

JANUARY SESSION, 1931—CHAPTER 1815. 343

SEC. 2. Said board of canvassers and registration shall cause to be paid from proper appropriations made for election purposes such reasonable sums as shall be a proper reimbursement for the extra expense of lighting and heating said school premises or part or parts thereof, which sums shall be credited to the appropriation for public schools, and shall also pay from such appropriations to any school janitors such reasonable amount as shall reimburse them for any extra work performed by such janitor by reason of the use of said school premises or part or parts thereof for election or caucus purposes. Nothing herein contained shall be construed as imposing any obligation upon said school committee to furnish any paraphernalia or incur any expense occasioned by such uses of such school premises or part or parts thereof except as heretofore provided.

Extra
expenses,
how paid

SEC. 3. The school committee of the city of Providence is hereby directed to close on election days all schools used for election purposes.

Schools used for
election
purposes
to be
closed.

SEC. 4. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 1815.

AN ACT IN AMENDMENT OF CHAPTER 1278 OF THE PUBLIC LAWS OF RHODE ISLAND PASSED AT THE JANUARY SESSION 1915 ENTITLED "AN ACT TO FURNISH THE CITY OF PROVIDENCE WITH A SUPPLY OF PURE WATER."

H 864
Approved
April 27, 1931

It is enacted by the General Assembly as follows:

SECTION 1. Section 18 of an act entitled "An act to furnish the city of Providence with a supply of pure

water," passed at the January session 1915 is hereby amended to read as follows:

Certain cities,
towns and
districts to have
right to take
water from
Providence
reservoirs,
when and how.

"Sec. 18. Said town of Scituate, the city of Cranston, and each water or fire district therein now or hereinafter incorporated, and each other town, city or water or fire district now or hereafter incorporated having any of its territory included in the drainage district of said north branch of said Pawtuxet river, or of the drainage district of said Pawtuxet river below the junction of the north and south branches of said river, and the entire town of North Providence and each water or fire district therein now or hereinafter incorporated, even though its territory or territories are not included in either of said drainage districts, shall have the right to take and receive water from said storage reservoir or reservoirs, said aqueduct or the reservoir of said city at said Sockanosset, for use for domestic, fire and other ordinary municipal water supply purposes in the town of Scituate or the city of Cranston, or such water or fire district therein, or in any part or parts of such territory or territories of such other town, city or water or fire district as are included in either of said drainage districts or the town of North Providence or such water or fire districts therein, even though such territory is not included in said drainage districts where there is no public water supply being furnished by any public or quasi public body or corporation at the time such town, city or water district decides to take such water. The town of Warwick or any water or fire district therein shall have the further right to take and receive water as aforesaid for use as aforesaid in any part of its territory laying easterly of the New York, Providence and Boston railroad line of the New York.

New Haven and Hartford Railroad Company and northerly of Greenwich bay, where there is no public water supply being furnished as aforesaid. Proper connections with said water supply source or sources, including the installation of proper meters or other devices for ascertaining the quantity of water so taken, shall be made at such suitable location or locations as shall be approved by the officer or officers in charge of the water works of said city of Providence, and at the expense of the town, city or district desiring to take such water, and subject to such reasonable rules and regulations as from time to time may be made by said city of Providence or its duly authorized officer or officers in charge of its water works. Such town, city or water or fire district shall have the right to take such water as aforesaid to any extent each month not exceeding an average per day of one hundred gallons per capita of the number of inhabitants of such parts of its territory or territories as are served from such water supply source or sources, as such number of inhabitants was shown by the last preceding census of the United States or of the state of Rhode Island, unless and to the extent and for the time only that said officer or officers of said city of Providence shall consent to the taking by such town, city or water or fire district of a greater quantity of such water. Such town, city or water or fire district shall pay to said city of Providence such fair wholesale rates or charges for the quantity of water taken by it as aforesaid, and at such times, and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default of agreements as shall be determined by three arbitrators, one to be chosen by it, one by said city of Providence and

Same subject

Payment for
such water
taken.

Same subject.

the third by the two so chosen, or in case either party should refuse or neglect to appoint such arbitrator, or in case the two arbitrators chosen by the parties should refuse or neglect to appoint the third arbitrator, said superior court for Providence county, upon petition of either party and after giving the other party opportunity to be heard, shall appoint such arbitrator or such third arbitrator as the case may be. Said city of Providence may furnish water from such water supply source or sources to any incorporated water company for use as aforesaid in any territory included in either of said drainage districts, where at the time of beginning to furnish such water there is no public water supply, whether by a public or quasi public body or corporation other than the water supply of such water company, in any part of the territory that is supplied by such water company or for use as aforesaid in said territory in Warwick easterly of said railroad line and northerly of said Greenwich bay."

SEC. 2. This act shall take effect upon its passage and all acts or parts of acts inconsistent herewith are hereby repealed.

CHAPTER 1816.

H 746 A
Approved
April 24, 1931.

AN ACT AUTHORIZING THE TOWN OF BARRINGTON TO TAKE LAND FOR DRAINAGE PURPOSES.

It is enacted by the General Assembly as follows:

Town of
Barrington
authorized to
acquire
land for
drainage
purposes.

SECTION 1. The town of Barrington is hereby authorized and empowered to acquire from time to time, by agreement, purchase or condemnation the fee in any

SEC. 4. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 1966.

AN ACT IN AMENDMENT OF CHAPTER 1278 OF THE PUBLIC LAWS OF RHODE ISLAND, PASSED AT THE JANUARY SESSION, 1915, ENTITLED "AN ACT TO FURNISH THE CITY OF PROVIDENCE WITH A SUPPLY OF PURE WATER."

S 112 A
Approved
April 16, 1932.

It is enacted by the General Assembly as follows:

SECTION 1. Section 18 of an act entitled "An act to furnish the city of Providence with a supply of pure water," passed at the January session 1915 is hereby amended to read as follows:

"Sec. 18. Said town of Scituate, the city of Cranston, and each water or fire district therein now or hereinafter incorporated, and each other town, city or water or fire district now or hereafter incorporated having any of its territory included in the drainage district of said north branch of said Pawtuxet river, or of the drainage district of said Pawtuxet river below the junction of the north and south branches of said river, and the entire town of North Providence and each water or fire district therein now or hereinafter incorporated, even though its territory or territories are not included in either of said drainage districts, shall have the right to take and receive water from said storage reservoir or reservoirs, said aqueduct or the reservoir of said city at said Sockanosset, for use for domestic, fire and other ordinary municipal water supply purposes in the town

Certain city, towns, and districts, authorized to take water from the storage reservoir of the city of Providence, when and how.

Same subject.

of Scituate or the city of Cranston, or such water or fire district therein, or in any part or parts of such territory or territories of such other town, city or water or fire district as are included in either of said drainage districts or the town of North Providence or such water or fire districts therein, even though such territory is not included in said drainage districts where there is no public water supply being furnished by any public or quasi public body or corporation at the time such town, city or water district decides to take such water. The city of Warwick or any water or fire district therein shall have the further right to take and receive water as aforesaid for use as aforesaid in any part of its territory laying easterly of the New York, Providence and Boston railroad line of the New York, New Haven and Hartford Railroad Company and northerly of Greenwich bay, where there is no public water supply being furnished as aforesaid, and said city shall also have the right to take and receive water as aforesaid for use as aforesaid in that part of its territory laying westerly of the New York, Providence and Boston railroad line of the New York, New Haven and Hartford Railroad Company, southerly of Main street, Greenwood, easterly of the Pontiac road and northerly of Main street in the village of Apponaug, where there is no public water supply being furnished as aforesaid. Proper connections with said water supply source or sources, including the installation of proper meters or other devices for ascertaining the quantity of water so taken, shall be made at such suitable location or locations as shall be approved by the officer or officers in charge of the water works of said city of Providence, and at the expense of the town, city or district desiring to take such

Connections,
meters, etc.,
how installed
and paid for.

water, and subject to such reasonable rules and regulations as from time to time may be made by said city of Providence or its duly authorized officer or officers in charge of its water works. Such town, city or water or fire district shall have the right to take such water as aforesaid to any extent each month not exceeding an average per day of one hundred gallons per capita of the number of inhabitants of such parts of its territory or territories as are served from such water supply source or sources, as such number of inhabitants was shown by the last preceding census of the United States or of the state of Rhode Island, unless and to the extent and for the time only that said officer or officers of said city of Providence shall consent to the taking by such town, city or water or fire district of a greater quantity of such water. Such town, city or water or fire district shall pay to said city of Providence such fair wholesale rates or charges for the quantity of water taken by it as aforesaid, and at such times, and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default of agreement as shall be determined by three arbitrators, one to be chosen by it, one by said city of Providence and the third by the two so chosen, or in case either party should refuse or neglect to appoint such arbitrator, or in case the two arbitrators chosen by the parties should refuse or neglect to appoint the third arbitrator, said superior court for Providence county, upon petition of either party and after giving the other party opportunity to be heard, shall appoint such arbitrator or such third arbitrator as the case may be. Said city of Providence may furnish water from such water supply source or sources to any incorporated water company for use as aforesaid in any territory in-

Rate of consumption of water so taken.

Water so taken, how paid for.

City of Providence may furnish water to what water companies.

Same subject.

cluded in either of said drainage districts, where at the time of beginning to furnish such water there is no public water supply, whether by a public or quasi public body or corporation other than the water supply of such water company, in any part of the territory that is supplied by such water company or for use as aforesaid in said territory in Warwick."

Sec. 2. This act shall take effect upon its passage and all acts or parts of acts inconsistent herewith are hereby repealed.

CHAPTER 1967.

H 544.
Approved
April 19, 1932.

AN ACT AUTHORIZING THE CITY OF PROVIDENCE TO APPROPRIATE A SUM NOT EXCEEDING TWENTY-FIVE HUNDRED DOLLARS FOR GEORGE W. BROWN, STEP-FATHER OF CHESTER B. ALVERSON ALIAS CHESTER B. BROWN, AND REPEALING CHAPTER 1251 OF THE PUBLIC LAWS, 1928.

It is enacted by the General Assembly as follows:

School committee of city of Providence authorized to pay \$2,500 to George W. Brown.

SECTION 1. The school committee of the city of Providence is hereby authorized and empowered to appropriate for and pay to George W. Brown, step-father of Chester B. Alverson alias Chester B. Brown, such sum not to exceed twenty-five hundred dollars, as said school committee may deem expedient, the purpose of this appropriation to be to compensate and reimburse George W. Brown for his expenses caused by injuries received by his step-son Chester B. Alverson alias Chester B. Brown while a student and a minor at the Technical high school in the city of Providence.

CHAPTER 2316.

H 637 B
Approved
April 3, 1936.

AN ACT IN AMENDMENT OF SECTION 18 OF CHAPTER 1278 OF THE PUBLIC LAWS, 1915, ENTITLED "AN ACT TO FURNISH THE CITY OF PROVIDENCE WITH A SUPPLY OF PURE WATER," AS AMENDED.

It is enacted by the General Assembly as follows:

SECTION 1. Section 18 of chapter 1278 of the public laws, 1915, entitled "An act to furnish the city of Providence with a supply of pure water," as amended by chapter 1815 of the public laws, 1931, and by chapter 1966 of the public laws, 1932, is hereby further amended to read as follows:

Certain city, towns, and districts, authorized to take water from the storage reservoir of the city of Providence, when and how.

"Sec. 18. Said town of Scituate, the city of Cranston, and each water or fire district therein now or hereafter incorporated, and each other town, city or water or fire district now or hereafter incorporated having any of its territory included in the drainage district of said north branch of said Pawtuxet river, or of the drainage district of said Pawtuxet river below the junction of the north and south branches of said river, the entire towns of North Providence, Smithfield and Johnston and each water or fire district therein now or hereafter incorporated, even though its territory or territories are not included in either of said drainage districts shall have the right to take and receive water from said storage reservoir or reservoirs for use for domestic, fire and other ordinary municipal water supply purposes in the town of Scituate or the city of Cranston, or such water or fire district therein, or in any part or parts of such territory or territories of such other town, city or water

or fire district as are included in either of said drainage districts, or the towns of North Providence, Smithfield, and Johnston, or such water or fire districts therein, even though such territory or territories are not included in said drainage districts. The city of Warwick or any water or fire district therein shall have the further right to take and receive water as aforesaid for use as aforesaid in any part of its territory lying easterly of the New York, Providence and Boston railroad line of the New York, New Haven and Hartford Railroad Company and northerly of Greenwich bay, and said city shall also have the right to take and receive water as aforesaid for use as aforesaid in that part of its territory lying westerly of the New York, Providence and Boston railroad line of the New York, New Haven and Hartford Railroad Company, southerly of Main street, Greenwood, easterly of the Pontiac road and northerly of Main street in the village of Apponaug.

Same.

It is provided, however, that as to the entire town of Smithfield and such parts of the towns of North Providence, Johnston and Warwick, and such water or fire districts therein as were not entitled to water under chapter 1278 of the public laws of 1915 as originally enacted, the city of Providence, acting by and through its commissioner of public works for the time being, shall have the right to determine whether it shall sell the water directly to prospective water users or consumers at retail or to the town or water or fire district therein at wholesale rates. Proper connections with said water supply source or sources, including the installation of proper meters or other devices for ascertaining the quantity of water so received, shall be made at such suitable location or locations as shall be approved by the

Connections,
meters, etc.,
how installed
and paid for.

Rates of consumption of water so taken.

Water so taken, how paid for.

officer or officers in charge of the water works of said city of Providence, and at the expense of the town, city, district or water users desiring to receive such water, and subject to such reasonable rules and regulations as from time to time may be made by said city of Providence or its duly authorized officer or officers in charge of its water works. Such town, city or water or fire district or water users or consumers shall have the right to take such water as aforesaid to any extent each month not exceeding an average per day of one hundred gallons per capita of the number of inhabitants of such parts of its territory or territories as are served from such water supply source or sources, as such number of inhabitants was shown by the last preceding census of the United States or of the state of Rhode Island, unless and to the extent and for the time only that said officer or officers of said city of Providence shall consent to the taking by such town, city or water or fire district or water users of a greater quantity of such water. Whenever any such town, city or water or fire district receives water wholesale, such town, city or water or fire district shall pay to said city of Providence such fair wholesale rates or charges for the quantity of water taken by it as aforesaid, and at such times, and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default of agreement as shall be determined by three arbitrators, one to be chosen by it, one by said city of Providence and the third by the two so chosen, or in case either party should refuse or neglect to appoint such arbitrator, or in case the two arbitrators chosen by the parties should refuse or neglect to appoint the third arbitrator, said superior court for Providence county, upon petition of either party and after giving the other

party opportunity to be heard, shall appoint such arbitrator or such third arbitrator as the case may be. And it is provided, further, that in case the city of Providence as hereinbefore provided elects to sell water directly to water users or consumers, the commissioner of public works for the time being of the city of Providence shall have the right to determine the rate at which said water shall be sold. Said city of Providence may furnish water from such water supply source or sources to any incorporated water company for use as aforesaid in either of said drainage districts or in the towns of North Providence, Johnston or Smithfield in any part of the territory that is supplied by such water company.

