

ARTICLE III. - GASOLINE STORAGE [28]

⁽²⁸⁾ **Cross reference**— Licenses and business regulations, ch. 8; zoning, app. E; automotive services, app. E, § 419.

Sec. 5-41. - Town council approval.

No person shall store, keep or have in possession for any purpose or use in any building or place within the town more than five gallons of naphtha, gasoline, benzene, benzol or other hydrocarbon that will flash or inflame at a less temperature than 110 degrees Fahrenheit unless such person shall have first filed with the town council a statement of the maximum quantity to be kept, stored, or had in possession and of the place where and the manner in which it is to be kept, stored or had in possession by such person. The town council with regard to the public safety must have first approved in writing the maximum quantity, place where, and manner in which it is to be stored, kept or had in possession. It shall not be stored, kept or had in possession by such person in any greater quantity, or in any such other place or manner, than so specified in the approval. Any such approval may be rescinded at any time at the pleasure of the town council.

(Rev. Ords. 1989, § 5-41)

Sec. 5-42. - Limitations.

Not more than five barrels in the aggregate of any one or more of the substances stated in section 5-41 shall be stored or kept in any building or place within a thickly settled area or a business section of the town except in a steel tank which shall be located under ground, and the top of such tank which is located in any building shall be below the level of the lowest floor or basement in the building containing the same. All pipes shall be arranged to drain back into the supply tank. If in the opinion of the town council the public safety will be as well or better protected by having the tank other than underground, then it shall be in such other location as may be approved in writing by the town council in the manner aforesaid. Any such approval may be rescinded at any time at the pleasure of the town council.

(Rev. Ords. 1989, § 5-42)

Sec. 5-43. - Filler pipes.

Filler pipes shall not be less than 1¼ inches in diameter and located outside of the building, and shall be provided with a screw plug or cap and kept securely locked when not in use.

(Rev. Ords. 1989, § 5-43)

Sec. 5-44. - Vent pipes.

Vent pipes shall not be less than one inch in diameter. They shall be carried to a point not less than 12 feet above the ground level at the filling point. They shall terminate not less than five

feet from any door or window opening. They shall be fitted with an approved weather hood screened with a noncorrosive wire screen, not coarser than no. 30 mesh.

(Rev. Ords. 1989, § 5-44)

Sec. 5-45. - Enforcement.

It shall be the duty of the fire chief to enforce the provisions of this article and such rules and regulations as may be prescribed by the town council for the safety of the inhabitants. All violations shall be reported for prosecution.

(Rev. Ords. 1989, § 5-45)

Sec. 5-46. - Exception.

Nothing in this article shall apply to the storage of naphtha, benzine, gasoline or other hydrocarbon in tanks or vehicles using the same for fuel or motive power.

(Rev. Ords. 1989, § 5-46)

Secs. 5-47–5-69. - Reserved.

ARTICLE IV. - MOTORIZED CYCLE RENTAL

Sec. 8-76. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motorized cycle means two (2) wheel vehicles which may be propelled by human power or helper power, or both, with a motor rated not more than four and nine-tenths (4.9) horsepower and not greater than fifty (50) cubic centimeters, which are capable of a maximum speed of not more than thirty (30) miles per hour.

Motorized tricycle shall mean tricycles which may be propelled by human power or helper motor, or by both, with a motor rated no more than 1.5 brake horsepower which is capable of a maximum speed of not more than thirty (30) miles per hour.

Motor scooter shall mean a motor-driven cycle with a motor rated not more than four and nine-tenths (4.9) horsepower and not greater than fifty (50) cubic centimeters, which is capable of a maximum speed of not more than thirty (30) miles per hour.

Rental or lease of motorized bicycles, motorized tricycles or motor scooters shall mean the use of motorized bicycles, motorized tricycles or motor scooters where compensation in any form is received directly or indirectly by the person who is the registered owner, lessor or sublessor of such vehicle from the person using, hiring, leasing or renting such vehicle.

(Rev. Ords. 1989, § 8-76; Ord. of 6-28-2006(1), § 8-76)

Sec. 8-77. - License –Required.

No person, firm, or corporation shall, or offer for rent or lease or allow to be rented or leased any motorized bicycle, motorized tricycle or motor scooter within the Town unless and until the Town Council issues a license in accordance with the provisions of this article. Each licensee and applicant shall comply with all applicable Town ordinances and laws of state.

(Rev. Ords. 1989, § 8-77; Ord. of 6-28-2006(1), § 8-77)

Sec. 8-78. - Same –Application.

