upon its passage.

IN CITY COUNCIL

JUN 7 1984

First Reading Read and Passed
Referred to Committee on
ORDINANCES

Rose M. Mendonca CLERK

IN CITY COUNCIL

JUL 5 1984

FINAL READING
READ AND PASSED

Louis R. Stravato PRESIDENT
Rose M. Mendonca CLERK

APPROVED

JUL 16 1984

[Signature]
MAYOR

CITY COUNCIL
JUL 1 5 1984
Held in Council on
June 27, 1984

FILE

THE COMMISSION
ORDINANCE
APPROVED
The Within Ordinance

Dee Mendenhall
Clerk Chairman
June 27, 1984

Councilwoman DiRusso, Council President Pro Tempore Struoso
Councilman Petrucci, DiLillo and DiConna