City of Providence may furnish water to what water companies.

The city of Providence shall not be required to serve structures at elevations higher than the head characteristics of the present Neutaconkanut pumping station.

City not required to serve structures above certain levels.

The city of Providence shall not be obligated to pay for repairs to highways or roads occasioned by the laying of water pipes in state or city or town highways or roads, but the cost thereof shall be borne by the city or town receiving the water supply; and the city of Providence shall not be liable in damages for any injuries or damages occasioned by the laying of water pipes in the aforesaid highways or the failure or neglect of any town or city to repair or maintain said highways.

City not liable for damages or cost of repairs caused by laying pipes.

The city of Providence shall be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed for the purpose of serving areas not heretofore served by the Providence water system.

City to be exempt from certain taxes.

The city of Providence, acting by and through its

City may conserve water supply in case of drought.

commissioner of public works, in the event of drought or any other contingency which may oblige the city to protect or conserve its water supply, may regulate the amount and use of water to be served to any and all persons, corporations, towns, water companies, water districts or fire districts; and the city of Providence may entirely discontinue to supply water to any area not included within the provisions of chapter 1278 of the public laws of 1915 as originally enacted, upon twelve months previous notice in writing to the corporation, town, water company, water district, or fire district as the case may be, or to the persons therein receiving such supply."

SEC. 2. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 2317.

H 306
Approved
April 3, 1936.

AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO ENABLE THE TOWN OF JAMESTOWN TO ISSUE BONDS AND LOAN MONEY TO THE JAMESTOWN AND NEWPORT FERRY COMPANY."

It is enacted by the General Assembly as follows:

SECTION 1. The Act entitled "An act to enable the town of Jamestown to issue bonds and loan money to the Jamestown and Newport Ferry Company" approved March 27, 1936, is hereby amended by adding thereto the following:

Payment of
benefits; ap-
propriations.

SEC. 16. The board of commissioners shall pay all pensions and retirement allowances hereinbefore provided from the income received from the said pension and retirement fund. If the income from said fund is at any time insufficient to pay the said pension and retirement allowances to the members entitled thereto, the representative council of the city of Newport shall appropriate from time to time such additional sums as may be required to pay the said pensions and retirement allowances. Failure on the part of the Newport Police Relief Fund Association to make the various contributions and payments provided in this act shall relieve the said representative council from its obligation to make such appropriations.

Act effective,
when.

SEC. 17. This act shall take effect on its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 1897.

H 531 A
Approved
June 2, 1947.

AN ACT IN AMENDMENT OF SECTION 18 OF CHAPTER 1278 OF THE PUBLIC LAWS, 1915, ENTITLED "AN ACT TO FURNISH THE CITY OF PROVIDENCE WITH A SUPPLY OF PURE WATER", AS AMENDED.

It is enacted by the General Assembly as follows:

Section 1. Section 18 of chapter 1278 of the public laws, 1915, entitled "An act to furnish the city of Providence with a supply of pure water", as amended by chapter 1815 of the public laws, 1931, by chapter 1966 of the public laws, 1932, and by chapter 2316 of

the public laws, 1936, is hereby further amended to read as follows:

"Sec. 18. Said town of Scituate, the city of Cranston, and each water and fire district therein now or hereafter incorporated, and each other town, city or water or fire district now or hereafter incorporated having any of its territory included in the drainage district of said north branch of said Pawtuxet river, or of the drainage district of said Pawtuxet river below the junction of the north and south branches of said river, the entire towns of North Providence, Smithfield and Johnston and each water or fire district therein now or hereafter incorporated, even though its territory or territories are not included in either of said drainage districts shall have the right to take and receive water from said storage reservoir or reservoirs for use for domestic, fire and other ordinary municipal water supply purposes in the town of Scituate or the city of Cranston, or such water or fire district therein, or in any part or parts of such territory or territories of such other town, city or water or fire district as are included in either of said drainage districts, or the towns of North Providence, Smithfield, and Johnston, or such water or fire districts therein, even though such territory or territories are not included in said drainage districts. The city of Warwick or any water or fire district therein shall have the further right to take and receive water as aforesaid for use as aforesaid in any part of its territory lying easterly of the New York, Providence and Boston railroad line of the New York, New Haven and Hartford Railroad Company and northerly of Greenwich bay, and said city shall also have the right to take and receive water as afore-

Municipalities
and districts
to be serviced.

said for use as aforesaid in that part of its territory lying westerly of the New York, Providence and Boston railroad line of the New York, New Haven and Hartford Railroad Company, southerly of Main street, Greenwood, easterly of the Pontiac road and northerly of Main street in the village of Apponaug.

*Manner of
sale.*

Connections.

*Limitation on
amount.*

It is provided, however, that as to the entire town of Smithfield and such parts of the towns of North Providence, Johnston and Warwick, and such water or fire districts therein as were not entitled to water under chapter 1278 of the public laws of 1915 as originally enacted, the city of Providence, acting by and through its commissioner of public works for the time being, shall have the right to determine whether it shall sell the water directly to prospective water users or consumers at retail or to the town or water or fire district therein at wholesale rates. Proper connections with said water supply source or sources, including the installation of proper meters or other devices for ascertaining the quantity of water so received, shall be made at such suitable location or locations as shall be approved by the officer or officers in charge of the water works of said city of Providence, and at the expense of the town, city, district or water users desiring to receive such water, and subject to such reasonable rules and regulations as from time to time may be made by said city of Providence or its duly authorized officer or officers in charge of its water works. Such town, city or water or fire district or water users or consumers shall have the right to take such water as aforesaid to any extent each month not exceeding an average per day of one hundred gallons per capita of the number of inhabitants of such parts of its territory

or territories as are served from such water supply source or sources, as such number of inhabitants was shown by the last preceding census of the United States or of the state of Rhode Island, unless and to the extent and for the time only that said officer or officers of said city of Providence shall consent to the taking by such town, city or water or fire district or water users of a greater quantity of such water. Whenever any such town, city or water or fire district receives water wholesale, such town, city or water or fire district shall pay to said city of Providence such fair wholesale rates or charges for the quantity of water taken by it as aforesaid, and at such times, and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default of agreement as shall be determined by three arbitrators, one to be chosen by it, one by said city of Providence and the third by the two so chosen, or in case either party should refuse or neglect to appoint such arbitrator, or in case the two arbitrators chosen by the parties should refuse or neglect to appoint the third arbitrator, said superior court for Providence county, upon petition of either party and after giving the other party opportunity to be heard, shall appoint such arbitrator or such third arbitrator as the case may be. And it is provided, further, that in case the city of Providence as hereinbefore provided elects to sell water directly to water users or consumers, the commissioner of public works for the time being of the city of Providence shall have the right to determine the rate at which said water shall be sold. Said city of Providence may furnish water from such water supply source or sources to any incorporated water company for use as aforesaid in either of said drainage districts or in the

Rates.

towns of North Providence, Johnston or Smithfield in any part of the territory that is supplied by such water company.

Exception.

The city of Providence shall not be required to serve structures at elevations higher than the head characteristics of the present Neutaconkanut pumping station.

Repairs.

The city of Providence shall not be obligated to pay for repairs to highways or roads occasioned by the laying of water pipes in state or city or town highways or roads outside the city of Providence.

Liability for damages.

The city of Providence shall be liable in damages for any injuries or damages occasioned by the laying of water pipes in state or city or town highways outside the city of Providence to the same extent that it is liable for injuries or damages occasioned by the laying of water pipes in highways or roads inside the city of Providence; *provided, however,* that the city of Providence shall not be so liable for such injuries or damages in any case where written notice of the intention of the city of Providence to lay water pipes at the point in the highway or road where the accident or other occurrence giving rise to such injuries or damages occurs shall have been delivered to the head of the department of public works or other person occupying a similar position in the state, city or town in which such accident or occurrence occurs, not more than seventy-two hours and not less than twenty-four hours prior to the time when the work of laying such water pipes is commenced.

Tax exemption.

The city of Providence shall be exempt from local taxes on all pipe lines and other water works appur-

tenances hereinafter located or installed for the purpose of serving areas not heretofore served by the Providence water system.

The city of Providence, acting by and through its commissioner of public works, in the event of drought or any other contingency which may oblige the city to protect or conserve its water supply, may regulate the amount and use of water to be served to any and all persons, corporations, towns, water companies, water districts or fire districts; and the city of Providence may entirely discontinue to supply water to any area not included within the provisions of chapter 1278 of the public laws of 1915 as originally enacted, upon twelve months' previous notice in writing to the corporation, town, water company, water district, or fire district as the case may be, or to the persons therein receiving such supply."

SEC. 2. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 1898.

AN ACT AUTHORIZING THE CITY OF PROVIDENCE TO ISSUE BONDS IN THE AMOUNT OF \$1,500,000 FOR THE ACQUISITION AND/OR IMPROVEMENT OF SCHOOL ATHLETIC FIELDS, INCLUDING THE PURCHASE OR CONDEMNATION OF LAND FOR SUCH PURPOSES.

H 831
Approved
June 2, 1947.

It is enacted by the General Assembly as follows:

SECTION 1. The city of Providence is hereby authorized and empowered, in addition to and not in sub-

Issuance of
bonds author-
ized.

CHAPTER 158.

H 1892 A
Approved
May 8, 1963.

AN ACT in Amendment of Section 18 of Chapter 1278 of the Public Laws, 1915, Entitled "An Act to Furnish the City of Providence With a Supply of Pure Water," as Amended.

It is enacted by the General Assembly as follows:

Section 1. Section 18 of chapter 1278 of the public laws, 1915, entitled "An act to furnish the city of Providence with a supply of pure water," as amended by chapter 1815 of the public laws, 1931, by chapter 1966 of the public laws, 1932, by chapter 2316 of the public laws, 1936, and by chapter 1897 of the public laws, 1947, is hereby further amended to read as follows:

Municipalities
to be served.

"Sec. 18. Said town of Scituate, the city of Cranston, and each water and fire district therein now or hereafter incorporated, and each other town, city or water or fire district now or hereafter incorporated having any of its territory included in the drainage district of said north branch of said Pawtuxet river, or of the drainage district of said Pawtuxet river below the junction of the north and south branches of said river, the entire towns of North Providence, Smithfield, Johnston and the city of East Providence and each water or fire district therein now or hereafter incorporated, even though its territory or territories are not included in either of said drainage districts shall have the right to take and receive water from said storage reservoir or reservoirs for use for domestic, fire and other ordinary municipal water supply

purposes in the town of Scituate or the city of Cranston, or such water or fire district therein, or in any part or parts of such territory or territories of such other town, city or water or fire district as are included in either of said drainage districts, or the towns of North Providence, Smithfield, Johnston, and the city of East Providence, or such water or fire districts therein, even though such territory or territories are not included in said drainage districts. The city of Warwick or any water or fire district therein shall have the further right to take and receive water as aforesaid for use as aforesaid in any part of its territory lying easterly of the New York, Providence and Boston railroad line of the New York, New Haven and Hartford Railroad Company and northerly of Greenwich bay, and said city shall also have the right to take and receive water as aforesaid for use as aforesaid in that part of its territory lying westerly of the New York, Providence and Boston railroad line of the New York, New Haven and Hartford Railroad Company, southerly of Main street, Greenwood, easterly of the Pontiac road and northerly of Main street in the village of Apponaug.

It is provided, however, that as to the entire town of Smithfield and such parts of the towns of North Providence, Johnston and the cities of Warwick and East Providence, and such water or fire districts therein as were not entitled to water under chapter 1278 of the public laws of 1915 as originally enacted, the city of Providence, acting by and through the Water Supply Board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, shall have the right to de-

Manner of
sale.

Connections.

Limitation on
quantity.

When.

termine whether it shall sell water directly to prospective water users or consumers at retail or to the city or town or water or fire district therein at wholesale rates. Proper connections with said water supply source or sources, including the installation of proper meters or other devices for ascertaining the quantity of water so received, shall be made at such suitable location or locations as shall be determined and approved by the Water Supply Board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, and at the expense of the town, city, district or water users desiring to receive such water, and subject to such reasonable rules and regulations as from time to time may be made by the Water Supply Board of said city of Providence or its duly authorized officer or officers as may for the time being shall have charge of the water works. Such town, city or water or fire district or water users or consumers shall have the right to take such water as aforesaid to any extent each month not exceeding an average per day of one hundred fifty gallons per capita of the number of inhabitants of such parts of its territory or territories as are served from such water supply source or sources, as such number of inhabitants was shown by the last preceding census of the United States or of the state of Rhode Island, unless and to the extent and for the time only that said officer or officers of said city of Providence shall consent to the taking by such town, city or water or fire district or water users of a greater quantity of such water. Whenever any such town, city or water or fire district receives water wholesale, such town, city or water or fire dis-

trict shall pay to said city of Providence such fair wholesale rates or charges for the quantity of water taken by it as aforesaid, and at such times, and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default of agreement as shall be determined by three arbitrators, one to be chosen by it, one by said city of Providence and the third by the two so chosen, or in case either party should refuse or neglect to appoint such arbitrator, or in case the two arbitrators chosen by the parties should refuse or neglect to appoint the third arbitrator, said superior court for Providence county, upon petition of either party and after giving the other party opportunity to be heard, shall appoint such arbitrator or such third arbitrator as the case may be. And it is provided, further, that in case the city of Providence as hereinbefore provided elects to sell water directly to water users or consumers, the Water Supply Board of the city of Providence or such other officer or officers as may for the time being shall have charge of water works, shall have the right to determine the rate at which said water shall be sold. Said city of Providence may furnish water from such water supply source or sources to any incorporated water company for use as aforesaid in either of said drainage districts or in the towns of North Providence, Johnston, Smithfield and the city of East Providence or in any part of the territory that is supplied by such water company.

The city of Providence shall not be required to serve Exception. structures in any city or town at elevations higher than the head characteristics of the present Neutaconkanut pumping station. The city of East Provi-

Supplies for
East Providence.

dence will be supplied from the 66" steel aqueduct near Budlong road in the city of Cranston which is known as the low service section of the system.

Liability for
damages.

