

CHAPTER 3.

WATER DEPARTMENT*

* **Editors Note:** The water department traces its origin to P.L. 1927, ch 1121, "An Act Providing for a Water Supply in the Town of Warwick." That chapter was amended by P.L. 1931, ch. 1852, "An Act to Establish the City of Warwick."

Sec. 3.1. Water supply board generally.

There is hereby established for the town of Warwick a water supply board, consisting of five members all of whom shall be qualified electors of said town. The board of water commissioners, appointed by the moderator at the annual financial town meeting of said town held on May 12, 1925, pursuant to resolutions adopted by said town meeting, is hereby continued in office until the members of said water supply board are elected as hereinafter provided.

The members of said water supply board shall be elected by the electors of the town of Warwick qualified to vote for general officers, at the special election to be called and held in said town in accordance with the provisions of section 5 of this act, and shall hold office from the date of their election until their duties relative to the construction of a water supply system are completed.

A person holding any other town office or representing said town as a senator or representative in the general assembly shall not be eligible for membership on said board and whenever any member of said board shall be elected to any other town office or shall be chosen as a senator or representative in the general assembly or shall cease to be a qualified elector of said town his membership on said board shall cease and determine. The town council of said town may by a majority vote remove any member of said board because of misconduct or incapacity on the part of such member in the discharge of his duties and said town council shall fill any vacancy occurring in the membership of said board from any cause, by the appointment of a properly qualified elector as a member to fill such vacancy. The members of said board shall serve without pay, but they may elect one of their number as secretary and fix his salary, which shall be paid in the same manner as other lawful obligations incurred by said board.

The board may adopt by-laws and rules regulating the transaction of its business but no by-laws shall authorize any action by the board except by majority vote thereof. The board from time to time may employ and fix the compensation of such attorneys, engineers, surveyors, draftsmen, clerks and other employees as may be necessary for the efficient performance of its duties hereunder, and may at any time discontinue the employment of any or all such employees. The board shall cause to be kept in books of the town a record of all its acts and proceedings and an accurate account of all its financial transactions and shall annually in the month of April report to the town council its doings and a summary at least of its financial accounts. The board shall be vested with the exclusive power and authority to construct a system of waterworks for said town, and to provide an adequate water supply for said town, and for said purposes is hereby authorized and empowered to make for and in behalf of said town all necessary contracts with the owners of privately owned water systems, quasi-municipal water companies and other municipalities, for the purchase or lease of their property and equipment and for the purchase of water to be distributed throughout said town or any portion thereof, and especially to contract for and in behalf of said town with the city of Providence and to act for and in behalf of said town in all matters relating thereto as are provided in P.L. 1915, ch. 1278, § 18, and all acts in amendment thereof and addition thereto. Before said board shall acquire by purchase or condemnation, or both, the

necessary property for such water supply system, or before said board shall make contracts with the city of Providence, or with any other municipality, person or corporation for a supply of water, said board shall prepare a plan or plans for the construction of said waterworks and the acquisition of a water supply and shall submit such plan or plans to the town council, and after the same shall have been approved by said council, said board shall proceed as soon as may be to execute such plan or plans. All work and materials required for such construction, or any other construction authorized or required under this act shall be procured by contract made pursuant to and in [the] manner required by the provisions hereof. In all contracts involving more than five hundred dollars said board shall advertise for bids based upon proper specifications to be prepared by said board and shall let such contract or contracts to such bidder or bidders who will give security satisfactory to said board for the performance of their contract, after considering the relative competency and responsibility of the bidders and the amounts of their respective bids. No member of said board nor any employee thereof shall have any interest directly or indirectly for personal gain or profit in any contract, agreement, lease, sale or purchase made by the board in behalf of the town under the authority of this act and any and all contracts, agreements, leases, sales or purchases made in violation hereof shall be utterly void as to said town at the option of the town council. In addition to the duties of said board herein prescribed, the town council of said town may from time to time by ordinance prescribe other and further duties not inconsistent herewith, and at any time may amend or repeal any such ordinance.

