

TITLE 45 Towns and cities

CHAPTER 45-62 Dam Management Districts

SECTION 45-62-1

§ 45-62-1 Legislative findings. – The general assembly recognizes and declares that:

Many man-made dams in Rhode Island provide important values to local communities, including the protection of public safety and private property; the protection of drinking water supplies, recreational opportunities, and electrical supplies; the preservation and enhancement of scenic beauty; and the conservation of fish and wildlife resources.

In order to protect the values that dams provide, or mitigate the risk posed by dams that no longer serve any useful purpose, dams must be properly operated, maintained, repaired and/or removed.

The costs of properly operating, maintaining, repairing and/or removing dams are often significant and recurring in nature. In order to meet these costs, local communities should be able to form dam management districts as one of several financial tools available to them.

SECTION 45-62-2

§ 45-62-2 Declaration of purpose. – The purpose of this chapter is to authorize the cities and towns of the state to adopt ordinances creating dam management districts ("district") for dams, the boundaries of which may include all or part of a city or town as specified by the ordinance. These ordinances shall be designed to prevent threats to public safety and public and private property caused by the failure or breach of dams and to protect the values associated with dams through the implementation of dam repairs, maintenance, management and/or removal. Dam management districts created pursuant to this chapter shall be bodies corporate and politic, having an existence separate and apart from the town or city and from the state, for the purpose of managing dams and providing for dam safety within the boundaries of the district.

SECTION 45-62-3

§ 45-62-3 Power of councils. – (a) The council of any city or town is authorized and empowered to establish by ordinance one or more dam management districts within the city or town; if the need for the management of a dam or dams is multi-municipal, a multi-municipal dam management district may be established by the concurrent adoption of an ordinance by the city or town councils of the municipalities in which the dam management district will be located. The ordinance shall set forth the boundaries of the district, provide for the governance and administration of the district, and require for annual reporting by the district, as a minimum, to each city and town with area within the district and the department of environmental management.

(b) Except as restricted or limited by ordinance, a dam management district shall have the power to:

(1) Provide for entry of city, town, state or district officials in a manner equivalent to the provisions of § 23-27.3-112.0, onto private property within the district when necessary for the periodic inspection, maintenance and/or repair of dams and appurtenant facilities;

(2) Provide for the supervision, control, maintenance, repair and/or reconstruction of dams, including activities relating to dam removal;

(3) Establish a public education program to educate new residents and update members of the district on new information or procedures for proper maintenance and operation of dams and the implications for failing to operate and maintain dams in a manner that meets generally accepted dam safety practices;

(4) Raise and expend funds for the administration, operations, contractual obligations, and services of the district, and fix and collect rates, fees, and charges within the district for the provision of dam management services by the district;

(5) Employ staff, counsel, and consultants as necessary to carry out the functions of the district and purposes of this chapter;

(6) Acquire, hold, use, sell, transfer and lease real or personal property, and to own, operate, maintain, repair, improve any property acquired;

(7) Apply for, contract for, receive, and expend grants and loans for the maintenance, repair, removal and/or reconstruction of dams, and for other activities authorized by this chapter; and

(8) Adopt a common seal, sue and be sued, and enjoy the powers generally incident to corporations.

(c) Any dam owned and furnished by any municipality, water district, fire district or any other municipal or quasi-municipal corporation that is regulated as a water supplier by the Rhode Island Public Utilities Commission under chapter 1 of title 39 and subject to the provisions of chapter 15.6 of title 46 shall be exempt from the provisions of this chapter.

SECTION 45-62-4

§ 45-62-4 Lien of district fees. – All fees and charges assessed against any person in any district pursuant to this chapter shall constitute a lien upon that person's real estate in the district for the space of three (3) years after the assessment, and, if the real estate is not alienated, then until the fees are collected.

SECTION 45-62-5

§ 45-62-5 Indemnification. – Any elected or appointed district official, employee, or member of the district is entitled to all the rights and benefits of indemnification, as provided by § 45-15-16.

SECTION 45-62-6

§ 45-62-6 Powers of department and responsibilities of dam owners retained. – Nothing in this chapter shall be construed to affect the powers and duties of the department of environmental management, as they relate to dams, established pursuant to other provisions of law; nor shall this chapter be construed to affect the responsibilities of dam owners, established pursuant to chapter 19 of title 46, absent the establishment of a district.