The cities of Providence and East Providence shall be liable in damages for any injuries or damages occasioned by the laying of water pipes in state, city or town highways outside their respective city limits to the same extent that they are liable for injuries or damages occasioned by the laying of water pipes in highways or roads inside of their respective city limits: provided, however, that the cities of Providence and East Providence shall not be so liable for such injuries or damages in any case where written notice shall be given of their intention to lay water pipes in any highway, road or any portion thereof to the director of public works or other persons occupying a similar position in the state, city or town having jurisdiction over said highway, road or portion thereof at least seventy-two (72) hours prior to the commencement of said installation of water pipes.

Tax exemp-
tion.

The city of Providence shall be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed for the purpose of serving areas not heretofore served by the Providence water system. The city of East Providence shall also be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed in the cities of Cranston and Providence for the purposes of providing water supply lines to the East Providence water supply system.

The city of Providence, acting by and through its Water Supply Board, in the event of drought or any other contingency which may oblige the city to protect or conserve its water supply, may regulate the amount and use of water to be served to any and all persons, corporations, towns, water companies, water districts or fire districts.

Conservation.

Sec. 2. All acts and parts of acts inconsistent with section 1 of this act are hereby repealed.

Repeal of
inconsistent
acts.

Sec. 3. This section shall take effect upon the passage of this act. Sections 1 and 2 of this act shall take effect upon the passage of this act except with respect to the city of East Providence. Sections 1 and 2 of this act shall take effect with respect to the city of East Providence only as may be provided by an act passed or to be passed at this session authorizing the city of East Providence to issue bonds for improvements to the city's water system. The provisions of sections 1 and 2 of this act shall be deemed incorporated in the act authorizing such bonds, whether such act is passed before or after this act.

Act effective,
when.

Application as
to city of East
Providence.

CHAPTER 159.

AN ACT Empowering the City of East Providence to Acquire Land for Recreational and Conservational Purposes.

H 1864
Approved
May 8, 1963.

It is enacted by the General Assembly as follows:

CHAPTER 205.

AN ACT Authorizing the City of East Providence to Issue Bonds in an Amount Not Exceeding \$2,750,000 for Improvements to the City's Water System, to Issue Temporary Notes for Such Purpose, to Purchase Water from the City of Providence and to Acquire Property for Water Purposes by Eminent Domain.

H 1673 A
Effective
May 14, 1963.

It is enacted by the General Assembly as follows:

Section 1. The city of East Providence is hereby authorized, in addition to authority previously granted, to issue bonds to an amount not exceeding \$2,750,000 from time to time under its corporate name and seal or a facsimile of such seal. The principal of the bonds and interest thereon shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts. The bonds of each issue shall mature in annual installments, the first installment to be not later than five years and the last installment not later than thirty years after the date of the bonds. No installment of any issue shall exceed the next prior installment of such issue by more than 50%, except for a prior installment earlier than herein required. The bonds of any issue hereunder may be consolidated with bonds issued under any other authority. In event of such consolidation, the maturities of the several issues being consolidated need not comply respectively with the provisions applicable thereto so long as the consolidated maturities comply with the most restrictive of such provisions.

City of East
Providence:
Bonds author-
ized.

Maturity.

How executed
and sold.

Application of
city charter
provisions.

Interest.

Proceeds.

Sec. 2. The bonds shall be signed by the director of finance and by the manual or facsimile signature of the mayor and shall be issued and sold at not less than par in such amounts as the city council may authorize by a bond ordinance or ordinances. Sections 4-27(2)(D) and (E) and 4-28 through 4-32 of the city charter shall not apply to such ordinance or ordinances or to bonds or notes issued hereunder and for the purpose of section 4-27(2)(A) and (3) of the city charter the bonds shall be deemed to be for a single project sufficiently described by the language contained in this act. The denominations, maturities, interest rates, and other terms, conditions and details of any bonds or notes authorized under this act may be fixed by the ordinance authorizing the same or by resolution of the city council, or if no provision is made in such ordinance or resolution, by the officer authorized to issue the bonds or notes. The bonds of each issue shall bear interest at a rate or rates not exceeding six (6) per cent per annum. Coupons shall bear the facsimile signature of the director of finance. The proceeds arising from the sale of the bonds shall be delivered to the director of finance, and such proceeds exclusive of premiums and accrued interest shall be expended for improvements to the city's water system, or in payment of the principal of or interest on temporary notes issued under section 3 of this act, or in repayment of advances under section 4 of this act. No purchaser of any bonds or notes issued under this act, however, shall be in any way responsible for the proper application of the proceeds derived from the sale thereof.

Sec. 3. The city council of the city of East Providence may by a resolution or resolutions authorize the issue from time to time of interest bearing or discounted notes in anticipation of the authorization or issue of bonds under section 2 of this act or in anticipation of the receipt of a federal grant or grants for the purposes of this act. The amount of original notes issued in anticipation of bonds may not exceed \$2,750,000 and the amount of original notes issued in anticipation of federal aid may not exceed the amount of available federal aid as estimated by the director of finance. Temporary notes issued hereunder shall be signed by the director of finance and shall be payable within five years from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder, provided the period from the date of an original note to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed five years.

Temporary
notes.

Sec. 4. Pending any authorization or issue of bonds hereunder or pending or in lieu of any authorization or issue of notes hereunder, the director of finance, with the approval of the city council, may apply funds in the general treasury of the city to the purposes specified in section 2 of this act, such advances to be repaid without interest from the proceeds of bonds or notes subsequently issued or from the proceeds of applicable federal assistance.

Advance from
general fund
of city.

Sec. 5. Any proceeds of bonds or notes issued hereunder, pending their expenditure, may be deposited or invested by the director of finance in demand de-

Investment
pending applica-
tion of
proceeds.

posits, time deposits or savings deposits in banks which are members of the Federal Deposit Insurance Corporation (without regard to the limit of insurance) or in obligations issued or guaranteed by the United States of America or any agency or instrumentality thereof or by the state of Rhode Island or as may be provided in any other applicable law of the state of Rhode Island.

Application
of accrued
interest, pre-
miums and
profits.

Sec. 6. Any accrued interest received upon the sale of bonds or notes hereunder shall be applied to the payment of the first interest due thereon. Any premiums arising from the sale of bonds or notes hereunder, any net earnings or profits realized from the deposit or investment of bond or note proceeds and any balance of bond or note proceeds remaining after completion of the project and payment therefor shall, in the discretion of the city council, be applied to the cost of preparing, issuing and marketing bonds or notes hereunder to the extent not otherwise provided, to the payment of the cost of improvements coming within the description in section 2, to the payment of the principal of or interest on bonds or notes issued hereunder or to any one or more of the foregoing. The cost of preparing, issuing and marketing bonds or notes hereunder may also be met from bond or note proceeds exclusive of premiums and accrued interest or from other moneys available therefor.

Obligation
of city.

Sec. 7. All bonds and all temporary notes issued under the provisions of this act and the debts evidenced thereby shall be obligatory on the city of East Providence in the same manner and to the same extent as other debts lawfully contracted by it and shall

be excepted from the operation of section 45-12-2 of the general laws, as amended. No such obligations shall at any time be included in the debts of said city for the purposes of ascertaining its borrowing capacity. The city shall annually appropriate a sum sufficient to pay the principal and interest coming due within the year on bonds and notes issued hereunder to the extent that moneys therefor are not otherwise provided.

Exception.

Amortization.

Sec. 8. Any bonds or notes issued under the provisions of this act and coupons on any bonds, if properly executed by an officer of the city in office on the date of execution, shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor, such officer shall for any reason have ceased to hold office.

Validity not affected by change in office.

Sec. 9. The city of East Providence is authorized to purchase water from the city of Providence and to install, maintain and operate such mains and works as may be necessary or desirable to transport the same through the cities of Cranston and Providence to be distribution system of the city of East Providence.

Water supply furnished by city of Providence.

Sec. 10. The provisions of any amendment of section 18 of chapter 1278 of the public laws of 1915 passed or to be passed at this session prior to the issue of the warrant for the election prescribed by section 12 of this act shall be deemed incorporated herein as if set forth herein in full. The provisions so incorporated shall take effect with respect to the city of East Providence as provided in section 13 of this act.

Application of P. L. 1963, chapter 158.

Acquisition of
land, and
rights con-
firmed.

Procedure.

Sec. 11. The authority of the city of East Providence to acquire real estate and interests in real estate within or without the city for water purposes is hereby confirmed. The procedure to be followed shall be that now prescribed by chapter 15 of title 39 of the general laws.

Referendum.

Sec. 12. The question of the approval of the act shall be submitted to the electors of the city of East Providence at a special election to be held on November 5, 1963. The question shall be submitted in substantially the following form: "Shall the act, passed at the January, 1963 session of the general assembly, entitled 'An act authorizing the city of East Providence to issue bonds in an amount not exceeding \$2,750,000 for improvements to the city's water system, to issue temporary notes for such purpose, to purchase water from the city of Providence and to acquire property for water purposes by eminent domain' be approved?" The local board, as defined in section 17-1-2 of the general laws, shall forthwith after said election notify the secretary of state of the result of the vote upon the question submitted. The polling place or places shall be designated by said local board, and the election shall be held in conformity with the election laws of the state.

Act effective,
when.

Sec. 13. This section and section 12 of this act shall take effect upon the passage of this act; and the remainder of this act shall take effect upon the approval of this act by a majority of those voting on the question at the election prescribed by section 12 hereof; provided, however, that notwithstanding such approval such remainder of this act shall take effect

only if and when a grant-in-aid of contributions from the United States in an amount not less than fifty per- centum of the cost of the project is authorized and allocated under the provisions of the public works acceleration act (public law 87-658, 87th congress, Sep- tember 14, 1962). [Federal aid.]

CHAPTER 206

AN ACT in Amendment of and in Addition to Title 45 General Laws of Rhode Island, 1956, as Amended, Entitled "Towns and Cities." H 1712
Effective
May 14, 1963.

It is enacted by the General Assembly as follows:

Section 1. Title 45, general laws of Rhode Island, 1956, as amended, entitled "Towns and cities" is here- by further amended by adding thereto the following chapter:

CHAPTER 45-22.1

JOINT MUNICIPAL PLANNING COMMISSIONS

Section 45-22.1-1. Declaration of policy.

For the purpose of promoting health, safety, morals and the general welfare of the various areas in the state of Rhode Island through the effective develop- ment of such areas, the following powers for the es- tablishment of joint municipal planning commissions are hereby granted. Purpose of chapter.

Section 45-22.1-2. Creation, appointment and op- eration of joint municipal planning commission.

other exemptions from taxation to which said person may be otherwise entitled. Said exemption shall be applied uniformly and without regard to ability to pay.

Referendum.

Sec. 2. The question of the acceptance or rejection of this act shall be submitted to the qualified electors of the city of Pawtucket at the next general election to be held in the city of Pawtucket on November 3, 1964, and the canvassing authority of said city shall forthwith after said election notify the secretary of state of the vote upon the question submitted.

Act effective,
when.

Sec. 3. This act shall take effect upon its passage and section 1 of this act shall take effect if and when a majority of the qualified electors of the city of Pawtucket voting at the election, to which this act is submitted, shall approve the same.

CHAPTER 91.

H 1551
Approved
April 28, 1964.

AN ACT in Amendment of Section 18 of Chapter 1278 of the Public Laws, 1915, Entitled "An Act to Furnish the City of Providence With a Supply of Pure Water," as Amended.

It is enacted by the General Assembly as follows:

Section 1. The fourth and fifth paragraphs of section 18 of chapter 1278 of the public laws, 1915, entitled "An act to furnish the city of Providence with a supply of pure water," as amended by chapter 1815 of the public laws, 1931, by chapter 1966 of the public

laws, 1932, by chapter 2316 of the public laws, 1936, by chapter 1897 of the public laws, 1947, and by chapter 158 of the public laws, 1963, are hereby amended to read as follows:

"Sec. 18.

"The city of Providence shall not be obligated to pay for repairs to highways or roads occasioned by it in the laying or repairing of water pipes or water mains in state, city or town highways or roads located outside the city of Providence but the cost thereof shall be borne by the city or town wherein said highways or roads are located and receiving its water supply from the city of Providence; and the city of Providence shall not be liable in damages for injuries or damages occasioned by the laying or repairing of water pipes or water mains in the aforesaid highways or roads, nor shall it be liable for the failure or neglect of any such town or city to repair or maintain said highways or roads after the completion of any such work by the city of Providence but said city of Providence shall give written notice to the director of public works, or other person occupying a similar position in the state, city or town having jurisdiction over the highway or road wherein said work was performed, not more than sixty (60) hours after completion of its work in said highway, setting forth the name of the highway and the location therein where an opening had been made and work performed. Neither the city of Providence nor the city of Cranston shall be liable for injuries or damages occasioned by the laying of

Immunity of city of Providence for repair of highways in communities receiving water from city.

Same:
Other injuries and damages.

Notice of opening.

Same:
Cities of
Cranston and
East Providence.

water pipes or water mains in the highways of the city of Providence or the city of Cranston by the city of East Providence.

Tax exemptions.

The city of Providence shall be exempt from local taxes on all water pipes, pipe lines and other water works appurtenances installed, located or laid for the purpose of serving areas not served with water by said city of Providence prior to April 27, 1931. The city of East Providence shall also be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed in the cities of Cranston and Providence for the purposes of providing water supply lines to the East Providence water supply system.

§ 92-11

Act effective,
when.

Sec. 2. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

CHAPTER 92.

H 1714
Approved
April 28, 1964.

AN ACT Authorizing the City of Warwick to Issue Bonds in an Amount Not Exceeding \$300,000 for Construction of Fire Stations and to Issue Temporary Notes for Such Purpose.

It is enacted by the General Assembly as follows:

City of
Warwick:
Bonds authorized.

Section 1. The city of Warwick is hereby authorized, in addition to authority previously granted, to

CHAPTER 40.

S. 277
Approved
Nov. 10, 1965

AN ACT Authorizing the City of Providence to acquire Land to Build a Supplementary Tunnel and Aqueduct to Meet Water Needs of Areas Entitled to Receive Water From the City of Providence Under the Provisions of Chapter 1278 of the Public Laws of 1915, as Amended, and Granting to Said City Certain Other Rights and Easements in Public Highways.