The board is authorized and empowered to expend the appropriation voted at said annual financial town meeting held on May 12, 1925 for the purpose of providing a water supply system for said town in accordance with the provisions of this act and the town treasurer shall pay all authorized obligations of said board for such purpose from the proceeds of the bond issue authorized in section 4 of this act upon the receipt of vouchers approved by the chairman of said board and the town auditor.
(P.L. 1927, ch. 1121, § 1)

Sec. 3.2. Town authorized to exercise certain powers and authority; authority to take, condemn, hold, etc., property.

Said town of Warwick is authorized and empowered to exercise all the powers and authority conferred upon towns by the provisions of G.L. 1956, ch. 179, entitled "Of municipal water supply," and all acts in amendment thereof and in addition thereto. In addition to the powers and authority thereby conferred, said town is hereby authorized and empowered to take, condemn, hold, use and permanently appropriate the property and equipment of any and all privately owned water systems now engaged in supplying water to communities or districts in said town, which may be necessary for the establishment and operation of a complete and effective water supply system throughout said town: Provided, however, that in case any such privately owned water system shall be located partly outside the limits of said town, said town shall not acquire by condemnation that portion of the physical equipment, lands, rights and other property of such system as shall be actually located outside said town: Provided, further, that the right of condemnation shall not extend to any property now within said town of Warwick and owned and controlled by The Warwick & Coventry Water Company, a privately owned water company heretofore created by the general assembly and having its principal places of business in the towns of West Warwick and Coventry. All proceedings for the acquisition of any such privately owned water system or any part thereof and for fixing the compensation to be paid therefor shall be in accordance with the provisions of said G.L. 1956, ch. 179, which are hereby made expressly applicable thereto. Whenever the town council of said town shall by vote authorize the condemnation of any property or estate or rights of property, which the water supply board deems necessary for a complete and effective water supply system in said town, said board shall act for and in behalf of said town in all matters and proceedings governing such

condemnation and taking.
(P.L. 1927, ch. 1121, § 2)

Sec. 3.3. Board of water commissioners, generally.

There is hereby established a board of water commissioners for the town of Warwick consisting of three members who shall be qualified electors of said town. The electors of the town of Warwick qualified to vote for general officers shall, at the special election to be called and held in said town in accordance with the provisions of section 5 of this act, elect the members of said board of water commissioners, one to hold office until the first day of January, 1929, one to hold office until the first day of January, 1931, and one to hold office until the first day of January, 1933, and until their successors are respectively elected and qualified. On the Tuesday next after the first Monday in November, 1928, and biennially thereafter the electors of the town of Warwick qualified to vote for general officers shall elect a member of said board of water commissioners to succeed the member whose term is about to expire, and to hold office for the term of six years from the first day of January next after his election, and until his successor is elected and qualified. For the election to be held on the Tuesday next after the first Monday in November, 1928, and biennially thereafter, the nomination and election of a member of said board shall be governed by the provisions of chapters 10 and 11 of the general laws, and the names of the candidates so nominated shall be placed upon the ballot with the names of the candidates for other town officers to be voted for at said election.

A person holding any other town office or representing said town as a senator or representative in the general assembly shall not be eligible for membership on said board and whenever any member of said board shall be elected to any other town office or shall be chosen as a senator or representative in the general assembly or shall cease to be a qualified elector of said town his membership on said board shall cease and determine. The town council of said town may by a majority vote remove any member of said board because of the misconduct or incapacity on the part of such member in the discharge of his duties and said town council shall fill any vacancy occurring in the membership of said board from any cause by the appointment of a properly qualified elector as a member to fill such vacancy for the remainder of the term of the member who has retired. The town council shall have authority to require the members of the board of water commissioners to furnish bond for the faithful performance of their duty, in such amount and with such surety as said town council may deem desirable. The board of water commissioners shall hold regular monthly meetings on the Monday next preceding the regular meeting of the town council at five o'clock in the afternoon unless said board shall by rule otherwise provide.

The board of water commissioners shall have the care, management and control of the water supply system established by this act and it may extend the mains and otherwise increase the efficiency and advantage of the system as appropriations are made from time to time for such purposes, and generally it may do any act or thing which it may deem necessary for the proper care and management of said system, provided that it shall not at any time incur any obligation in excess of the appropriations which shall from time to time be made by the town for the operation, maintenance and development of said water system. After the completion of the construction of a water supply system by the water supply board as provided in sections 1 and 2 of this act, the board of water commissioners shall be vested with all the power and authority conferred by this act upon said water supply board, for the purpose of providing a continuous supply of water for said town and of extending the mains and otherwise increasing the efficiency of the system.