Any person requesting a license hereunder shall make application to the Town Council upon the following form, to be supplied by the Town Clerk:

License Application–Rental of Motorized Bicycles,
Motorized Tricycles and/or Motorized Scooters

1. Applicant: _____

Natural
person(s)

Corporatio
n

Partnership

Other _____
(Specify)

2. Business address: _____

3. If applicant is a corporation:
State of incorporation _____
Officers:

President _____
Vice President _____
Secretary _____
Treasurer _____

Directors: _____

Shareholders (and percent interest of each shareholder):

If applicant is a Rhode Island Corporation, attach a certificate of good standing from the Rhode Island Secretary of State. If applicant is a foreign corporation, attach a certificate of good standing from the state of incorporation and a certificate of authority to transact business in Rhode Island from Rhode Island Secretary of State.

4. If applicant is a partnership, list all general and limited partners: _____

5. Operating location: _____
If applicant has entered into a lease for the property from which mopeds, tripedes, and scooters are to be rented, attach a copy of the lease agreement.
(Note: If license is issued, it will be issued for this location only.)

6. Insurance coverage for operators of rented mopeds, tripedes, and scooters and insurance coverage for any liability of the applicant/lessor for personal injury and/or property damage by reason of the rental of the applicant's/lessor mopeds, tripedes, or scooters, not less than ten thousand dollars (\$10,000.00) coverage for property damage per accident, twenty-five thousand dollars (\$25,000) for injury or death sustained by one (1) person, and fifty thousand dollars (\$50,000) for all personal injuries or deaths resulting from one (1) accident:

Name of insurance carrier _____
Property damage _____
Personal damage _____

7. Describe type of (a) mopeds, (b) tripedes and (c) motor scooters applicant intends to rent: _____

8. (a) Number of vehicles and registration numbers as issued by the State of Rhode Island and the Vehicle Identification Number as issued by the manufacturer of each vehicle applicant intends to rent: _____
(b) As to each such vehicle, a certificate by duly authorized state inspection facility indicating that any such vehicle passed an annual inspection, as governed by rules promulgated by the Rhode Island State Department of Transportation. _____

9. Does applicant or any officer, director, shareholder or partner thereof or any entity

in which applicant is an ownership interest or if applicant is an individual, any member of applicant's immediate family have any other license to rent mopeds, tripedes, or motor scooters in the Town of New Shoreham or have any interest, direct or indirect, in any other such license issued or applied for?

Yes_____ If yes, give details of license: _____

No_____

10. If applicant is a corporation, do any shareholders own shares of, or have any direct or indirect interest in, an existing corporation licensee, or a corporation for which a license has been applied for?

Yes_____ If yes, name existing license: _____

No_____

11. If applicant is a corporation, is any officer or director thereof, an officer or director of an existing licensee?

Yes_____ If yes, name existing license and office or directorship held.

No_____

12. Has applicant been convicted of any felony or misdemeanor within the past five (5) years?

Yes_____ If yes, specify: _____

No_____

13. Has applicant been found to have violated any motor vehicle law or code within the past five (5) years?

Yes_____ If yes, specify: _____

No_____

14. Has applicant been found to be in violation of any ordinances of New Shoreham within the past five (5) years?

Yes_____ If yes, specify: _____

No_____

15. Does applicant give the Town Council permission to contact state municipal authorities and applicant's insurance agent, broker, or carrier to obtain information relating to this application? Yes_____ No_____

16. If applicant has been issued a license by the State of Rhode Island or the Town Council hereunder to rent motorized bicycles, motorized tricycles or motor scooters the previous year, attach a copy of applicant's financial statements. If applicant has been previously issued a license by the State of Rhode Island or by the Town Council hereunder, attach a copy of the license. If applicant has not previously been issued a license, attach a copy of applicant's pro forma financial statements.

17. Is this an original application?
 renewal application?

(Rev. Ords. 1989, § 8-78; Ord. of 10-21-1992(1); Ord. of 6-28-2006(1), § 8-78)

Sec. 8-79. - Procedure for issuance of license.

(a) Within thirty (30) days of the filing of an application for a license hereunder, whether an original or renewal license, the Town Council shall take action on the application pursuant to G.L. 1956, § 31-19.3-6 et seq. The Town Council shall consider the applications in the order in which they are completed in accordance with this article.