It is enacted by the General Assembly as follows:

City of Providence
Authorized Authority
to acquire
land for water
1965 c. 40

Section 1. Power to acquire land.—For the purpose of carrying and conveying water from its source of supply and purification works in the town of Scituate to the city of Providence and the towns, cities and areas entitled to receive water from the city of Providence under the provisions of chapter 1278 of the public laws of 1915, as amended, the city of Providence is hereby authorized, at any time and from time to time, to take by eminent domain or acquire by purchase in the towns and cities of Scituate, West Warwick, Johnston, Cranston and Providence such land, water rights, easements and other property or interest in property, public and private, as the city council of the city of Providence determines necessary or desirable for the location, construction, maintenance, operation and repair of an aqueduct or aqueducts, tunnels, water pipes and their appurtenances and for ways and rights-of-way to such land from the nearest public highways and for executing the work at, adjoining or near the portals and shafts of any tunnel construction designed as part or parts of such aqueduct, including the removing and disposing of surplus earth and ma-

terials. Any taking under this chapter by eminent domain may be in fee simple or such lesser estate or easement, perpetual in duration, as the city council of the city of Providence shall determine and as set forth in the order of taking but land so taken shall not exceed two hundred fifty (250) feet in width except at adjoining or near the portals and shafts of any tunnel construction designed as part or parts of such aqueduct, at which locations, for the purpose of executing the work and removing and disposing of surplus earth and other materials, said restriction and limitation shall not apply.

Maximum taking.

Sec. 2. Authorization of condemnation.—Whenever in the opinion of the chief engineer of the water supply board of the city of Providence the acquisition of land or other real property or any interest, estate, right or easement therein is necessary or advantageous for the purposes set forth herein, he shall, with the approval of the water supply board of said city of Providence, recommend to the city council of the city of Providence the acquisition thereof by condemnation proceedings and said city council of the city of Providence may, by resolution duly enacted, authorize the acquisition thereof by condemnation proceedings; provided, however, that said city council shall not authorize any land or estate owned and used by any railroad company to be taken until after a hearing before the division of public utilities of the state of Rhode Island and until the consent of such division of public utilities to said taking shall be given.

Condemnation authorization.

Sec. 3. Filing of condemnation papers—vesting of title.—Within six (6) months after the city council of

Sum-
mary of
filing of des-
cription and
nature of
title to be
acquired.

the city of Providence has, by resolution duly enacted, authorized condemnation proceedings, the city of Providence shall file in the office of the recorder of deeds or town clerk in the city or town where the land or other real property to be acquired is situated, a description of such land or other real property and also a plat thereof and a statement that such land or other real property is taken pursuant to the provisions of this chapter, and the nature of the title to be acquired, whether the same be a fee simple estate or a right or easement in the land to be taken perpetual in duration, or whether same shall be subject to any easements or rights-of-way or to any reserved or outstanding interests or rights, or subject to any encumbrances, which description, plat and statement shall be signed by the mayor of the city of Providence and the chairman of the water supply board of the city of Providence and upon the filing of such description, plat and statement the title of such land, real property, right or easement in the land defined and set forth in such description, plat and statement, to the extent and according to the nature of the interest therein taken, shall vest in the city of Providence. Prior to any taking hereunder, the city of Providence shall provide specific funds for the payment of compensation to the owners thereof. The use of such funds for such purpose shall be a fixed obligation of the city and, notwithstanding anything to the contrary herein, the full faith and credit of the city shall be deemed pledged to pay such compensation.

Funds to be
provided be-
fore taking.

Service of
notice of con-
demnation on
owner.

Sec. 4. Service of notice of condemnation on owner.—

After the filing of such description, plat and statement, notice of the taking of such land or other interest, right or easement therein or other real property shall

be served upon the owner and persons having an estate or right in or who are interested in such land or other real property by any police officer of the city of Providence or by the city sergeant of the city of Providence or any of his deputies who shall leave a true and attested copy of such description and statement with each of said persons personally or at their last and usual place of abode in this state with some person living there, and in case any of such persons are absent from this state and have no last and usual place of abode therein occupied by any person, such copy shall be left with the person or persons, if any, in charge of, or having possession of, such land or other real property taken of such absent persons, and another copy thereof shall be mailed to the address of such absent persons, if the same is known to the officer serving such notice.

Sec. 5. Publication of notice of condemnation. After the filing of such description, plat and statement the city of Providence, acting by and through the mayor of the city of Providence or the chairman of the water supply board of the city of Providence, shall cause a copy of such description and statement to be published in some newspaper published in the county where said land or other real property may be located at least twice a week for three successive weeks.

Sec. 6. Payment of agreed Price for land, easement or interest condemned. If any party shall agree with the city of Providence upon the sum to be paid for the value of the land or other real property so taken and of appurtenant damage to any remainder or for the value of his estate, right or interest therein, and such price

Publication
of notice.

Payment of
agreed price
for taking.

Petition for
jury trial upon
failure to agree
on price; part-
ial payment
pending trial.

Effect of part
payment.

Authority of
board of
contract and
supply.

shall be approved by the board of contract and supply of the city of Providence, the same shall be paid to him forthwith by the city controller and the city treasurer out of any funds of the city appropriated and available therefor, or out of the proceeds of any bonds or notes issued by the city and available for the purpose, or out of any other available funds; provided, however, that if any party shall fail to agree with the city of Providence, acting by and through the board of contract and supply of the city of Providence, upon the sum to be paid for the value of the land or other real property so taken and of appurtenant damage to any remainder or for the value of his estate, right or interest therein taken by said city of Providence, and shall petition for assessment of damages by a jury in accordance with the provisions of this chapter, then the superior court of the county wherein said petition for assessment of damages by a jury is pending, upon the application of said party in interest and of joinder of all other parties in interest, shall order to be paid forthwith with interest for or on account of the just compensation to be awarded in said proceeding, not less than sixty-five (65) per cent of the offer of the city of Providence pending final disposition of the court proceeding. If the damages finally awarded in respect to said real property or any part thereof or any easement or interest therein shall exceed the amount of money so received by any person entitled thereto, the court shall enter judgment against the city of Providence for the amount of the deficiency plus interest on the deficiency and costs. The board of contract and supply of the city of Providence shall have general authority to represent the city and to make any agreements for the city under the provisions of

this section and section 10 hereof and to do any acts or things necessary or incidental to executing settlements and agreements and shall have authority to make offers in behalf of the city and to agree with the owner for the price of the land, real property, interest or easement therein so taken or purchased, and the same shall be paid by the city controller and the city treasurer out of funds made available for the purpose upon vouchers approved by the board of contract and supply and the city controller.

Sec. 7. Petition for assessment of damages by jury.

—Any owner of, or persons entitled to any estate, interest or right in, any part of the land in which such fee, right, interest or easement is so taken, who cannot agree with the city upon the price to be paid for his estate, easement, right or interest in such land or other real property so taken and the appurtenant damage to the remainder, may within one (1) year from the filing of the description and statement aforesaid apply by petition to the superior court in the county of Providence or to the superior court for one of the counties in which said land, interest in land, easement or other real property may be situated, setting forth the taking of his land or his fee, right, interest or easement therein and praying for an assessment of damages by a jury. Upon the filing of such petition, the court shall cause twenty (20) days' notice of the pendency thereof to be given to the city of Providence by serving the mayor of the city of Providence and the chief engineer of the water supply board of the city of Providence with a certified copy thereof. All proceedings taken pursuant to this chapter shall take precedence over all civil matters pending before said court except condem-

*Procedure on
petition for
assessment of
damages by
jury.*

nation proceedings involving the state of Rhode Island, and if the superior court in and for the county in which such real property or interest therein lies be not in session in such county or by agreement of all parties in interest, then the same may be heard in the superior court for the counties of Providence and Bristol.

Same:
Late filing
permitted,
when.

Sec. 8. Late filing of petition for assessment of damages.—In case any owner of or any person having an estate or interest in such land or other real property shall fail to file his petition as above provided, the superior court in the county of Providence or the superior court for one of the counties in which said land or other real property may be situated, in its discretion, may permit the filing of such petition subsequent to said period of one (1) year from the filing of such description, plat and statement as provided in section 3 hereof: provided, such person shall have had no actual knowledge of the taking of such land in season to file such petition; and provided, the city of Providence shall not have paid any other person or persons claiming to own such land the value thereof or be liable to pay for the same under any judgement rendered under the provisions of this chapter.

Procedure
where no
claim filed or
owner unknown
or under
disability.

Sec. 9. Procedure where no claim filed or owner unknown or under disability.—If, after the expiration of one (1) year following the filing of the description, plat and statement as provided in section 3 hereof and after notice by publication as prescribed by section 5 hereof, no petition for an assessment of damages has been filed in the superior court pursuant to section 7 hereof or otherwise, the city of Providence may petition the superior court for one of the counties in which

said land or other real property is situated for a determination of the fair value of the land or other real property so taken and to appurtenant damages to any remainder, or for the value of any estate, right or interest therein. After such notice as the court shall order, the court shall proceed to hear the matter and shall enter decision for the amount or amounts to be awarded and costs. Upon entry of judgment, the city of Providence shall forthwith deposit the sum so awarded in the registry of the court in a special account to accumulate for the benefit of the person entitled thereto. The city of Providence making such deposit shall take the receipt of the clerk of the superior court therefor which shall operate as a release and discharge to the city of Providence for all claims for damages resulting from such taking. When any person entitled to money so deposited shall satisfy the superior court of his right to receive the same, the court shall cause the same to be paid over to him with all accumulations thereon.

Deposit of
funds with
court registry

Same.

If the owner of or person entitled to any estate, right or interest in any part of the land so taken shall be found to be a person unascertained or not in being or a person whose whereabouts are unknown or an infant or other person not capable in law to act in his own behalf or a person in military service, or if such owner or person shall default in answering such petition, the superior court before which the proceeding is pending shall appoint an attorney at law duly admitted to practice in this state as guardian ad litem or other representative for such person, and such guardian or representative shall appear and represent and be heard in behalf of such person. Before entering judgment

Guardian
ad litem.

Same;
Fees and
expenses.

the court shall fix the fee to be paid to each guardian or representative so appointed and the fees for any appraisers engaged by him and the amount of expenses to be allowed him, which fees and expenses shall be considered charges against and to be deducted from the sum deposited in the registry for the benefit of such person, and the receipt therefor of the guardian or representative so appointed shall be a sufficient discharge to the clerk of court.

Pretrial
conference.

Sec. 10. Pretrial conference with board of contract and supply—proceeding to trial.—Within fifty (50) days after the service of said certified copies of the petition for assessment of damages by a jury upon the mayor of the city of Providence and the chief engineer of the water supply board of the city of Providence, the owner of and any person entitled to any estate in or interested in any part of the land or other real property, right or easement so taken by the city of Providence shall confer with the board of contract and supply of the city of Providence and if at the expiration of seventy-five (75) days after the service of said certified copies upon the city of Providence, as hereinbefore set forth, said owner of and person entitled to any estate in or interested in any part of the land or other real property, easement, right or interest so taken has not agreed with the board of contract and supply of said city of Providence upon the price to be paid for his estate, right, interest in such land or other real property so taken and the appurtenant damage to the remainder, he may proceed to the trial thereof in the superior court and said court shall determine all questions of law and fact arising in the proceedings. Any party in interest, with the consent and approval of the

Same;
Waiver.

city solicitor of the city of Providence, may waive said pretrial conference by filing a stipulation to such effect in the superior court wherein said proceedings are pending and in such event the trial thereof may proceed as aforesaid.

Sec. 11. Payment of judgment.—Upon recovery of final judgment, execution shall be issued therefor and shall be forthwith paid by the city controller and the city treasurer out of any funds appropriated and available therefor, including, but not limited to, the proceeds of any bonds issued by said city for the construction of major improvements to the Providence water supply system, as heretofore or hereafter authorized by an act passed by the general assembly at its January session, 1965, and approved by the governor, but the verdict and judgment entered thereon shall not include any item for interest except as provided in section 6 hereof.

Payment of
judgment.

Sec. 12. For the purpose of carrying and conveying water from its reservoir and purification plant located in the town of Scituate to the city of Providence and to other cities, towns and areas entitled to take and receive water from the city of Providence under the provisions of chapter 1278 of the public laws of 1915, as amended, and also for the purpose of distributing water in the cities, towns and areas entitled to take and receive water from the city of Providence under the provisions of chapter 1278 of the public laws of 1915, as amended, or as said chapter may be hereafter amended, the city of Providence is hereby authorized from time to time to lay, maintain and repair its water pipes, mains, aqueducts, tunnels and appurtenances in

Authority for
lines, etc., on
public high-
ways.

and under any public highway, turnpike, freeway and street in the state of Rhode Island but in such a manner as not to permanently obstruct travel thereon and if in the exercise of this right conflict should arise with any other public service company using said public highway, turnpike, freeway and street and the parties are unable to agree as to location, method of construction and maintenance, either party may apply to the division of public utilities for a determination thereof and after hearing said water pipes, mains, aqueducts, tunnels and appurtenances shall be laid, constructed and maintained in such method and manner as may be ordered by said division and if either party is aggrieved by such order of said division, said party may appeal to the supreme court.

Existing use
of public high-
ways affirmed.

Sec. 13. The right of the city of Providence to use any public highway, turnpike, freeway and street in this state for the purposes set forth in section 12 hereof, which said city of Providence is now using with or without the specific authority therefor of the state of Rhode Island, or any city or town therein, is hereby ratified, confirmed and henceforth authorized.

Constitutionality
of act.

Sec. 14. If any part, clause, division or section of this act shall be declared invalid or unconstitutional, the validity of the remaining provisions shall not be affected thereby.

Act effective
when.

Sec. 15. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

enacted by chapter 138 of the public laws, 1964, may be prosecuted in the same manner and with the same effect as if this act had not been passed.

CHAPTER 5.

H 1010 A
Approved
Feb. 2, 1966.

AN ACT in Amendment of Section 18 of Chapter 1278 of the Public Laws, 1915, Entitled "An Act to Furnish the City of Providence With a Supply of Pure Water," as Amended,

It is enacted by the General Assembly as follows:

Section 1. Section 18 of chapter 1278 of the public laws, 1915, entitled "An act to furnish the city of Providence with a supply of pure water," as amended by chapter 1815 of the public laws, 1931, by chapter 1966 of the public laws, 1932, by chapter 2316 of the public laws, 1936, by chapter 1897 of the public laws, 1947, by chapter 158 of the public laws, 1963, and by chapter 91 of the public laws, 1964, is hereby further amended to read as follows:

Municipalities
to be served.

"Sec. 18. Said town of Scituate, the city of Cranston, and each water and fire district therein now or hereafter incorporated, and each other town, city or water or fire district now or hereafter incorporated having any of its territory included in the drainage district of said north branch of said Pawtuxet river, or of the drainage district of said Pawtuxet river below the junction of the north and south branches of said river, the entire towns of North Providence, Smithfield,

Johnston and the city of East Providence and each water or fire district therein now or hereafter incorporated, even though its territory or territories are not included in either of said drainage districts shall have the right to take and receive water from said storage reservoir or reservoirs for use for domestic, fire and other ordinary municipal water supply purposes in the town of Scituate or the city of Cranston, or such water or fire districts therein, or in any part or parts of such territory or territories of such other town, city or water or fire district as are included in either of said drainage districts, or the towns of North Providence, Smithfield, Johnston, and the city of East Providence, or such water or fire districts therein, even though such territory or territories are not included in said drainage districts. The city of Warwick or any water or fire district therein shall have the further right to take and receive water as aforesaid for use as aforesaid in any part of its territory excepting that area of said city which lies south of Greenwich Bay and is separated from said city by territory of the town of East Greenwich, which area is known as Potowomut.