The board of water commissioners may from time to time frame rules and regulations concerning the

rates to be charged for water, the time and place for the payment thereof and such other rules and regulations as it may deem necessary and advisable for the proper care, management, preservation and use of the said water supply system and shall report all such rules and regulations to the town council, and if any of them are adopted by the town council the same shall become to all intents and purposes part of the ordinances of said town.

The board of water commissioners shall collect and receive all water rates and bills receivable for water supplied and shall promptly pay the same over to the town treasurer and shall keep a full and complete record of its receipts and expenditures, which record shall at all times be subject to the inspection and examination of the town council. The board of water commissioners shall make an annual report to the town council at the time of the making of the annual reports of the several departments of the town, and such report shall contain in addition to the doings of the board a schedule of the property of the town in its possession and the condition thereof with a statement of any depreciation that has occurred from any cause.

The board of water commissioners may elect a superintendent of the water supply system and contract for his services for a period of not more than six years, such contract to be subject to the approval of the town council, and it may require said superintendent to give bond for the faithful performance of his duty with such surety and in such amount as it may deem necessary. All bonds required to be furnished by the provisions of this act shall be deposited with the town treasurer. The board of water commissioners may from time to time employ and fix the compensation of such other agents, clerks and other employees as it may find necessary for the proper care, management and control of the water supply system and may at any time discontinue the employment of any or all such employees. No member of said board nor any employee thereof shall have any interest directly or indirectly for personal gain or profit in any contract, agreement, lease, sale or purchase made by the board in behalf of the town under the authority of this act and any and all contracts, agreements, leases, sales or purchases made in violation hereof shall be utterly void as to said town at the option of the town council.

In addition to the powers herein specifically conferred upon said board the town council of said town is authorized to confer such additional powers upon said board not inconsistent herewith as said town council may deem necessary.

All obligations contracted by said board in the discharge of its duties shall be paid by the town treasurer from the income received from the operation of said water supply system upon the receipt of vouchers properly approved by the chairman of said board and audited by the town auditor, and at the close of the financial year any unexpended balance of said income shall be used for the payment of the principal and interest of the bonded indebtedness as provided in section 4 of this act.

The water supply board within ten days after the completion of any unit of the water supply system authorized by this act shall file a certificate of such completion in the office of the town clerk and upon the filing of said certificate the duties of the board of water commissioners as herein provided shall begin, and such board of water commissioners shall at once take charge of said unit, and manage and operate the same, and shall from time to time take charge of, manage and operate other units as certificates of the completion of such units are filed with the town clerk.

(P.L. 1927, ch. 1121, § 3)

Sec. 3.4. Additional powers of board of water commissioners.

The board of water commissioners in addition to the powers already conferred, may install or extend water distribution mains in any public or private street or way, and assess the cost of the same subject to the following terms and conditions:

- (a) The board of water commissioners may from time to time establish just and equitable rates of charge for the installation or extension of water distribution mains hereafter made. Such rates of charge shall be based on a pipe not larger than eight inches and where pipes larger than eight inches are used the excess cost shall be paid by the city of Warwick. The cost of all hydrants and other special equipment appurtenant to water distribution mains, except water service pipe installations, shall be paid by the city of Warwick.
- (b) No assessment shall be made against the owner of any land which abuts on a water distribution main unless the board of water commissioners shall first hold a public hearing relative thereto. All owners of land abutting on the proposed installation or extension of a water distribution main shall be notified by registered mail of the time and place of said public hearing and such notice shall be mailed at least 15 days prior to the public hearing. After such public hearing the board of water commissioners shall decide whether or not to make such extension or any part thereof.
- (c) An assessment shall be made against every owner of land which abuts on any public or private street, way or lane in which water distribution mains are hereafter installed.
- (d) No assessment shall be made against the owners of land presently abutting on a water distribution main, or for the replacement of an existing water distribution main.
- (e) The assessment made against the owner of undeveloped land, shall be limited to 300 feet frontage, until such owner or subsequent owner of such land requests water service. Upon such request the assessment shall be made in accordance with the foregoing limitations upon land not previously assessed.
- (f) The board of water commissioners shall have the authority to adopt special rules and regulations to provide relief in cases where land abuts on more than one street, road, way or land wherein there is a water distribution main, and also in cases of land of irregular shape or undeveloped or partially developed land.
- (g) The board of water commissioners shall within ten days of making any such assessment send a notice by registered mail to the owners of land assessed stating the amount of such assessment, and shall also certify such assessment to the director of finance who shall add such assessment to the taxes assessed against said land at the next annual assessment of taxes. However, the owner of any land so assessed may elect to pay said assessment in ten equal annual payments, together with interest on the unpaid balance at 4% per annum, provided the director of finance is notified of such election within sixty days of such assessment.
- (h) Said assessments shall be and remain a lien upon the land until fully paid, and if any assessment or annual installment payment of an assessment is not paid within thirty days after becoming due and payable, the whole balance may become due and payable and may be collected in the same manner and means as taxes are collected.

(P.L. 1957, ch. 159, § 1)

Sec. 3.5. Issuance of bonds, etc.

For the purpose of providing funds for the construction of said water supply system as provided in sections 1 and 2 of this act and in accordance with resolutions adopted by the annual financial town meeting of the town of Warwick held on May 12, 1925, the town of Warwick is hereby authorized and empowered to issue serial bonds under its corporate name and seal to the amount of one million two hundred fifty thousand dollars, in addition to the bonds heretofore issued by said town and now outstanding. Said bonds shall be of the denomination of not less than one hundred dollars or more than five thousand dollars each, shall bear interest at the rate of not exceeding four and one-half per centum per annum payable semi-annually and the principal thereof and the interest thereon shall be payable in gold coin of the United States of America of the present standard of weight and fineness. The debt secured by said bonds shall be obligatory on said town in the same manner and to the same extent as other debts lawfully contracted by said town. The dates of maturity of said bonds shall in no case be more than fifty years from the date of issue and not more than fifty thousand dollars in amount of principal of said bonds shall become due and payable in any one year.

Said bonds shall be signed by the town treasurer and countersigned by the chairman and secretary of the water supply board and by the town clerk, and shall be issued and sold by the town treasurer of said town at such times, in such amounts, in such manner and in such form and at such rate of interest as the town council may authorize and direct, but such interest shall not exceed the rate of four and one-half per centum per annum. Any premiums arising from the sale thereof shall be applied to the payment of the principal of said bonds in the order of their maturity. The proceeds arising from the sale of said bonds shall be paid over to the town treasurer and shall be applied exclusively, except as above provided in respect to the premiums from such sale, to the payment of the expenses and liabilities incurred by said water supply board for the construction of a water supply system as provided in this act but no purchaser of said bonds shall be in any way bound to see to the proper application of the proceeds thereof.

The town treasurer shall pay out the moneys realized from the sale of said bonds upon the vouchers of said water supply board duly audited as provided in section 1 of this act. The town of Warwick shall annually appropriate until said bonds are paid in full a sum which with the balance of the income derived from the operation of said waterworks, after the payment of the annual expenses of such operation, will be sufficient to pay the interest as it accrues upon said bonds and also the principal of said bonds as the same becomes due and payable until said bonds are paid in full. All obligations of said town which may be incurred under the authority of this act shall be excepted from the operation of G.L. 1956, § 45-12-2.

(P.L. 1927, ch. 1121, § 4)

Sec. 3.6. Election of water supply board.

Upon the passage of this act the town council of the town of Warwick shall meet and appoint a date for the holding of a special election to elect the five members of the water supply board established by section 1 of this act and the three members of the board of water commissioners established by section 3 of this act, and such election shall be held within sixty days after the passage of this act. Said election shall be warned, organized and held in the manner provided by law for election of town officers of said town, and the provisions of G.L. 1956, §§ 17-10-5 et seq., 17-17-1 et seq. and 17-18-1 et seq., and the acts in amendment thereof and in addition thereto, shall govern the canvassing of the voting lists for said special election and the nomination and

election of the members of said boards.
(P.L. 1927, ch. 1121, § 5)

Sec. 3.7. Repeal of previous act.

P.L. 1926, ch. 917, being "An act providing for a water supply in the town of Warwick," is hereby repealed.
(P.L. 1927, ch. 1121, § 6)

Sec. 3.8. Effective date.

This act shall take effect upon its passage.
(P.L. 1927, ch. 1121, § 7)