(b) Applicants who are denied licenses due to unavailability because of the issuance of the maximum number hereunder as hereafter provided for in section 8-78 or such other number as the Town Council may determine shall be placed on the waiting list as provided in section 8-85

(c) In determining the fitness of the applicant to be licensed, hereunder, the Town Council shall consider all information set forth in the application to be filed pursuant to section 8-78 and the solvency, financial standing, insurance coverage and any other matter which the Town Council deems pertinent to safeguard the public interest, including without limitation, the condition of the applicant's premises for which a license is sought, the applicant's compliance with Town ordinances and the laws of Rhode Island and the safety record of persons renting mopeds, tripedes, or motor scooters from the applicant.

(d) Each license shall permit the rental or lease of such vehicles at one (1) geographic location in which the rental of such vehicles is a permitted use. Each license issued by the Town Council shall be valid unless sooner revoked or suspended until the end of the calendar year for which it is issued.

(Rev. Ords. 1989, § 8-79; Ord. of 6-28-2006(1), § 8-79)

Sec. 8-80. - Review of application by Town Clerk

Upon the filing of an application for a license hereunder or renewal thereof, the Town Clerk shall determine whether the application is complete in accordance with the terms of this chapter. If the application is incomplete, the Town Clerk shall forthwith notify the applicant at the address contained in the application. When the application is complete, the Town Clerk shall forward it to the Town Council for action.

(Rev. Ords. 1989, § 8-80; Ord. of 6-28-2006(1), § 8-80)

Sec. 8-81. - License contents.

(a) Each license issued by the Town Council shall specify:

(1) The name and address of the license holder;

(2) The type of vehicle(s) which the licensee is authorized to rent or lease;

(3) The location of the premises from which the licensee is authorized to rent or lease vehicles;

(4) The total number of motorized bicycles, motorized tricycles, and/or motorized scooters which the licensee is authorized to rent or lease; and

(5) Such provisions or stipulations which shall be included in the lease agreement that the lessee has been informed of the Town's ordinance prohibiting use of the vehicle on unpaved roads and other applicable Town ordinances and state laws and regulations relating to operation of motorized bicycles, motorized tricycles, and motorized scooters.

(b) Prior to issuance of the license, the licensee shall present to the Town Clerk a certificate stating that the licensee has insurance coverage in effect in the amounts required by section 8-78. If such coverage is cancelled by the licensee's insurer, the licensee or its insurer shall

promptly notify the Town Clerk.

(Rev. Ords. 1989, § 8-81; Ord. of 6-28-2006(1), § 8-81)

Sec. 8-82. - Tags.

Each licensee shall be issued an identification tag for each authorized motorized bicycle, motorized tricycle, or motorized scooter which tag shall be affixed to an authorized vehicle in a conspicuous place. Each tag shall contain the Town license number and, at the option of the Town, the name of the licensee and the licensee's vehicle number. No vehicle shall be rented or leased unless one (1) of the tags is affixed thereto.

(Rev. Ords. 1989, § 8-82; Ord. of 6-28-2006(1), § 8-82)

Sec. 8-83. - License –Renewal.

(a) Each license may be renewed on or after the first of each year, by application made as provided in (b) below. An applicant who is granted a license shall obtain the license from the Town Clerk within thirty (30) days of the granting of same or May 1 of the year for which the license is granted, whichever is later. Otherwise the license may be revoked by the Town Council.

(b) Each licensee who seeks to renew a license shall submit an application in the form set out in section 8-78 between November 15 and December 1 of the year in which the license was issued. Licensees seeking renewal of their licenses and who comply with this section in a timely fashion shall be given preference for the following year over applicants on the waiting list.

(Rev. Ords. 1989, § 8-83; Ord. of 6-28-2006(1), § 8-83)

Sec. 8-84. - Same –Fee.

Upon issuance of any new license or renewal of any license, the licensee shall pay to the Town a fee which is on file in the Town Clerk's office per authorized motorized bicycle, motorized tricycle and motorized scooter.

(Rev. Ords. 1989, § 8-84; Ord. of 6-28-2006(1), § 8-84)

Sec. 8-85. - Waiting list.

The Town shall maintain a waiting list of applicants for licenses under this article. Applicants who are denied licenses because of the unavailability of additional licenses to be issued under this article shall be placed on the waiting list in the order in which applications are acted upon by the Town Council. When a license becomes available, the applicant first on the waiting list shall be considered next for a license, subject to the provisions of this article limiting the number of licenses which may be issued hereunder as shall then be effective. During the month of November of each year, the Town Clerk shall contact each applicant on the waiting list at the address as given on the application to determine whether the applicant still seeks a license. The application shall be updated each year on or before December 1.