It is provided, however, that as to the entire town of Smithfield and such parts of the towns of North Providence, Johnston and the cities of Warwick and East Providence, and such water or fire districts therein as were not entitled to water under chapter 1278 of the public laws of 1915 as originally enacted, the city of Providence, acting by and through the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, shall have the right to determine whether it shall sell water directly to pros-

Manner
of sale.

Connections.

pective water users or consumers at retail or to the city or town or water or fire district therein at wholesale rates. Proper connections with said water supply source or sources, including the installation of proper meters or other devices for ascertaining the quantity of water so received, shall be made at such suitable location or locations as shall be determined and approved by the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, and at the expense of the town, city, district or water users desiring to receive such water, and subject to such reasonable rules and regulations as from time to time may be made by the water supply board of said city of Providence or its duly authorized officer or officers as may for the time being shall have charge of the water works. Such town, city or water or fire district or water users or consumers shall have the right to take such water as aforesaid to any extent each month not exceeding an average per day of one hundred fifty gallons per capita of the number of inhabitants of such parts of its territory or territories as are served from such water supply source or sources, as such number of inhabitants was shown by the last preceding census of the United States or of the state of Rhode Island, unless and to the extent and for the time only that said officer or officers of said city of Providence shall consent to the taking by such town, city or water or fire district or water users of a greater quantity of such water. Whenever any such town, city or water or fire district receives water wholesale, such town, city or water or fire district shall pay to said city of Providence such fair whole

Limitation
on amount.

sale rates or charges for the quantity of water taken by it as aforesaid, and at such times, and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default of agreement as shall be determined by three arbitrators, one to be chosen by it, one by said city of Providence and the third by the two so chosen, or in case either party should refuse or neglect to appoint such arbitrator, or in case the two arbitrators chosen by the parties should refuse or neglect to appoint the third arbitrator, said superior court for Providence county, upon petition of either party and after giving the other party opportunity to be heard, shall appoint such arbitrator or such third arbitrator as the case may be. And it is provided, further, that in case the city of Providence as hereinbefore provided elects to sell water directly to water users or consumers, the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of water works, shall have the right to determine the rate at which said water shall be sold. Said city of Providence may furnish water from such water supply source or sources to any incorporated water company for use as aforesaid in either of said drainage districts or in the towns of North Providence, Johnston, Smithfield and the city of East Providence or in any part of the territory that is supplied by such water company.

The city of Providence shall not be required to serve structures in any city or town at elevations higher than the head characteristics of the present Neutaconkanut pumping station. The city of East Providence will be supplied from the 66" steel aqueduct

near Budlong road in the city of Cranston which is known as the low service section of the system.

Immunity of city of Providence for repair of highways in communities receiving water from city. Same; other injuries and damages.

The city of Providence shall not be obligated to pay for repairs to highways or roads occasioned by it in the laying or repairing of water pipes or water mains in state, city or town highways or roads located outside the city of Providence but the cost hereof shall be borne by the city or town wherein said highways or roads are located and receiving its water supply from the city of Providence; and the city of Providence shall not be liable in damages for injuries or damages occasioned by the laying or repairing of water pipes or water mains in the aforesaid highways or roads, nor shall it be liable for the failure or neglect of any such town or city to repair or maintain said highways or roads after the completion of any such work by the city of Providence but said city of Providence shall give written notice to the director of public works, or other person occupying a similar position in the state, city or town having jurisdiction over the highway or road wherein said work was performed, not more than sixty (60) hours after completion of its work in said highway, setting forth the name of the highway and the location therein where an opening had been made and work performed. Neither the city of Providence nor the city of Cranston shall be liable for injuries or damages occasioned by the laying of water pipes or water mains in the highways of the city of Providence or the city of Cranston by the city of East Providence.

Notice of opening.

Same:
City of Cranston.

Tax exemptions.

The city of Providence shall be exempt from local taxes on all water pipes, pipe lines and other water

works appurtenances installed, located or laid for the purpose of serving areas not served with water by said city of Providence prior to April 27, 1931. The city of East Providence shall also be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed in the cities of Cranston and Providence for the purposes of providing water supply lines to the East Providence water supply system.

The city of Providence, acting by and through its water supply board, in the event of drought or any other contingency which may oblige the city to protect or conserve its water supply, may regulate the amount and use of water to be served to any and all persons, corporations, towns, water companies, water districts or fire districts.

Sec. 2. This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

Conservation
measures.

Act effective,
when.

CHAPTER 6.

AN ACT Authorizing Chariho Regional High School District to Issue Bonds Not Exceeding \$400,000.00 for the Purpose of Constructing an Addition to the Chariho Regional High School Building, and Originally Equipping and Furnishing Such Addition.

§ 25
Approved
Feb. 4, 1966.

It is enacted by the General Assembly as follows:

Section 1. Chariho regional high school district, a Rhode Island corporation created and organized by

Bonds
authorized.

compensation benefits", as amended, is hereby further amended to read as follows:

"28-33-19. Additional compensation for specific injuries.—

" * * * "

Section 19 of Chapter 162 of the Public Laws, 1966.

"(m) Where any bodily member or portion thereof has been rendered permanently stiff or useless, compensation in accordance with the above schedule shall be paid as if the member or portion thereof had been severed completely, provided, however, that if the stiffness or uselessness is less than the total, then compensation shall be paid for such period of weeks in proportion to the period applicable in the event that said member or portion thereof has been severed completely as the instant percentage of stiffness or uselessness bears to the total stiffness or total uselessness of such bodily members or portion thereof."

2. Compensation for loss of use.

Act effective when passed.

Sec. 2. This act shall take effect upon its passage.

CHAPTER 162.

H. 1790
Approved
May 26, 1967.

AN ACT in Amendment of Sec. 1 - Sec. 18 of the Chapter 1278 of the Public Laws, 1915, Entitled "An Act to Furnish the City of Providence with a Supply of Pure Water," as Amended by Chapter 1815 of the Public Laws, 1931, by Chapter 1966 of the Public Laws, 1932, by Chapter 2316 of the Public Laws, 1936, by Chapter 1897 of the Public Laws, 1947, by Chapter 158 of the Public Laws, 1963, by Chapter 91 of the Public Laws of 1964, and by Chapter 5 of the Public Laws of 1966.

It is enacted by the General Assembly as follows:

Section 1. Sec. 18 of chapter 1278 of the public laws, 1915, entitled "An act to furnish the city of Providence with a supply of pure water", as amended, is hereby further amended to read as follows:

(Title corrected
by secretary of
state, P. L.
1961, Ch. 51
(§43-2-2.1)).

"Sec. 18. Said town of Scituate, the city of Cranston, and each water and fire district therein now or hereafter incorporated, and each other town, city or water or fire district now or hereafter incorporated having any of its territory included in the drainage district of said north branch of said Pawtuxet river, or of the drainage district of said Pawtuxet river below the junction of the north and south branches of said river, the entire towns of North Providence, Smithfield, Johnston, the Bristol County Water Company serving the town of Bristol, Barrington and Warren, and the city of East Providence and each water or fire district therein now or hereafter incorporated, even though its territory or territories are not included in either of said drainage districts shall have the right to take and receive water from said storage reservoir or reservoirs for use for domestic, fire and other ordinary municipal water supply purposes in the town of Scituate or the city of Cranston, or such water or fire district therein, or in any part or parts of such territory or territories of such other town, city, or water or fire district as are included in either of said drainage districts, or in the town of North Providence, Smithfield, Johnston, Bristol, Barrington and Warren, (the latter three towns being served by the Bristol County Water Company), and in the city of East Providence, or such water or fire districts therein.

Municipalities
to be served.

even though such territory or territories are not included in said drainage districts. The city of Warwick or any water or fire district therein shall have the further right to take and receive water as aforesaid for use as aforesaid in any part of its territory excepting that area of said city which lies south of Greenwich Bay and is separated from said city by territory of the town of East Greenwich, which area is known as Potowomut.

Manner
of sale.

Connections.

It is provided, however, that as to the entire town of Smithfield and such parts of the town of North Providence, Johnston and the cities of Warwick and East Providence, and such water or fire districts therein as were not entitled to water under chapter 1278 of the public laws of 1915 as originally enacted, the city of Providence, acting by and through the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, shall have the right to determine whether it shall sell water directly to prospective water users or consumers at retail or to the city or town or water or fire district therein at wholesale rates. Proper connections with said water supply source or sources, including the installation of proper meters or other devices for ascertaining the quantity of water so received, shall be made at such suitable location or locations as shall be determined and approved by the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, and at the expense of the town, city, district, water company or water users desiring to receive such water, and subject to such reasonable rules and regulations

as from time to time may be made by the water supply board of said city of Providence or its duly authorized officer or officers as may for the time being shall have charge of the water works. Such town, city or water or fire district, water company or water users or consumers shall have the right to take such water as aforesaid to any extent each month not exceeding an average per day of one hundred fifty gallons per capita of the number of inhabitants of such parts of its territory or territories as are served from such water supply source or sources, as such number of inhabitants was shown by the last preceding census of the United States or of the state of Rhode Island, unless and to the extent and for the time only that said officer or officers of said city of Providence shall consent to the taking by such town, city, or water or fire district, water company or water users of a greater quantity of such water. Whenever any such town, city, water company or water or fire district receives water wholesale, such town, city, water company, or water or fire district shall pay to said city of Providence such fair wholesale rates or charges for the quantity of water taken by it as aforesaid, and at such times, and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default of agreement as shall be determined by three arbitrators, one to be chosen by it, one by said city of Providence and the third by the two so chosen, or in case either party should refuse or neglect to appoint such arbitrator, or in case the two arbitrators chosen by the parties should refuse or neglect to appoint the third arbitrator, said superior court for Providence county, upon petition of either party and after giving the other

Limitation
on amount.

Rates.

party opportunity to be heard, shall appoint such arbitrator or such third arbitrator as the case may be. And it is provided, further, that in case the city of Providence as hereinbefore provided elects to sell water directly to water users or consumers, the water supply board of the city of Providence or such other officer or officers as may for the time being shall have the charge of the water works, shall have the right to determine the rate at which said water shall be sold. Said city of Providence may furnish water from such water supply source or sources to any water company incorporated by the general assembly and whose rules, regulations and rates are subject to the approval of the administrator of public utilities of the state for the use as aforesaid in either of said drainage districts or in the town of North Providence, Johnston, Smithfield, Bristol, Barrington, Warren and the city of East Providence or in any part of the territory that is supplied by such water company.

Enacted:

The city of Providence shall not be required to serve structures in any city or town at elevations higher than the head characteristics of the present Neutaconkanut pumping station. The city of East Providence will be supplied from the 66" steel aqueduct near Budlong road in the city of Cranston which is known as the low service section of the system.

Supply to
East Providence
common

Supply to
Bristol County
Water Company
common

The Bristol County Water Company will be supplied from the aqueduct at either of the following locations: Wilbut avenue in the vicinity of Natick avenue in the city of Cranston, or Budlong road in the vicinity of Woodbridge school in the city of Cranston, and shall have the right to lay water pipes and maintain the

same in city streets of the cities of Cranston and Warwick and also under, across or over state property and state highways wherever the same may be necessary to convey said water to a point in the city of Warwick at or near Conimicut Point so-called. Whenever it may be necessary to cross or parallel on state land or any state highway, the plans for such use of state land shall be first approved by the director of public works and upon such terms and conditions as shall be determined by the director. Whenever it may be necessary to use other state property, the plans for such use shall be first approved by the state properties committee upon such terms and conditions as shall be determined by said properties committee.

The city of Providence shall not be obligated to pay for repairs to highways or roads occasioned by it in the laying or repairing of water pipes or water mains in state, city or town highways or roads located outside the city of Providence but the cost thereof shall be borne by the city or town wherein said highways or roads are located and receiving its water supply from the city of Providence; and the city of Providence shall not be liable in damages for injuries or damages occasioned by the laying or repairing of water pipes or water mains in the afore-said highways or road, nor shall it be liable for the failure or neglect of any such town or city to repair or maintain said highways or roads after the completion of any such work by the city of Providence but said city of Providence shall give written notice to the director of public works, or other person occupying a similar position in the state, city or town having jurisdiction over the highway or road wherein said work was performed.

Same

Immunity of
city of Providence
for repairs
of highways
in communities
receiving water
from city

Same.
Other injuries
and damages

None
opening

not more than sixty (60) hours after completion of its work in said highway, setting forth the name of the highway and the location therein where an opening had been made and work performed. Neither the city of Providence, the city of Cranston nor the city of Warwick shall be liable for injuries or damages occasioned by the laying of water pipes or water mains in the highways of the city of Providence, the city of Cranston or the city of Warwick by the city of East Providence and the Bristol County Water Company.

The city of Providence shall be exempt from local taxes on all pipe lines and other water appurtenances installed, located or laid for the purpose of serving areas not served with water by said city of Providence prior to April 27, 1931. The city of East Providence and the Bristol County Water Company shall also be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed in the cities of Cranston, Warwick and Providence for the purposes of providing water supply lines to either the East Providence water supply system or the Bristol County Water Company serving the towns of Bristol, Barrington, and Warren.

The city of Providence, acting by and through its water supply board, in the event of drought or any other contingency which may oblige the city to protect or conserve its water supply, may regulate the amount and use of water to be served to any and all persons, corporations, towns, water companies, water districts or fire districts."

Sec. 2. The Bristol County Water Company shall install such controls as may be approved by the city of

Providence, acting by and through its water supply board, to prevent any water from the facilities owned by the Bristol County Water Company from entering the facilities owned by the city of Providence.

Sec. 3. All acts and parts of acts inconsistent with section 1 of this act are hereby repealed. Repealer.

Sec. 4. This act shall take effect upon passage. Act effective when.

CHAPTER 163.

