

2018 -- H 7206

LC003349

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO AN AMENDMENT OF CHAPTER 330 OF THE PUBLIC LAWS OF 1997  
ENTITLED "AN ACT TO CREATE A SEWER AUTHORITY FOR THE TOWN OF  
COVENTRY AND TO AUTHORIZE SAID TOWN TO PLAN, CONSTRUCT, FINANCE,  
OPERATE AND MAINTAIN SEWAGE WORKS"

Introduced By: Representatives Nunes, Morgan, Nardolillo, Roberts, and Serpa

Date Introduced: January 18, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 1 of Chapter 330 of the public laws of 1997 as amended entitled,  
2 "An Act to Create A Sewer Authority For The Town Of Coventry And To Authorize Said Town,  
3 To Plan, Construct, Finance, Operate And Maintain Sewage Works" is further amended to read as  
4 follows:

5 Sec.1. The Town of Coventry is authorized and empowered in accordance with the  
6 provisions of this act, to plan, lay out, construct, finance, operate and maintain sewage works for  
7 a part or the whole of its territory and for such purposes to take by eminent domain or otherwise  
8 any lands, water rights, rights-of-way, or easements, public or private, in said town necessary for  
9 accomplishing any purpose mentioned in this act. Such sewage works may include sewers and  
10 sewer service connections, pumping stations, sewage treatment works, sewage disposal works,  
11 and other works essential to the proper collection and disposal of the sewage of said town.

12 As used in this act, unless the context otherwise requires:

13 "Preliminary plans" shall mean engineering reports which shall conform to all applicable  
14 state and federal guidelines and shall include detailed scope and area to be considered with  
15 recommendations, preliminary and feasibility investigation, environmental assessment, cost  
16 studies, economic comparisons of alternatives and all application and pre-application work and  
17 other work necessary or desirable before undertaking working plans.

1 "Working plans" shall mean final design plans of facilities, detailed construction  
2 drawings, specifications, detailed estimate of cost of construction, and shall include all other  
3 engineering work which may be required or advisable for actual construction of sewage works.

4 "Town" means the Town of Coventry.

5 "Council" means the town council of the Town of Coventry.

6 "Highways" means any state or other highway and any public street, alley, park, parkway,  
7 driveway, bridge or public place.

8 "Sewage works" means all constructions for collection, transportation, pumping,  
9 treatment and final disposal of sewage.

10 "Common sewer" means a sewer in which all abutters have equal rights of entrance and  
11 use.

12 "Force main" means a sewer wherein sewage is moved by pressure.

13 "Sewer service connection" means a pipe to convey sewage and wastes from a building to  
14 a common sewer.

15 "Sewage" shall mean wastewater, water-carried wastes, or a combination of them,  
16 discharged into and conveyed by sewers or intended or customarily so discharged and conveyed.  
17 Sewage may be further classified as follows:

18 "Sanitary sewage" shall mean the common wastewater and water-carried wastes from  
19 human dwellings and from toilet and lavatory fixtures, kitchens, laundries, and similar facilities  
20 of business and industrial buildings. In general, sanitary sewage shall not include storm water  
21 from roofs, yards, streets or open spaces, water from land surfaces or brooks, clean waste  
22 overflows from springs, wells, or subsoil drainage, large volumes of clean water from air  
23 conditioning or other cooling or condensing facilities, clean wastewater from hydraulically  
24 operated contrivances and those wastes included within the definition of "industrial wastes" next  
25 following.

26 "Industrial wastes" shall include the liquid or water-carried wastes of any industrial  
27 process not clearly included within the definitions of sanitary sewage, storm water, cooling water  
28 or subsoil drainage herein. In general, wastewaters carrying any quantity of oils, grease, fats,  
29 abrasives, chemicals, residues of manufacturing processes, wastes from commercial food  
30 preserving or canning, from slaughterhouses or meat processing plants, and similar substances,  
31 whether dissolved, in suspension, or mechanically carried by water, shall be considered as  
32 industrial wastes.

33 "Storm water" shall include the runoff or discharge of rain and melted snow or other  
34 clean water from roofs, surfaces of public or private lands or elsewhere. For most purposes within

1 the scope of this act, storm water shall not include the flow of any natural brook, rivulet or stream  
2 even if the source of such water is storm runoff from land or other property once that runoff has  
3 entered the channel of such brook or natural watercourse. In general, storm water shall include  
4 only water which is sufficiently clean and unpolluted to admit of being discharged, without  
5 treatment or purification, into any natural open stream or watercourse without offense.

6 "Cooling water" shall include the clean wastewater from air conditioning, industrial  
7 cooling, condensing and similar apparatus and from hydraulically powered equipment. In general,  
8 cooling water will include only water which is sufficiently clean and unpolluted to admit of being  
9 discharged, without treatment or purification, into any natural open stream or watercourse without  
10 offense.

11 "Seepage" or "subsoil drainage" shall include water from the soil percolating into subsoil  
12 drains and through foundation walls, basement floors, or underground pipes or from similar  
13 sources.

14 "Lateral sewer" means a sewer which does not receive the sewage from any other  
15 common sewer.

16 "Submain sewer" means a sewer into which the sewage from two (2) or more lateral  
17 sewers is discharged.

18 "Main sewer" means a sewer into which the sewage from two (2) or more submain  
19 sewers is discharged.

20 "Land" means and includes any land, including building and other improvements thereon,  
21 estate, riparial or other right, easement, interest or waterway.

22 The Town of Coventry may provide for the construction of sewers and for other sewage  
23 works for said town and may raise funds therefor by borrowing or otherwise, and for that purpose  
24 may issue bonds or notes of the town in accordance with the provisions hereinafter stated or  
25 under other authority.

26 The town council shall provide that annual charges shall be made upon the owners of the  
27 lands using the sewage works and that sewer assessments shall be made upon the owners of lands  
28 for which the use of sewage works is available. The receipts from annual charges and sewer  
29 assessments shall be appropriated for and applied to the payment of the charges and expenses  
30 incident to the planning, construction, financing, operation and maintenance of the sewage works,  
31 and to the payment of principal costs for any bonds or notes issued for sewage works. Prior to the  
32 town of Coventry appropriating any monies from its regular town tax to fund its obligations under  
33 any agreement relating to the wastewater system sewers or projects, an all-day referendum must  
34 be held, and the town must receive approval from the registered voters prior to the utilization of

1 [any regular town tax funds for such obligations.](#)

2           Nothing in this act shall limit or affect the rights or obligations of the town of Coventry,  
3 including obligations of the town acting by and through its financial town meeting or its town  
4 council, to appropriate monies from its regular town tax to fund its obligations under the  
5 intermunicipal agreement in wastewater services between the town of West Warwick and the  
6 town of Coventry, as amended and restated from time to time, and the Loan and Trust Agreement  
7 among the Rhode Island economic development corporation, the town of Coventry and J.P.  
8 Morgan Trust Company, National Association dated as of December 31, 01213, as amended from  
9 time to time.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO AN AMENDMENT OF CHAPTER 330 OF THE PUBLIC LAWS OF 1997  
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1           This act would amend the town of Coventry's sewer system enabling legislation to allow  
2 town to appropriate monies from its regular town tax to fund wastewater system projects or  
3 sewers only after voter approval resulting from an all-day referendum.

4           This act would take effect upon passage.

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