

LC01545

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2005

A N A C T

RELATING TO TOWNS AND CITIES -- DAM MANAGEMENT DISTRICTS

Introduced By: Senators Breene, Bates, Sosnowski, and P Fogarty

Date Introduced: February 10, 2005

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 45 of the General Laws entitled "Towns and cities" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 62

4 DAM MANAGEMENT DISTRICTS

5 **45-62-1. Legislative findings.** – The general assembly recognizes and declares that:

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

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

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

16 **45-62-2. Declaration of purpose.** – The purpose of this chapter is to authorize the cities  
17 and towns of the state to adopt ordinances creating dam management districts ("district") for  
18 dams, the boundaries of which may include all or part of a city or town as specified by the  
19 ordinance. These ordinances shall be designed to prevent threats to public safety and public and

1 private property caused by the failure or breach of dams and to protect the values associated with  
2 dams through the implementation of dam repairs, maintenance, management and/or removal.  
3 Dam management districts created pursuant to this chapter shall be bodies corporate and politic,  
4 having an existence separate and apart from the town or city and from the state, for the purpose of  
5 managing dams and providing for dam safety within the boundaries of the district.

6 **45-62-3. Power of councils.** – (a) The council of any city or town is authorized and  
7 empowered to establish by ordinance one or more dam management districts within the city or  
8 town; if the need for the management of a dam or dams is multi-municipal, a multi-municipal  
9 dam management district may be established by the concurrent adoption of an ordinance by the  
10 city or town councils of the municipalities in which the dam management district will be located.  
11 The ordinance shall set forth the boundaries of the district, provide for the governance and  
12 administration of the district, and require for annual reporting by the district, as a minimum, to  
13 each city and town with area within the district and the department of environmental  
14 management.

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

17 (1) Provide for entry of city, town, state or district officials onto private property within  
18 the district when necessary for the periodic inspection, maintenance and/or repair of dams and  
19 appurtenant facilities;

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

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

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

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

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

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

1 and

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

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

8 **45-62-5. Indemnification.** – Any elected or appointed district official, employee, or  
9 member of the district is entitled to all the rights and benefits of indemnification, as provided by  
10 section 45-15-16 of chapter 45-15 entitled "Actions by and against towns."

11 **45-62-6. Powers of department and responsibilities of dam owners retained.** –  
12 Nothing in this chapter shall be construed to affect the powers and duties of the department of  
13 environmental management, as they relate to dams, established pursuant to other provisions of  
14 law; nor shall this chapter be construed to affect the responsibilities of dam owners, established  
15 pursuant to chapter 19 of title 46, absent the establishment of a district.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO TOWNS AND CITIES -- DAM MANAGEMENT DISTRICTS

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1           This act would authorize cities and towns of the state to adopt ordinances creating  
2 management districts for dams, the boundaries of which may include all or part of a city or town  
3 as specified by the ordinance.

4           This act would take effect upon passage.

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