AN ACT in Amendment of Section 20-12-2 of the General Laws in Chapter 20-12 Entitled "Lobster Fisheries." S 361 A
Approved
May 25, 1967

It is enacted by the General Assembly as follows:

Section 1. Section 20-12-2 of the general laws in chapter 20-12 entitled "Lobster fisheries" is hereby amended to read as follows:

"20-12-2. Issuance of license—Expiration—Fee.— Issuance of
lobster fishing
licenses
The director of the department of natural resources may grant or refuse to grant licenses to catch and take lobsters from the waters within the jurisdiction of this state (in the manner, at the times, and subject to the regulations provided in this chapter) to such citizens of this state as have resided in this state for at least one (1) year next preceding the granting of such license as he may think proper. Whenever any such license shall be granted the same shall be granted to expire on the thirty-first day of December next suc- Expiration

It is enacted by the General Assembly as follows:

SECTION 1. The town council of the town of West Greenwich is hereby authorized and empowered to enact an ordinance to regulate, control and license flea markets as follows:

a) Definition: Flea Market: The sale, barter or dealing in any manner by any party who advertises or otherwise promotes the sale of any goods such as wares, furniture, household furnishings or articles of any nature which are used, damaged, secondhand, irregular, or otherwise not considered new in quality at a place of business, shop, store, outlet, or within an open area, which sale is conducted periodically involving multiple vendors.

b) Licensing: No flea markets will be permitted within the town of West Greenwich, unless a special permit or license has been granted by the town council. Before granting a license to any person under the provisions of this ordinance, the town council shall give notice by advertisement published once a week for at least two weeks in some newspaper having a general circulation in the town of West Greenwich. Such notice shall state that remonstrants are entitled to be heard before the granting of such license and shall name the time and place of such hearing. At such time and place, a fair opportunity shall be granted the remonstrants to make their objections before acting upon said application.

c) Sanitary Facilities: Rest rooms for men and women must be provided for on the grounds of the flea market. If food is to be sold, a letter from the state food and drug division must be obtained approving the sanitary conditions.

d) Fees: Fees for such licenses shall be at the rate of \$10.00 per day for any weekend flea market, or a \$50.00 fee for a yearly permit.

e) Penalties: Any person, whether as principal, agent, employee, lessor or lessee, or otherwise, who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined not exceeding \$100.00 for each offense. Each day of the existence of any violation shall be deemed a separate offense. The town council may revoke, subsequent to a public hearing and notice thereof, such license for any violations of this act.

SECTION 2. If any part or parts, section, sentence, clause or phrase of this act is for any reason declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this act as a whole, or any portion thereof other than the part or portion so decided to be unconstitutional or invalid.

SECTION 3. This act shall take effect upon passage.

COMPILER'S NOTE

This chapter was inadvertently not
printed in the 1984 Public Law Volume

CHAPTER 442

84-H 4016
Approved Jun. 27, 1984

AN ACT PERMITTING THE TOWN OF LINCOLN TO TIE IN TO THE
PROVIDENCE WATER SYSTEM

It is enacted by the General Assembly as follows:

SECTION 1. Sec. 18 of chapter 1278 of the public laws, 1915, entitled "An act to furnish the city of Providence with a supply of pure water," as amended, is hereby further amended to read as follows:

Sec. 18. Said town of Scituate, the city of Cranston, and each water and fire district therein now or hereafter incorporated, and each other town, city or water or fire district now or hereafter incorporated having any of its territory included in the drainage district of said north branch of said Pawtuxet river, or of the drainage district of said Pawtuxet river below the junction of the north and south branches of said river, the entire towns of North Providence, Smithfield, Johnston, the Bristol County Water Company serving the town of Bristol, Barrington and Warren, the city of East Providence and the town of Lincoln, and each water or fire district therein now or hereafter incorporated, even though its territory or territories are not included in either of said drainage districts shall have the right to take and receive water from said storage reservoir or reservoirs for use for domestic, fire and other ordinary municipal water supply purposes in the town of Scituate or the city of Cranston, or such water or fire district therein, or in any part or parts of such territory or territories of such other town, city, or water or fire district as are included in either of said drainage districts, or in the town of North Providence, Smithfield, Johnston, Bristol, Barrington, Warren, (the latter three towns being served by the Bristol County Water Company), the city of East Providence, and the town of Lincoln, or such water or fire districts therein, even though such territory or territories are not included in said drainage districts. The city of Warwick or any water or fire district therein shall have the further right to take and receive water as aforesaid for use as aforesaid in any part of its territory excepting that area of said city which lies south of Greenwich Bay and is separated from said city by territory of the town of East Greenwich, which area is known as Potowomut.

It is provided, however, that as to the entire town of Smithfield and such parts of the town of North Providence, Johnston and the cities of Warwick and East Providence, and such water or fire districts therein as were not entitled to water under chapter 1278 of the public laws of 1915 as originally enacted, the city of Providence, acting by and through the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, shall have the right to determine whether it shall sell water directly to prospective water users or consumers at retail or to the city or town or water or fire district therein at wholesale rates. Proper connections with said water supply source or sources, including the installation of proper meters or other devices for ascertaining the quantity of water so received, shall be made at such suitable location or locations as shall be determined and approved by the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, and at the expense of the town, city, district, water company or water users desiring to receive such water, and subject to such reasonable rules and regulations as from time to time may be made by the water supply board of said city of Providence or its duly authorized officer or officers as may for the time being shall have charge of the

water works. Such town, city or water or fire district, water company or water users or consumers shall have the right to take such water as aforesaid to any extent each month not exceeding an average per day of one hundred fifty gallons per capita of the number of inhabitants of such parts of its territory or territories as are served from such water supply source or sources, as such number of inhabitants was shown by the last preceding census of the United States or of the state of Rhode Island, unless and to the extent and for the time only that said officer or officers of said city of Providence shall consent to the taking by such town, city, or water or fire district, water company or water users of a greater quantity of such water. Whenever any such town, city, water company or water or fire district receives water wholesale, such town, city, water company, or water or fire district shall pay to said city of Providence such fair wholesale rates or charges for the quantity of water taken by it as aforesaid, and at such times, and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default of agreement as shall be determined by three arbitrators, one to be chosen by it, one by said city of Providence and the third by the two so chosen, or in case either party should refuse or neglect to appoint such arbitrator, or in case the two arbitrators chosen by the parties should refuse or neglect to appoint the third arbitrator, said superior court for Providence county, upon petition of either party and after giving the other party opportunity to be heard, shall appoint such arbitrator or such third arbitrator as the case may be. And it is provided, further, that in case the city of Providence as hereinbefore provided elects to sell water directly to water users or consumers, the water supply board of the city of Providence or such other officer or officers as may for the time being shall have the charge of the water works, shall have the right to determine the rate at which said water shall be sold. Said city of Providence may furnish water from such water supply source or sources to any water company incorporated by the general assembly and whose rules, regulations and rates are subject to the approval of the administrator of public utilities of the state for the use as aforesaid in either of said drainage districts or in the town of North Providence, Johnston, Smithfield, Bristol, Barrington, Warren, the city of East Providence, and the town of Lincoln, or in any part of the territory that is supplied by such water company.

The city of Providence shall not be required to serve structures in any city or town at elevations higher than the head characteristics of the present Neutaconkanut pumping station. The city of East Providence will be supplied from the 66" steel aqueduct near Budlong road in the city of Cranston which is known as the low service section of the system.

The town of Lincoln will be supplied from portions of the Providence water system at the southern boundary of said town of Lincoln.

The town of Lincoln shall have the right to lay water pipes and appurtenances and maintain same in city streets of the town of North Providence and also under, across or over state property and state highways wherever the same may be necessary to convey said water to the town of Lincoln water system.

The Bristol County Water Company will be supplied from the aqueduct at either of the following locations: Wilbut avenue in the vicinity of Natick avenue in the city of Cranston, or Budlong road in the vicinity of Woodridge school in the city of Cranston, and shall have the right to lay water pipes and maintain the same in city streets of the cities of Cranston and Warwick and also under, across or over

state property and state highways wherever the same may be necessary to convey said water to a point in the city of Warwick at or near Conimicut Point so-called. Whenever it may be necessary to cross or parallel on state land or any state highway, the plans for such use of state land shall be first approved by the director of public works and upon such terms and conditions as shall be determined by the director. Whenever it may be necessary to use other state property, the plans for such use shall be first approved by the state properties committee upon such terms and conditions as shall be determined by said properties committee.

The city of Providence shall not be obligated to pay for repairs to highways or roads occasioned by it in the laying or repairing of water pipes or water mains in state, city or town highways or roads located outside the city of Providence but the cost thereof shall be borne by the city or town wherein said highways or roads are located and receiving its water supply from the city of Providence; and the city of Providence shall not be liable in damages for injuries or damages occasioned by the laying or repairing of water pipes or water mains in the aforesaid highways or road, nor shall it be liable for the failure or neglect of any such town or city to repair or maintain said highways or roads after the completion of any such work by the city of Providence but said city of Providence shall give written notice to the director of public works, or other person occupying a similar position in the state, city or town having jurisdiction over the highway or road wherein said work was performed not more than sixty (60) hours after completion of its work in said highway, setting forth the name of the highway and the location therein where an opening had been made and work performed. Neither the city of Providence, the city of Cranston nor the city of Warwick shall be liable for injuries or damages occasioned by the laying of water pipes or water mains in the highways of the city of Providence, the city of Cranston or the city of Warwick by the city of East Providence and the Bristol County Water Company. Neither the city of Providence, the city of Cranston, the city of Warwick, the city of East Providence nor the Bristol County Water Company shall be liable for injuries or damages occasioned by the laying of water pipes or water mains in the highways of the town of Lincoln and the town of North Providence by the town of Lincoln.

The city of Providence shall be exempt from local taxes on all pipe lines and other water appurtenances installed, located or laid for the purpose of serving areas not served with water by said city of Providence prior to April 27, 1931. The city of East Providence and the Bristol County Water Company shall also be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed in the cities of Cranston, Warwick and Providence for the purposes of providing water supply lines to either the East Providence water supply system or the Bristol County Water Company serving the towns of Bristol, Barrington and Warren.

The town of Lincoln shall also be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed for the purposes of providing water supply lines to said town of Lincoln water supply system.

The city of Providence, acting by and through its water supply board, in the event of drought or any other contingency which may oblige the city to protect or conserve its water supply, may regulate the amount and use of water to be served to any and all persons, corporations, towns, water companies, water districts or fire districts.

SECTION 2. The town of Lincoln shall install such controls as may be approved by the city of Providence, acting by and through its water supply board, to prevent any water from the facilities owned by the town of Lincoln from entering the facilities owned by the city of Providence.

SECTION 3. This act shall take effect upon passage.

CHAPTER 270

85-H 9341

Approved May 9, 1984.

COMPILER'S NOTE: Chapter 270 of the Public Laws 1984 which appears on page 653 is incorrect, and the proper version of that chapter is as follows:

AN ACT AUTHORIZING THE TOWN OF LINCOLN TO FINANCE A SEWERAGE AND SEWAGE DISPOSAL SYSTEM AND TO ISSUE NOT MORE THAN \$29,500,000 BONDS THEREFOR

It is enacted by the General Assembly as follows:

Section 1. The town of Lincoln is hereby authorized to plan, construct, operate, maintain, extend and improve a sewerage and sewage disposal system for the town or for any part or parts thereof not already served by such a system. The town, acting by its town council, may enter into agreements with the state or any other municipal or quasi-municipal corporation or any private party for the treatment or disposition by one party of sewage and wastes collected by the other, and the state, such other municipal or quasi-municipal corporations and private parties are authorized to enter into such contracts with the town.

Section 2. For the purposes set forth in this act the town of Lincoln is hereby empowered, in addition to authority previously granted, to issue bonds to an amount not exceeding twenty-nine million five hundred thousand dollars (\$29,500,000) from time to time under its corporate name and seal. The bonds of each issue may be issued in the form of serial bonds or term bonds or a combination thereof and shall be payable either by maturity of principal in the case of serial bonds or by mandatory serial redemption in the case of term bonds, in annual installments of principal, the first installment to be not later than five years and the last installment not later than thirty years after the date of the bonds. For each issue the amounts payable annually for principal and interest combined either shall be as nearly equal from year to year as is practicable in the opinion of the officers authorized to issue the bonds, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal.

Section 3. The bonds shall be signed by the town director of finance and by the town administrator and shall be issued and sold in such amounts as the town council may authorize. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the proceedings of the town council authorizing the issue

23-28.20-9. Permit fee. — Each application for a permit hereunder shall be accompanied by the fee hereinafter prescribed, which fee shall be returned in the event such application is denied. The permit fee shall be \$25.00 annually.

23-28.20-10. Expiration of permits. — All permits issued hereunder shall expire on the last day of each calendar year unless sooner designed on permit or sooner revoked.

23-28.20-11. Severability of provisions. — If any part of this chapter shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall in no way affect the constitutionality or validity of any other portion thereof which can be given reasonable effect without the part so declared unconstitutional or invalid.

23-28.20-12. Immunity from civil liability — Persons assisting. — Notwithstanding any provisions of law to the contrary, no person who without remuneration provides assistance upon request of any police agency, fire company, first aid, rescue or emergency squad or other agency or unit of government in the event of an accident or other emergency situation involving the use, handling, transportation, transmission or storage of liquefied petroleum gas shall be liable in any civil action to respond in damages as a result of his acts of commission or omission arising out of and in the course of his rendering in good faith any such assistance. Nothing herein shall be deemed to grant any such immunity to any person who caused the accident or other emergency situation or to any other person causing damage as a result of his willful or wanton act of commission or omission.

SECTION 3. This act shall take effect upon passage.

CHAPTER 54

85-H 6242

Approved May 28, 1985.

AN ACT IN AMENDMENT OF SECTION 1—SECTION 18 OF THE CHAPTER 1278 OF THE PUBLIC LAWS, 1915, ENTITLED "AN ACT TO FURNISH THE CITY OF PROVIDENCE WITH A SUPPLY OF PURE WATER", AS AMENDED BY CHAPTER 1815 OF THE PUBLIC LAWS, 1931, BY CHAPTER 1966 OF THE PUBLIC LAWS, 1932, BY CHAPTER 2316 OF THE PUBLIC LAWS, 1936, BY CHAPTER 1897 OF THE PUBLIC LAWS, 1947, BY CHAPTER 158 OF THE PUBLIC LAWS, 1963, BY CHAPTER 91 OF THE PUBLIC LAWS OF 1964, AND BY CHAPTER 5 OF THE PUBLIC LAWS OF 1966, BY CHAPTER 162 OF THE PUBLIC LAWS OF 1967.

