

2008 -- H 8226

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LC02836
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO TOWNS AND CITIES -- DAM MANAGEMENT DISTRICTS

Introduced By: Representatives Pacheco, Church, and Winfield

Date Introduced: April 30, 2008

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-62-3 of the General Laws in Chapter 45-62 entitled "Dam
2 Management Districts" is hereby amended to read as follows:

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

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

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

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

19 (3) Establish a public education program to educate new residents and update members

1 of the district on new information or procedures for proper maintenance and operation of dams
2 and the implications for failing to operate and maintain dams in a manner that meets generally
3 accepted dam safety practices;

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

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

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

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

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

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

20 (d) With respect to the towns of Burriville and Glocester, collection of Dam Management
21 District fees shall be in the same manner as provided by law for the collection of taxes by
22 municipalities and the collector of fees for the said Management District shall, for the purposes of
23 collecting fees assessed by said Management District, have the same powers and authority as are
24 by law conferred on collection of taxes for towns in the state.

25 SECTION 2. Chapter 45-62 of the General Laws entitled "Dam Management Districts" is
26 hereby amended by adding thereto the following section:

27 **45-62-7. Exemption from real and personal property taxes.** – The towns of Burriville
28 and Glocester are authorized to enact ordinances which exempt from taxation real and personal
29 property owned by a Dam Management District created pursuant to this chapter, said exemption
30 to be limited to property that consists of the lake bed of the Pascoag Reservoir, also known as
31 Echo Lake and property on which any dam, spillway and any appurtenant structures may be
32 located as the same relate to the Pascoag Reservoir, also known as Echo Lake.

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES -- DAM MANAGEMENT DISTRICTS

1 This act would allow the towns of Burrville and Gloucester to exempt from taxation
2 certain property owned by a dam management district and would provide for the collection of
3 dam management district fees in those towns.

4 This act would take effect upon passage.

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