(Rev. Ords. 1989, § 8-85; Ord. of 6-28-2006(1), § 8-85)

Sec. 8-86. - Number of licenses

The number of licenses for rental of motorized bicycles, motorized tricycles, and motorized scooters to be issued by the Town shall not exceed five (5) per year.

(Rev. Ords. 1989, § 8-86; Ord. of 2-21-1996(2); Ord. of 6-28-2006(1), § 8-86)

Sec. 8-87. - Number of vehicles per license.

The number of motorized bicycles, motorized tricycles or motorized scooters which a licensee shall be permitted to rent or lease shall not exceed thirty-four (34) in total.

(Rev. Ords. 1989, § 8-87; Ord. of 10-17-1994; Ord. of 7-24-1997; Ord. of 6-28-2006(1), § 8-87)

Sec. 8-88. - Hours of operation.

Motorized bicycles, motorized tricycles and motorized scooters may be rented or leased only between the hours of 9:00 a.m. and 6:00 p.m. and operation of these vehicles may only occur between the hours of 9:00 a.m. and 8:00 p.m.

(Rev. Ords. 1989, § 8-88; Ord. of 10-5-1992; Ord. of 6-28-2006(1), § 8-88)

Sec. 8-89. - Registration.

All motorized bicycles, motorized tricycles, and motorized scooters offered for rent or lease by a licensee hereunder shall be registered in the Town at the licensee's business address on Block Island.

(Rev. Ords. 1989, § 8-89; Ord. of 6-28-2006(1), § 8-89)

Sec. 8-90. - Safety.

Each licensee shall make available shall make available to persons renting motorized bicycles, motorized tricycles, and motorized scooters eye protection and helmets of the type approved by the state as set forth in rules and regulations promulgated in accordance with G.L. 1956 § 31-10.1-4. Each licensee shall comply with section 18-24 of this ordinance, and all applicable laws and regulations of the State and its agencies including Rhode Island General Laws §31-41.1-4, which provides: Any passenger on a motorcycle, motor scooter, or motor-driven cycle must be provided with a separate rear seat, a separate foot-rest, and an appropriate handlebar or grip for his or her use, and must wear a properly fitting helmet of a type approved by the division of motor vehicles. No person shall operate a motorcycle, motor scooter, or motor-driven cycle unless any passenger on it wears a helmet and is able to rest his or her feet upon a foot-rest. Any passenger on a motorcycle, motor scooter, or motor-driven cycle under twelve (12) years of age must have a properly secured back-rest or equivalent, shall have his or her feet placed upon the foot-rest, and shall be seated behind the operator unless a side car is provided. When, however, a side car is provided this age requirement shall not apply to any passenger(s) in the side car. Violations of this section are subject to fines enumerated in § 31-41.1-4.

(Rev. Ords. 1989, § 8-90; Ord. of 11-18-1992; Ord. of 6-28-2006(1), § 8-90)

Sec. 8-91. - Driver's license required for rental.

No person shall rent or lease a motorized bicycle, motorized tricycle, or motorized scooter unless they have a valid operator's license under G.L. 1956, § 31-10-1 or similar laws of another jurisdiction.

(Rev. Ords. 1989, § 8-91; Ord. of 6-28-2006(1), § 8-91)

Sec. 8-92. - Transferability.

A license issued pursuant to this article is not transferable.

(Rev. Ords. 1989, § 8-92; Ord. of 6-28-2006(1), § 8-92)

Sec. 8-93. - Procedures for denial, etc., of license.

The procedures set forth in G.L. 1956, § 31-19.3-6–31-19.3-10 shall apply to the denial,

suspension or revocation of licenses. If the Town Council shall deny an application for renewal of a license or shall suspend or revoke a license, no license in the place and stead of such license shall be issued until all appeals from such action of the Town Council shall be finally determined.

(Rev. Ords. 1989, § 8-93; Ord. of 6-28-2006(1), § 8-93)

Sec. 8-94. - Limitations on licenses.

No person shall hold more than one (1) license for the rental of motorized bicycles, motorized tricycles, and motorized scooters. No officer, director, shareholder, partner or member of the immediate family of an existing licensee or any person who has an ownership interest, direct or indirect in an existing license shall be granted a license hereunder. No license shall be issued to a corporation if an officer, director or shareholder of the applicant is also an officer, director or shareholder of an existing corporate license.

(Rev. Ords. 1989, § 8-94; Ord. of 6-28-2006(1), § 8-94)

Sec. 8-95. - Enactment.

This ordinance shall take effect upon passage.

(Ord. of 6-28-2006(1), § 8-95)

Secs. 8-96–8-109. - Reserved.