It is enacted by the General Assembly as follows:

SECTION 1. Section 18 of Chapter 1278 of the Public Laws entitled "An Act to Furnish the City of Providence with a Supply of Pure Water" is hereby amended to read as follows:

"Section 18. Said town of Scituate, the city of Cranston, and each water and fire district therein now or hereafter incorporated, and each other town, city or water or fire district now or hereafter incorporated having any of its territory included in the drainage district of said north branch of said Pawtuxet River, or of the drainage district of said Pawtuxet River below the junction of the north and south branches of said river, the entire towns of North Providence, Smithfield, Johnston, the Bristol County Water Company or the Bristol County Water Authority serving the town of Bristol, Barrington and Warren, and the city of East Providence and each water or fire district therein now or hereafter incorporated, even though its territory or territories are not included in either of said drainage districts shall have the right to take and receive water from said storage reservoir or reservoirs for use for domestic, fire and other ordinary municipal water supply purposes in the town of Scituate or the city of Cranston, or such water or fire district therein, or in any part or parts of such territory or territories of such other town, city, or water or fire district as are included in either of said drainage districts, or in the town of North Providence, Smithfield, Johnston, Bristol, Barrington and Warren, (the latter three towns being served by either the Bristol County Water Company or the Bristol County Water Authority, and in the city of East Providence, or such water or fire districts therein, even though such territory or territories are not included in said drainage districts. The city of Warwick or any water or fire district therein shall have the further right to take and receive water as aforesaid for use as aforesaid in any part of its territory excepting that area of said city which lies south of Greenwich Bay and is separated from said city by territory of the town of East Greenwich, which area is known as Potowomut.

It is provided, however, that as to the entire town of Smithfield and such parts of the town of North Providence, Johnston and the cities of Warwick and East Providence, and such water or fire districts therein as were not entitled to water under chapter 1278 of the public laws of 1915 as originally enacted, the city of Providence, acting by and through the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, shall have the right to determine whether it shall sell water directly to prospective water users or consumers at retail or to the city or town or water or fire district therein at wholesale rates. Proper connections with said water supply source or sources, including the installation of proper meters or other devices for ascertaining the quantity of water so received, shall be made at such suitable location or locations as shall be determined and approved by the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, and at the expense of the town, city, district, water company or water users desiring to receive such water, and subject to such reasonable rules and regulations as from time to time may be made by the water supply board of said city of Providence or its duly authorized officer or officers as may for the time being shall have charge of the water works. Such town, city or water or fire district, water company or water users or consumers shall have the right to take such water as aforesaid to any extent each month not exceeding an average per day of one hundred fifty gallons per capita of the number of inhabitants of such parts of its territory or territories as are served from such water supply source or sources, as such number of inhabitants was shown by the last preceding census of the United States or of the state of Rhode Island, unless and to the extent and for the time only that said officer or officers of said city of Providence shall consent to the taking by such town, city

or water or fire district, water company or water users of a greater quantity of such water. Whenever any such town, city, water company or water or fire district receives water wholesale, such town, city, water company, or water or fire district shall pay to said city of Providence such fair wholesale rates or charges for the quantity of water taken by it as aforesaid, and at such times, and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default of agreement as shall be determined by three arbitrators, one to be chosen by it, one by said city of Providence and the third by the two so chosen, or in case either party should refuse or neglect to appoint such arbitrator, or in case the two arbitrators chosen by the parties should refuse or neglect to appoint the third arbitrator, said superior court for Providence county, upon petition of either party and after giving the other party opportunity to be heard, shall appoint such arbitrator or such third arbitrator as the case may be. And it is provided, further, that in case the city of Providence as hereinbefore provided elects to sell water directly to water users or consumers, the water supply board of the city of Providence or such other officer or officers as may for the time being shall have the charge of the water works, shall have the right to determine the rate at which said water shall be sold. Said city of Providence may furnish water from such water supply source or sources to any water company incorporated by the general assembly and whose rules, regulations and rates are subject to the approval of the administrator of public utilities of the state for the use as aforesaid in either of said drainage districts or in the town of North Providence, Johnston, Smithfield, Bristol, Barrington, Warren and the city of East Providence or in any part of the territory that is supplied by such water company.

The city of Providence shall not be required to serve structures in any city or town at elevations higher than the head characteristics of the present Neutaconkanut pumping station. The city of East Providence will be supplied from the sixty six inch (66") steel aqueduct near Budlong road in the city of Cranston which is known as the low service section of the system.

The Bristol County Water Company or the Bristol County Water Authority will be supplied from the aqueduct at (a) either of the following locations: Wilbut avenue in the vicinity of Natick avenue in the city of Cranston, or Budlong road in the vicinity of Woodridge school in the city of Cranston, or (b) such other location as shall be agreed upon between the water supply board of the city of Providence or such other officer or officers as for the time being have charge of the water works and either of such entities, and shall have the right to lay water pipes and maintain the same in city streets of the cities of Cranston and Warwick and also under, across or over state property and state highways wherever the same may be necessary to convey said water to a point in the city of Warwick at or near Conimicut Point so-called. Whenever it may be necessary to cross or parallel on state land or state highway, the plans for such use of state land shall be first approved by the director of public works and upon such terms and conditions as shall be determined by the director. Whenever it may be necessary to use other state property, the plans for such use shall be first approved by the state properties committee upon such terms and conditions as shall be determined by said properties committee.

The city of Providence shall not be obligated to pay for repairs to highways or roads occasioned by it in the laying or repairing of water pipes or water mains in state, city or town highways or roads located outside the city of Providence but

the cost thereof shall be borne by the city of town wherein said highways or roads are located and receiving its water supply from the city of Providence; and the city of Providence shall not be liable in damages for injuries or damages occasioned by the laying or repairing of water pipes or water mains in the aforesaid highways or roads nor shall it be liable for the failure or neglect of any such town or city to repair or maintain said highways or road after the completion of any such work by the city of Providence but said city of Providence shall give written notice to the director of public works, or other person occupying a similar position in the state, city or town having jurisdiction over the highway or road wherein said work was performed, not more than sixty (60) hours after completion of its work in said highway, setting forth the name of the highway and the location therein where an opening had been made and work performed. Neither the city of Providence, the city of Cranston nor the city of Warwick shall be liable for injuries or damages occasioned by the laying of water pipes or water mains in the highways of the city of Providence, the city of Cranston or the city of Warwick by the city of East Providence and the Bristol County Water Company and the Bristol County Water Authority.

The city of Providence shall be exempt from local taxes on all pipe lines and other water appurtenances installed, located or laid for the purpose of serving areas not served with water by said city of Providence prior to April 27, 1931. The city of East Providence, the Bristol County Water Company and the Bristol County Water Authority, shall also be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed in the cities of Cranston, Warwick and Providence for the purposes of providing water supply lines to either the East Providence water supply system or the Bristol County Water Company or the Bristol County Water Authority serving the towns of Bristol, Barrington, and Warren.

The city of Providence, acting by and through its water supply board, in the event of drought or any other contingency which may oblige the city to protect or conserve its water supply, may regulate the amount and use of water to be served to any and all persons, corporations, towns, water companies, water districts or fire districts."

SECTION 2. The Bristol County Water Company or the Bristol County Water Authority shall install such controls as may be approved by the city of Providence, acting by and through its water supply board, to prevent any water from the facilities owned by the Bristol County Water Company or the Bristol County Water Authority from entering the facilities owned by the city of Providence.

SECTION 3. All acts and parts of acts inconsistent with section 1 of this act are hereby repealed.

SECTION 4. This act shall take effect upon passage.

the licensee and/or his attorney may present and submit evidence and witnesses in his defense.

Section 4. Every person who shall own, keep or use any such juke box mechanical or electronic amusement device, or any device of a similar character without such license first having been obtained, shall be fined not more than one hundred dollars (\$100.00) nor less than fifty dollars (\$50.00) or be imprisoned not exceeding three (3) months, for each such offense.

SECTION 2. This act shall take effect upon passage.

CHAPTER 84

86-H 8535

Approved Jun. 10, 1986.

AN ACT IN AMENDMENT OF THE AUTHORITY OF THE PROVIDENCE
WATER SUPPLY BOARD

It is enacted by the General Assembly as follows:

SECTION 1. Section 18 of Chapter 1278 of the public laws, 1915, entitled "An act to furnish the city of Providence with a supply of pure water", as amended, is hereby further amended to read as follows:

Sec. 18. Said town of Scituate, the city of Cranston and each water and fire district therein now or hereafter incorporated, and each other town, city or water or fire district now or hereafter incorporated having any of its territory included in the drainage district of said north branch of said Pawtuxet River, or of the drainage district of said Pawtuxet river below the junction of the north and south branches of said river, the entire towns of North Providence, Smithfield, Johnston, the Bristol County Water Company or the Bristol County Water Authority serving the town of Bristol, Barrington and Warren, the city of East Providence, the town of Lincoln and the town of Burrillville and each water or fire district therein now or hereafter incorporated, even though its territory or territories are not included in either of said drainage districts shall have the right to take and receive water from said storage reservoir or reservoirs for use for domestic, fire and other ordinary municipal water supply purposes in the town of Scituate or the city of Cranston, or such water or fire district therein, or in any part or parts of such territory or territories of such other town, city or water or fire district as are included in either of said drainage districts, or in the town of North Providence, Smithfield, Johnston, Bristol, Barrington and Warren, (the latter three towns being served by either the Bristol County Water Company or the Bristol County Water Authority), the city of East Providence, the town of Lincoln, and the town of Burrillville or such water or fire districts therein, even though such territory or territories are not included in said drainage districts. The city of Warwick or any water or fire district therein shall have the further right to take and receive water as aforesaid for use as aforesaid in any part of its territory excepting that area of said city which lies south of Greenwich Bay and is separated from said

city by territory of the town of East Greenwich, which area is known as Potowomut.

It is provided, however, that as to the entire town of Smithfield and such parts of the town of North Providence, Johnston and the cities of Warwick and East Providence, and the town of Burrillville and such water or fire districts therein as were not entitled to water under chapter 1278 of the public laws of 1915 as originally enacted, the city of Providence, acting by and through the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, shall have the right to determine whether it shall sell water directly to prospective water users or consumers at retail or to the city or town or water or fire district therein at wholesale rates. Proper connections with said water supply source or sources, including the installation of proper meters or other devices for ascertaining the quantity of water so received, shall be made at such suitable location or locations as shall be determined and approved by the water supply board of the city of Providence or such other officer or officers as may for the time being shall have charge of the water works, and at the expense of the town, city, district, water company or water users desiring to receive such water, and subject to such reasonable rules and regulations as from time to time may be made by the water supply board of said city of Providence or its duly authorized officer or officers as may for the time being shall have charge of the water works. Such town, city or water or fire district, water company or water users or consumers shall have the right to take such water as aforesaid to any extent each month not exceeding an average per day of one hundred fifty gallons per capita of the number of inhabitants of such parts of its territory or territories as are served from such water supply source or sources, as such number of inhabitants was shown by the last preceding census of the United States or of the State of Rhode Island, unless and to the extent and for the time only that said officer or officers of said city of Providence shall consent to the taking by such town, city, or water or fire district, water company or water users of a greater quantity of such water. Whenever any such town, city, water company or water or fire district receives water wholesale, such town, city, water company, or water or fire district shall pay to said city of Providence such fair wholesale rates or charges for the quantity of water taken by it as aforesaid, and at such times, and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default of agreement as shall be determined by the Rhode Island Public Utilities Commission in accordance with the provisions of sections 39-3-10 and 39-3-11 of the general laws. And it is provided, further, that in case the city of Providence as hereinbefore provided elects to sell water directly to water users or consumers, the water supply board of the city of Providence or such other officer or officers as may for the time being shall have the charge of the water works, shall have the right to determine the rate at which said water shall be sold subject to approval of the Rhode Island Public Utilities Commission. Said city of Providence may furnish water from such water supply source or sources to any water company incorporated by the general assembly and whose rules, regulations and rates are subject to the approval of the administrator of public utilities of the state for the use as aforesaid in either of said drainage districts or in the town of North Providence, Johnston, Smithfield, Bristol, Barrington, Warren, the city of East Providence, the town of Lincoln and the town of Burrillville or in any part of the territory that is supplied by such water company.

The city of Providence shall not be required to serve structures in any city or town at elevations higher than the head characteristics of the present Neutaconkanut pumping station. The city of East Providence will be supplied from the 66" steel aqueduct near Budlong road in the city of Cranston which is known as the low service section of the system.

The town of Lincoln will be supplied from portions of the Providence water system of the southern boundary of the said town of Lincoln. The town of Lincoln shall have the right to lay water pipes and appurtenances and maintain same in city streets of the town of North Providence and also under, across or over state property and state highways wherever the same may be necessary to convey said water to the town of Lincoln water system.

The Bristol County Water Company or the Bristol County Water Authority will be supplied from the aqueduct at:

(a) either of the following locations: Wilbur avenue in the vicinity of Natick avenue in the city of Cranston, or Budlong road in the vicinity of Woodridge School in the city of Cranston, or

(b) such other location as shall be agreed upon between the water supply board of the city of Providence or such other officer or officers as for the time being have charge of the water works of either of such entities, and shall have the right to lay water pipes and maintain the same in city streets of the cities of Providence, Cranston and Warwick and also under, across or over state property and state highways wherever the same may be necessary to convey said water to a point where the pipe enters the Providence River. Whenever it may be necessary to cross or parallel on state land or any state highway, the plans for such use of state land shall be first approved by the director of public works and upon such terms and conditions as shall be determined by the director. Whenever it may be necessary to use other state property, the plans for such use shall be first approved by the state properties committee upon such terms and conditions as shall be determined by said properties committee.

The town of Burrillville shall be supplied from a point of connection mutually agreed by the town of Burrillville and the Providence Water Supply Board and shall have the right to lay water pipes and maintain the same in streets of the towns of North Providence, Smithfield, North Smithfield and Glocester and also under, across or over state property and state highways whenever the same may be necessary to convey said water to the town of Burrillville water system.

The city of Providence shall not be obligated to pay for repairs to highways or roads occasioned by it in the laying or repairing of water pipes or water mains in state, city or town highways or roads located outside the city of Providence but the cost thereof shall be borne by the city or town wherein said highways or roads are located and receiving its water supply from the city of Providence; and the city of Providence shall not be liable in damages for injuries or damages occasioned by the laying or repairing of water pipes or water mains in the aforesaid highways or road, nor shall it be liable for the failure or neglect of any such town or city to repair or maintain said highways or roads after the completion of any such work by the city of Providence but said city of Providence shall give written notice to the director of public works, or other person occupying a similar position in the state, city or town having jurisdiction over the highway or road wherein

said work was performed, not more than sixty (60) hours after completion of its work in said highway, setting forth the name of the highway and the location therein where an opening had been made and work performed. Neither the city of Providence, the city of Cranston nor the city of Warwick shall be liable for injuries or damages occasioned by the laying of water pipes or water mains in the highways of the city of Providence, the city of Cranston or the city of Warwick by the city of East Providence and the Bristol County Water Company and the Bristol County Water Authority. The town of North Providence shall not be liable for injuries or damages occasioned by the laying of water pipes and water mains in the highways of North Providence by the town of Lincoln. Neither the towns of North Providence, Smithfield, North Smithfield or Glocester shall be liable for injuries or damages occasioned by the laying of water pipes in the highways of North Providence, Smithfield, North Smithfield or Glocester by the town of Burrillville.

