

2023 -- S 0589

LC000925

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

TO INCORPORATE THE KINGSTON FIRE DISTRICT IN THE TOWN OF SOUTH KINGSTOWN 1923 R.I. PUB. LAWS, CHAPTER 544 [SAME AS 1923 R.I. ACTS AND RESOLVES 306 (CHAPTER 2429)]AS AMENDED BY 1938 R.I. PUB. LAWS, CH. 2646 1954 R.I. PUB. LAWS, CH. 3384 1955 R.I. ACTS AND RESOLVES 707 1958 R.I. ACTS AND RESOLVES 1081 1962 R.I.ACTS AND RESOLVES 1160 1963 R.I.ACTS AND RESOLVES 787 1963 R.I.ACTS AND RESOLVES 788 1976 R.I. PUB. LAWS, CH. 78 1980 R.I. PUB. LAWS, CH. 135 1997 R.I. PUB. LAWS, CH. 1998 R.I. PUB. LAWS, CH. 222

Introduced By: Senator V. Susan Sosnowski

Date Introduced: March 07, 2023

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 544 of the revised 1923 Public Laws entitled "An Act to Incorporate  
2 the Kingston Fire District in the Town of South Kingstown", is hereby further amended to read as  
3 follows:

4 **Sec. 1.** All that portion of the Town of South Kingstown which is bounded and described  
5 as follows:

6 Section 1. All that portion of the town of South Kingstown which is bounded and described  
7 as follows: Beginning at the intersection of centerlines of Kingstown Road and Ministerial Road,  
8 thence running southerly along the centerline of Ministerial Road two thousand (2,000) feet, thence  
9 running true east approximately three thousand (3,000) feet to a point on the Old Kingston Fire  
10 District Boundary, said point being two thousand two hundred (2,200) feet more or less south of  
11 the centerline of Kingstown Road, thence running true south to a point five hundred (500) feet  
12 south of the southerly boundary of a New England Electric Company power line easement, thence  
13 running easterly along a line five hundred (500) feet south of the southern centerline of Kingstown,  
14 Road, thence running true north five hundred (500) feet to the southern boundary of the power line  
15 easement, thence running easterly along the southern boundary of the power line easement  
16 approximately eight hundred (800) feet to the centerline of Kingstown Road, thence running

1 northwesterly along the centerline of Kingstown Road approximately seven hundred (700) feet to  
2 a point on the westerly extension of the southerly line of the University of Rhode Island, East Farm,  
3 thence running in an easterly direction along the southerly boundary of East Farm to a point one  
4 thousand (1,000) feet northeasterly from Kingstown Road, thence running northeasterly to the  
5 intersection Mitchell's Brook and the centerline of Mooresfield Road, thence running in a  
6 northwesterly direction to the intersection of North Road and Wolf Rocks Road, thence running  
7 southwesterly to a point on the centerline of Plains Road five hundred (500) feet northeasterly of  
8 the centerline of Kingstown Road and Plains Road intersection, thence southwesterly along the  
9 centerline of Plains Road to the point of beginning on Kingstown Road, is hereby incorporated into  
10 a fire district to be called the "Kingston Fire District". Said district may have a common seal, sue  
11 and be sued and enjoy the other powers generally incident to corporations.

12 **Sec. 2.** The electors of said district ~~qualified to vote in town affairs on propositions to~~  
13 ~~impose taxes or for the expenditure of moneys,~~ who shall consist of the residents of said district  
14 qualified to vote in elections of the town of South Kingstown, shall be entitled to vote and act in  
15 all meetings of the corporation.

16 **Sec. 3.** The annual meeting of said corporation shall be holden on the first Monday in May  
17 in each year. The first meeting shall be holden in the former Washington county court house  
18 building in South Kingstown on the thirtieth day after the approval of this act by the governor, or,  
19 if said day shall fall on a Sunday or a holiday, then on the following day.

20 **Sec. 4.** Said electors at each annual meeting, and at any other meeting when vacancies  
21 occur, may elect officers to serve for one year or until the next annual meeting, and until others be  
22 elected in their stead, which officers shall consist of a moderator, clerk, treasurer, ~~three~~  
23 auditors, and a collector of taxes, whose duties and powers within said district shall be such as like  
24 officers of towns in this state have within their respective towns. They may also elect fire wardens,  
25 a president of fire wardens and such other officers and committees as they may deem necessary.

26 **Sec. 5.** Said electors at any of their legal meetings shall have power to order such taxes,  
27 and provide for assessing and collecting the same, on the taxable inhabitants and property in said  
28 district as they shall deem necessary for purchasing and procuring real estate, buildings and  
29 implements, apparatus, other equipment and a supply of water for the extinguishment of fire, for  
30 constructing cisterns and reservoirs, laying waterpipes and purchasing rights to lay the same, ~~for~~  
31 ~~the purpose of lighting the street in said district with electricity or otherwise,~~ for the payment of  
32 there current expenses of said district, the payment of such police force as they may deem necessary  
33 for the protection of the inhabitants of said district from fires and for the preservation of the public  
34 peace therein and for the payment of obligations that have been or may be incurred by said district

1 [in the exercise of the powers granted to said district](#), and also for the payment of any indebtedness  
2 that has been or may be incurred by said district. Such taxes so ordered shall be assessed by the  
3 assessors of said district on the taxable inhabitants and property therein according to the last  
4 valuation made by the assessors of the town next previous to said assessment, adding, however,  
5 any taxable property which may have been omitted by said town assessors or which may have been  
6 since acquired; and in all cases where the town assessors have included property within said district  
7 and property without said district in one valuation, the assessors of said district shall make an  
8 equitable valuation of that portion of the same lying within said district; and in the assessing and  
9 collecting of said taxes such proceedings shall be had by the officers of said district, as near as may  
10 be, as are required to be had by the corresponding officers to towns in this state in assessing and  
11 collecting town taxes assessed for said district have the same powers and authorities as are now by  
12 law conferred upon collectors of taxes for towns in this state. Said district may provide for any such  
13 deduction from the tax assessed against any person if paid by an appointed time, or for such penalty  
14 by way of percentage on the tax if not paid at an appointed time, as they shall deem necessary to  
15 insure punctual payment, which penalty shall not exceed that provided by law to be charged by the  
16 cities and towns of the state on property taxes assessed by them.

17 **Sec. 6.** Said electors at any of their legal meetings may authorize and empower the treasurer  
18 of said district to borrow money for the purpose of carrying into effect the objects for which said  
19 district is incorporated, to give the note or notes of said district for the money so borrowed and to  
20 give renewals thereof; provided, however, that at no time shall the note or notes and renewals of  
21 notes outstanding in pursuance of such authority exceed in the aggregate the sum of two million  
22 dollars (\$2,000,000).

23 **Sec. 7.** Said elector shall have power to enact by-laws prescribing the duties of fire wardens  
24 and the several officers and committees of said district, and of the inhabitants of said district in  
25 time of conflagration, and to enforce obedience to the commands of the fire wardens for suppressing  
26 disorder and tumult, guarding or removing property or rendering other services in time of fire, and  
27 also for the protection of the water pipes, hose, hydrants or other apparatus or property of said  
28 district and for the preservation of order and the public peace in said district; and said electors may  
29 provide for the breach of any such by-law a penalty consisting of a fine not exceeding ~~twenty five~~  
30 [hundred](#) dollars, to be recovered for the use of said district, or imprisonment for a term not  
31 exceeding thirty days, or both, which penalty may be enforced by prosecution on complaint and  
32 warrant in the district court of the fourth judicial district.

33 **Sec. 8.** The fire wardens elected by said district may order, in time of fire, such buildings  
34 to be torn down or blown up as they shall judge necessary to stop the progress of the fire; and if it

1 shall happen that the pulling down or blowing up of any such building by direction as aforesaid  
2 shall be the occasion of stopping the progress of such fire or if the fire stop before it comes to the  
3 same, the owners shall be reasonably paid therefor by a tax upon said district the amount of which  
4 tax shall be adjudged by the Superior Court for the county of Washington, which court is hereby  
5 authorized and empowered, on application to it made in behalf of such owners, to ascertain and  
6 adjudge the amount necessary and cause the same to be certified to said district, and such tax shall  
7 be assessed and collected as other taxes are herein required to be assessed and collected in said  
8 district; but no building in which any fire shall first break out or begin shall be paid for under this  
9 provision.

10 **Sec. 9.** The fire wardens elected by said district shall publicly within four days next  
11 preceding the day of holding and regular meeting of said fire district, make a corrected list of the  
12 names of all persons entitled to vote in such meeting, and certify and deliver the same to the  
13 moderator before the time shall arrive for the calling of the meeting to order.

14 In making such list the fire wardens shall take from the last corrected voting list of the town  
15 of South Kingstown the names of all persons residing within the limits of said district who continue  
16 qualified to vote ~~on a proposition to impose a tax, or for the expenditure of money in said town in~~  
17 elections of the town of South Kingstown and place said names upon the list to be made up by  
18 them, and shall add thereto the names of all persons residing within said district who shall be so  
19 qualified and whose names shall not be upon said voting list and shall cause printed notices of the  
20 time and place named by them to make such list to be posted in five public places within said  
21 district, not more than ten nor less than five days before the time appointed for such district meeting.  
22 and the list so made and certified shall be used in determining any question before such meeting  
23 when demanded by ten of the voters present; and thereupon the moderator shall receive the votes  
24 of all persons whose names are upon such list, and shall reject the votes of all persons claiming to  
25 vote whose names are not thereon.

26 **Sec. 10.** Said electors at any of their legal meeting shall have power to choose and appoint  
27 so many ~~men~~ persons as they may think needful to be formed into a fire company or companies,  
28 and also a hook and ladder company, and to make all such laws and regulations for organizing and  
29 establishing the same as they shall see fit, and the members of such companies shall be entitled to  
30 the exemptions, privileges and remedies provided by the general laws of the state for members of  
31 the fire departments of cities and towns.

32 **Sec. 11.** Said electors may hold special meetings which, as well as the annual meetings,  
33 shall be notified in such manner as they shall prescribe; and it shall be the duty of the ~~clerk~~ board  
34 of wardens to call a special meeting upon written application signed by twelve or more of such

1 electors, and whenever the subject of ordering a tax or borrowing money is to be acted on, the same  
2 shall be mentioned in the notice unless it be an annual meeting.

3 **Sec. 12.** Said electors may enact all by-laws by them judged necessary and expedient for  
4 carrying the provisions of this act into effect: Provided, that no greater penalty be inflicted thereby  
5 than is prescribed in the seventh section hereof, and provided the same be not in violation of or  
6 repugnant to the laws of this state.

7 SECTION 2. Sections 13 and 14 of chapter 544 of the revised 1923 Public Laws entitled  
8 "An Act to Incorporate the Kingston Fire District in the Town of South Kingstown", are hereby  
9 repealed.

10 ~~**Sec. 13.** In addition to the foregoing, said district shall have the power for the purpose of  
11 supplying water within said district for fire protection and for domestic, manufacturing and other  
12 purposes and for the transaction of any other business connected therewith, to acquire, by purchase  
13 or otherwise, own, operate, subdivide, construct, improve, repair, develop, manage, lease,  
14 mortgage, pledge, sell, exchange, assign or otherwise deal in real estate, interests in real estate,  
15 riparian rights, water, rights of water and of way, any and all kinds of buildings, and any and all  
16 personal and other property of any and all kinds incidental thereto. Said district may acquire and  
17 hold the capital stock of any water company authorized to do business within said district.~~

18 ~~**Sec. 14.** Said district may construct driven and bored artesian or other wells and may erect  
19 on land acquired by it such dams, buildings, reservoirs, filtering galleries, filters, standpipes,  
20 fixtures and other structures, apparatus or equipment as may be convenient for the establishment  
21 and maintenance of a complete and effective system of water works and may do all other acts  
22 reasonably necessary to carry out the powers granted in Section 13 hereof. Said district may make  
23 excavations, procure and operate machinery, lay and maintain aqueducts, conduits, pipes and other  
24 works under or over any land, water courses, and along or over any highway or other way, in such  
25 manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying,  
26 maintaining and repairing such aqueducts, conduits, pipes and other works and for all other  
27 purposes of this act, said corporation may dig up, raise and embank any such land, highways or  
28 other ways, in such manner as to cause the least hindrance to public travel under the protection and  
29 with the assent of the town council of the town as to highways or other ways within its control, and  
30 of the department of public works (sic) as to highways or other ways within its control.~~

31 SECTION 3. Section 15 of chapter 544 of the revised 1923 Public Laws entitled "An Act  
32 to Incorporate the Kingston Fire District in the Town of South Kingstown", is hereby renumbered  
33 as Section 13.

34 **Sec. 1513.** The District may have a common seal, and in its corporate name may sue and

1 be sued, prosecute and defend, in any court and elsewhere and enjoy all the other powers generally  
2 incident to corporations. Every suit whether in law or equity, brought against the district shall be  
3 brought in the County of Washington unless otherwise directed by law.

4 SECTION 4. Section 16 of chapter 544 of the revised 1923 Public Laws entitled "An Act  
5 to Incorporate the Kingston Fire District in the Town of South Kingstown", is hereby repealed.

6 ~~Sec. 16. Said district may sell and distribute water throughout said district, or authorize the  
7 same to be done, and may regulate its use and fix the price and rates to be paid therefor, subject to  
8 and with the benefit of the provisions of chapters 122 and 449 of the general laws, as amended.  
9 Said district shall have the exclusive right to the water acquired or distributed by it, and may  
10 maintain an action against any person for using the same without its consent.~~

11 SECTION 5. Sections 17, 18, and 19 of chapter 544 of the revised 1923 Public Laws  
12 entitled "An Act to Incorporate the Kingston Fire District in the Town of South Kingstown", and  
13 in all acts in amendment thereof and in addition thereto, are hereby renumbered as Section 14, 15,  
14 and 16.

15 **Sec. 1714.** The District may from time to time make and ordain all ordinances, by-laws  
16 and regulations for the District that shall not be in conflict with or in violation of other provisions  
17 of this act and not repugnant to law.

18 **Sec. 1815.** All property held by the said district, except land, pursuant to the authority  
19 granted by this chapter as amended and located within said district is and shall be exempt from  
20 taxation. Such exemption shall also apply to any taxes which, but for the passage of this act, might  
21 be assessable with respect to property, except land, held by said district on December 31, 1962.

22 **Sec. 1916.** This act shall take effect upon its passage, and all acts and parts of acts  
23 inconsistent herewith are hereby repealed.

24 SECTION 6. This act shall take effect upon passage.

=====  
LC000925  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

TO INCORPORATE THE KINGSTON FIRE DISTRICT IN THE TOWN OF SOUTH KINGSTOWN 1923 R.I. PUB. LAWS, CHAPTER 544 [SAME AS 1923 R.I. ACTS AND RESOLVES 306 (CHAPTER 2429)]AS AMENDED BY 1938 R.I. PUB. LAWS, CH. 2646 1954 R.I. PUB. LAWS, CH. 3384 1955 R.I. ACTS AND RESOLVES 707 1958 R.I. ACTS AND RESOLVES 1081 1962 R.I.ACTS AND RESOLVES 1160 1963 R.I.ACTS AND RESOLVES 787 1963 R.I.ACTS AND RESOLVES 788 1976 R.I. PUB. LAWS, CH. 78 1980 R.I. PUB. LAWS, CH. 135 1997 R.I. PUB. LAWS, CH. 1998 R.I. PUB. LAWS, CH. 222

\*\*\*

- 1 This act would revise and update the public law on the Kingston fire district in the town of
- 2 South Kingstown.
- 3 This act would take effect upon passage.

=====  
LC000925  
=====