

## Chapter 66

### SEWERS AND SEWAGE DISPOSAL\*

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\* **Cross References:** Sewer board of review, § 6-341 et seq.; disposal of hazardous waste in public drainage system prohibited, § 22-4; subdivisions, ch. 72; deferral of sewer assessments, § 74-2.

**State Law References:** Creation of sewer commission and authorization of sewage works, P.L. 1962, ch. 254.

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**Sec. 66-1. Individual sewage disposal system or sewer connection required.**

**Sec. 66-2. Borrowing payable from city's sewer system revenues authorized.**

#### **Sec. 66-1. Individual sewage disposal system or sewer connection required.**

The owner of every dwelling house or any type of building shall provide the same with a suitable individual sewage disposal system, properly connected with such house or building, with an individual sewage disposal system permit from the state, or must connect such house or building to a sewer line. The requirements of this section shall be met previous to the issuance of a building permit.

(Code 1971, § 18-1)

#### **Sec. 66-2. Borrowing payable from city's sewer system revenues authorized.**

(a) The sum of \$50,000,000.00 is appropriated for the planning, construction, financing, maintenance, renewal and replacement costs for the collection, transportation, pumping, treatment and final disposition of sewage in the City of Warwick (the "project"). The period of usefulness of the project is expected to be not less than 25 years.

(b) In accordance with G.L. Chapter 46-12.2, the mayor and the city treasurer are authorized to borrow an amount not exceeding \$50,000,000.00 from the Rhode Island Clean Water Finance Agency, and to evidence such loan, such officers are hereby authorized to issue sewer revenue bonds in an amount not exceeding \$50,000,00.00 (the "bonds"), at one time or from time to time in order to meet the foregoing appropriation.

(c) The said officers from time to time may issue and refund not exceeding \$50,000,000.00 interest bearing or discounted notes (the "notes") under G.L. Chapter 46-12.2 in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purposes specified in subsection (a) hereof.

(d) The bonds and notes shall be payable solely from revenues of the city's sewer system, including, but not limited to annual charges, sewer assessments and connect capable charges (the "sewer revenues"). The bonds and notes shall not be general obligations of the city. The city may issue bonds, notes or other obligations on a parity with the bonds or notes.

(e) The manner of sale and the forms, denominations, maturities, interest rates and other details of the bonds and notes shall be fixed by the said officers.

(f) Pending the issue of bonds under subsection (b) hereof or pending or in lieu of the issue of notes

under subsection (c) hereof, the city treasurer may expend funds from the general treasury of the city for the purposes specified in subsection (a) hereof. Any advances made under this subsection shall be repaid without interest from the proceeds of bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

(g) The said officers are also authorized, empowered and directed, on behalf of the city, to: (1) execute, acknowledge and deliver a trust indenture by and among the city, the Warwick Sewer Authority, and a corporate trustee (the "trust indenture"), one or more supplemental indentures relating to the bonds and any and all other loan agreements, documents, certificates or instruments necessary to effectuate such borrowing; (2) amend, modify or supplement the trust indenture, supplemental indentures, bonds or notes and any and all other loan agreements, documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (3) pledge the sewer revenues to secure payment of the bonds or notes; (4) direct the trustee with regard to investments of trust funds pursuant to the trust indenture; and (5) do and perform all such other acts and things deemed by said officers to be necessary, desirable or advisable with respect to any matters contemplated by this section in order to effectuate said borrowing and the intent thereof.

(h) The mayor and city treasurer are hereby authorized to take all lawful action necessary under the Internal Revenue Code of 1986, as amended (the "Code"), to ensure that the interest on the bonds and the notes will remain exempt from federal income taxation to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds or notes to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code.

(i) This section is an affirmative action of the city council of the city toward the issuance of the bonds and notes in accordance with the purposes of the laws of the state. This section constitutes the city's declaration of official intent, pursuant to Treasury Regulation § 1.150-2, to reimburse the city funds and accounts for certain capital expenditures for the project paid on or after the date which is 60 days prior to the date of this section but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall be reimbursed not later than 18 months after (1) the date on which the expenditure is paid or (2) the date the particular project is placed in service or abandoned, but in no event more than three years after the date the expenditure is paid.

(j) The mayor and city treasurer are hereby authorized to take all lawful action necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a continuing disclosure certificate in connection with the bonds or notes in the form as shall be deemed advisable by the mayor and city treasurer in order to comply with the SEC Rule. The city hereby covenants and agrees that it will comply with and carry out all of the provisions of the continuing disclosure certificate, as it may be amended from time to time. Notwithstanding any other provision of this section or the bonds or notes, failure of the city to comply with the continuing disclosure certificate shall not be considered an event of default; however, any bondholder or noteholder may take such action as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the city to comply with its obligations under this subsection and under the continuing disclosure certificate.  
(Ord. No. O-04-23, § I, 10-16-04)