The city of Providence shall be exempt from local taxes on all pipe lines and other water appurtenances installed, located or laid for the purpose of serving areas not served with water by said city of Providence prior to April 27, 1931. The city of East Providence and the Bristol County Water Company and the Bristol County Water Authority shall also be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed in the cities of Cranston, Warwick and Providence for the purposes of providing water supply lines to either the East Providence water supply system or the Bristol County Water Company or the Bristol County Water Authority serving the towns of Bristol, Barrington, and Warren.

The town of Lincoln shall also be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed for the purposes of providing water supply lines to said town of Lincoln water supply system.

The town of Burrillville shall also be exempt from local taxes on all pipe lines and other water works appurtenances hereinafter located or installed for the purposes of providing water supply lines to said town of Burrillville water system.

The city of Providence, acting by and through its water supply board, in the event of drought or any other contingency which may obligate the city to protect or conserve its water supply, may regulate the amount and use of water to be served to any and all persons, corporations, towns, water companies, water districts or fire districts.

SECTION 2. This act shall take effect upon passage.

CHAPTER 85

86-H 8787

Approved Jun. 10, 1986.

AN ACT IN AMENDMENT OF CHAPTER 225 OF THE PUBLIC LAWS OF
1979 ENTITLED "AN ACT ENABLING THE TOWN COUNCIL OF THE

Pawtucket Home Rule Charter, the city of Pawtucket is hereby empowered to issue tax anticipation notes pursuant to Rhode Island general laws section 45-12-4 in anticipation of taxes to be received in the fiscal year 2010 – 2011, which notes shall be made payable not later than December 31, 2011.

SECTION 2. To the extent of any inconsistency between this act and any private, public, general, or any other law, and the city charter and city ordinances, this act shall prevail. This act shall take effect upon passage in conformity with the reserved powers of the general assembly pursuant to Article XIII, Section 5 of the Constitution of the State of Rhode Island and Providence Plantations.

SECTION 3. This act shall take effect upon passage.

Chapter 6

2011 – H 5046

Enacted 04/01/11

AN ACT RELATING TO FURNISH THE CITY OF PROVIDENCE WITH A SUPPLY OF PURE WATER

Introduced By: Representative Michael J. Marcello

Date Introduced: January 18, 2011

It is enacted by the General Assembly as follows:

SECTION 1. Section 6 of Chapter 1278 of the 1915 Public Laws entitled “An Act to Furnish the City of Providence With a Supply of Pure Water” is hereby amended to read as follows:

Sec. 6. Said city of Providence is hereby authorized from time to time and in the manner hereinafter provided to acquire absolutely by condemnation, the waters of said branch of said river and its tributaries, or any part or parts thereof, included within said area shown within red lines on said plat, and any water or flowage rights or privileges appurtenant to or connected with said area or any part or parts thereof, and any waters following into such reservoir or reservoirs, and to there hold such waters and to appropriate and divert the same for such water supply: Provided, however, that said city shall not hold or divert any such waters until such a reservoir or reservoirs is or are ready for use; and further provided, that from the time when the city begins to hold or store water in such reservoir or reservoirs to the time when for the first time twenty billion gallons of water shall have been held and stored therein, said city shall not during any week day diminish the flow of such branch immediately below the dam of such reservoir as is farthest down stream below the amount which would run in such branch if the reservoir or reservoirs built by said city did not exist, except that

when such flow of said branch would exceed twenty million gallons per day, said city may hold and store all the water in excess of said twenty million gallons, and further provided, that after said city has for the first time held and stored in such reservoir or reservoirs twenty billions gallons of water, it shall draw from such reservoir or such of said reservoirs as is farthest down stream, in each month a quantity of water equivalent to not less than seventy million gallons daily, and all of the above monthly quantity of water which is not diverted for a water supply for said city of Providence, and for any territories now supplied, or hereafter supplied under the provisions of this act, in the city of Cranston, the towns of North Providence, Johnston and Warwick, or elsewhere, shall be discharged into said branch above the dam of the Hope Mills, so-called, in the town of Scituate, except that, if in any year such reservoir as is farthest down stream does not fill by the first day of June, thereafter until it does fill, the quantity of water to be drawn as aforesaid for the purposes aforesaid shall be equivalent to not less than sixty-five million gallons, daily, instead of to not less than seventy million gallons, daily; and further provided, that from the time said city begins to use such reservoir or reservoirs and to hold or divert any such waters, said city, although observing the aforegoing limitations and requirements, shall not hold or divert the same to any extent that would prevent its observance of the following paramount limitations and requirements: That said city shall forever discharge from such reservoir or such of said reservoirs as is farthest down stream into said branch sufficient water to maintain a flow of water, in said branch below the lowest dam built by said city on said branch for storing and diverting water as aforesaid, of not less than five hundred thousand gallons each day; and such further quantity of water and at such times and in such manner as may be necessary to maintain, and so that there be maintained, a flow, in said branch into the pond formed by the Arkwright dam of the Interlaken Mills, so-called, in the town of Coventry, of not less than six million gallons each day, except Sunday; and such further quantity of water and at such times and in such manner as may be necessary to maintain, and so that there shall be maintained a flow, in said branch at the Clyde Bleachery and Print Works, in the town of West Warwick, of such quantity not exceeding seventy-two million gallons in each week, as the owner or owners of said Clyde Bleachery and Print Works from time to time shall certify to be necessary for use therein, and in other buildings now or hereafter owned by him or them on the premises, for manufacturing purposes other than the production of water power.

In complying with the aforesaid provisions relating to the discharge of water from such reservoir or reservoirs into said branch, said city shall so regulate the flow with respect to the hours and quantity thereof as to meet as far as it is practicable to do, the requirements of all those using water, especially the requirements of each of the persons, firms and corporations operating bleacheries, finishing or dye works thereon.

With reference to the flow of said branch to be maintained into the pond formed by said Arkwright dam of the Interlaken Mills, and at said Clyde Bleachery and Print Works, said city shall establish and maintain at its own expense forever a

proper gauging station or stations at each of said places or at such place or places on the stream above or below the same as would be convenient and practicable and give the most accurate results, and in the latter case proper allowance for any difference in the flow between the place at which the flow is to be maintained and the place or places of gauging shall be made; and said city shall take gaugings at said stations at such times as may be reasonably required to ascertain the flow of water into said pond formed by said Arkwright dam of said Interlaken Mills and at said Clyde Bleachery and Print Works and from time to time whenever reasonably requested shall furnish to said Interlaken Mills, its successors and assigns, and to the owner or owners of said Clyde Bleachery and Print Works or of any other manufacturing establishment on said branch, copies of the records of the gauging taken at such gauging stations, and shall also allow the same at all reasonable times to inspect such gauging stations and the apparatus connected therewith: Provided, said city shall be notified of the intention to inspect so that a representative of said city may be present at such inspection.

From time to time whenever reasonably requested said city shall furnish information to any person, firm or corporation owning or operating any manufacturing establishment on said branch as to the quantity of water discharged into said branch from such reservoir or such of said reservoirs as is farthest down stream, and the times and manner of discharging such water and regulating the flow thereof with respect to the hours and the quantity thereof, the quantity of water drawn from such reservoir, and the quantity of water diverted for a water supply for said city of Providence and for any other territories supplied under the provisions of this act, and its calculations or estimates as to the quantity of water contained in such reservoir or reservoirs.

Relative to the work of construction of such reservoir or reservoirs or any works connected therewith said city shall not do, or cause or suffer to be done, any act or thing which would result in the waters of said branch being polluted to any greater extent than said waters would have been polluted without such construction work, and in case it fails to observe this provision, any person or corporation owning or operating any manufacturing establishment on said branch may recover its damages suffered thereby in an action of the case in any court of competent jurisdiction.

Before said city of Providence diverts any of said waters for said water supply for said city, it shall build a masonry dam across the Pawtuxet river, in the village of Pawtuxet, on the same site and of the same height as the present dam there situated, and shall so maintain the same.

SECTION 2. This act shall take effect upon passage.

Chapter 9

2011 – S 0157

Enacted 04/06/11

AN ACT**RELATING TO FURNISH THE CITY OF PROVIDENCE WITH A
SUPPLY OF PURE WATER**

Introduced By: Senator Joshua Miller
Date Introduced: February 03, 2011

It is enacted by the General Assembly as follows:

SECTION 1. Section 6 of Chapter 1278 of the 1915 Public Laws entitled “An Act to Furnish the City of Providence With a Supply of Pure Water” is hereby amended to read as follows:

Sec. 6. Said city of Providence is hereby authorized from time to time and in the manner hereinafter provided to acquire absolutely by condemnation, the waters of said branch of said river and its tributaries, or any part or parts thereof, included within said area shown within red lines on said plat, and any water or flowage rights or privileges appurtenant to or connected with said area or any part or parts thereof, and any waters following into such reservoir or reservoirs, and to there hold such waters and to appropriate and divert the same for such water supply: Provided, however, that said city shall not hold or divert any such waters until such a reservoir or reservoirs is or are ready for use; and further provided, that from the time when the city begins to hold or store water in such reservoir or reservoirs to the time when for the first time twenty billion gallons of water shall have been held and stored therein, said city shall not during any week day diminish the flow of such branch immediately below the dam of such reservoir as is farthest down stream below the amount which would run in such branch if the reservoir or reservoirs built by said city did not exist, except that when such flow of said branch would exceed twenty million gallons per day, said city may hold and store all the water in excess of said twenty million gallons, and further provided, that after said city has for the first time held and stored in such reservoir or reservoirs twenty billions gallons of water, it shall draw from such reservoir or such of said reservoirs as is farthest down stream, in each month a quantity of water equivalent to not less than seventy million gallons daily, and all of the above monthly quantity of water which is not diverted for a water supply for said city of Providence, and for any territories now supplied, or hereafter supplied under the provisions of this act, in the city of Cranston, the towns of North Providence, Johnston and Warwick, or elsewhere, shall be discharged into said branch above the dam of the Hope Mills, so-called, in the town of Scituate, except that, if in any year such reservoir as is farthest down stream does not fill by the first day of June, thereafter until it does

fill, the quantity of water to be drawn as aforesaid for the purposes aforesaid shall be equivalent to not less than sixty-five million gallons, daily, instead of to not less than seventy million gallons, daily; and further provided, that from the time said city begins to use such reservoir or reservoirs and to hold or divert any such waters, said city, although observing the foregoing limitations and requirements, shall not hold or divert the same to any extent that would prevent its observance of the following paramount limitations and requirements: That said city shall forever discharge from such reservoir or such of said reservoirs as is farthest down stream into said branch sufficient water to maintain a flow of water, in said branch below the lowest dam built by said city on said branch for storing and diverting water as aforesaid, of not less than five hundred thousand gallons each day; and such further quantity of water and at such times and in such manner as may be necessary to maintain, and so that there be maintained, a flow, in said branch into the pond formed by the Arkwright dam of the Interlaken Mills, so-called, in the town of Coventry, of not less than six million gallons each day, except Sunday; and such further quantity of water and at such times and in such manner as may be necessary to maintain, and so that there shall be maintained a flow, in said branch at the Clyde Bleachery and Print Works, in the town of West Warwick, of such quantity not exceeding seventy-two million gallons in each week, as the owner or owners of said Clyde Bleachery and Print Works from time to time shall certify to be necessary for use therein, and in other buildings now or hereafter owned by him or them on the premises, for manufacturing purposes other than the production of water power.

In complying with the aforesaid provisions relating to the discharge of water from such reservoir or reservoirs into said branch, said city shall so regulate the flow with respect to the hours and quantity thereof as to meet as far as it is practicable to do, the requirements of all those using water, especially the requirements of each of the persons, firms and corporations operating bleacheries, finishing or dye works thereon.

With reference to the flow of said branch to be maintained into the pond formed by said Arkwright dam of the Interlaken Mills, and at said Clyde Bleachery and Print Works, said city shall establish and maintain at its own expense forever a proper gauging station or stations at each of said places or at such place or places on the stream above or below the same as would be convenient and practicable and give the most accurate results, and in the latter case proper allowance for any difference in the flow between the place at which the flow is to be maintained and the place or places of gauging shall be made; and said city shall take gaugings at said stations at such times as may be reasonably required to ascertain the flow of water into said pond formed by said Arkwright dam of said Interlaken Mills and at said Clyde Bleachery and Print Works and from time to time whenever reasonably requested shall furnish to said Interlaken Mills, its successors and assigns, and to the owner or owners of said Clyde Bleachery and Print Works or of any other manufacturing establishment on said branch, copies of the records of the gauging taken at such gauging stations, and shall also allow the same at all reasonable times to inspect such

gauging stations and the apparatus connected therewith: Provided, said city shall be notified of the intention to inspect so that a representative of said city may be present at such inspection. From time to time whenever reasonably requested said city shall furnish information to any person, firm or corporation owning or operating any manufacturing establishment on said branch as to the quantity of water discharged into said branch from such reservoir or such of said reservoirs as is farthest down stream, and the times and manner of discharging such water and regulating the flow thereof with respect to the hours and the quantity thereof, the quantity of water drawn from such reservoir, and the quantity of water diverted for a water supply for said city of Providence and for any other territories supplied under the provisions of this act, and its calculations or estimates as to the quantity of water contained in such reservoir or reservoirs.

Relative to the work of construction of such reservoir or reservoirs or any works connected therewith said city shall not do, or cause or suffer to be done, any act or thing which would result in the waters of said branch being polluted to any greater extent than said waters would have been polluted without such construction work, and in case it fails to observe this provision, any person or corporation owning or operating any manufacturing establishment on said branch may recover its damages suffered thereby in an action of the case in any court of competent jurisdiction.

~~Before said city of Providence diverts any of said waters for said water supply for said city, it shall build a masonry dam across the Pawtuxet river, in the village of Pawtuxet, on the same site and of the same height as the present dam there situated, and shall so maintain the same.~~

SECTION 2. This act shall take effect upon passage.

Chapter 10

2011 – H 5069

Enacted 04/15/11

AN ACT

RELATING TO TAXATION – PROPERTY SUBJECT TO TAXATION

Introduced By: Representatives Savage, Melo, and DaSilva

Date Introduced: January 19, 2011

It is enacted by the General Assembly as follows:

SECTION 1. Section 44-3-3 of the General Laws in Chapter 44-3 entitled “Property Subject to Taxation” is hereby amended to read as follows: