

2018 -- H 7051

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LC003064
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

IN AMENDMENT OF CHAPTER 330 OF THE PUBLIC LAWS OF 1997 AS AMENDED BY
CHAPTER 140 OF THE PUBLIC LAWS OF 2006, PERTAINING TO SEWERS IN THE
TOWN OF COVENTRY

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

Date Introduced: January 03, 2018

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sec. 9 of Chapter 330 of the Public Laws of 1997, as amended by Chapters
2 119 and 140 of the Public Laws of 2006, and as further amended by Chapters 262 and 277 of the
3 Public Laws of 2015 (collectively the "Act"), is hereby further amended to read as follows:

4 Sec. 9. (a) The council shall prescribe just and equitable sewer assessment rates, on
5 account of the construction costs, to be levied against owners of property abutting on that portion
6 of any highway in which a common sewer is laid under this act and also rates of annual charge,
7 on account of operating and maintenance costs, to be levied against owners of property that is
8 connected to a common sewer.

9 Sewer assessments shall be levied against real property (improved and unimproved),
10 residential and non-residential, based upon rates that shall be established by the council from time
11 to time, by ordinance amendment, which assessments shall be based upon the estimated cost of
12 constructing all sewers, sewer service connections, and other sewage works belonging to the
13 town. Annual charges shall be computed according to water consumption or other factors deemed
14 equitable by the council. Such annual charges herein referred to shall be paid annually by every
15 property owner or institution whose property is connected to the town sewage works. Provided, a
16 sewer assessment shall not begin to be assessed or accrue or be levied against real property prior
17 to the time of actual connection to the town's sewage works.

18 The council shall, from time to time and by ordinance amendment, adopt an assessment

1 charge for real property (improved and unimproved). Said assessments shall apply to residential
2 and non-residential properties. The council may, from time to time, redetermine the rates fixed
3 for sewer assessments, if construction costs warrant, and may redetermine rates for annual
4 charges if costs so warrant.

5 The council shall, from time to time and by ordinance amendment, adopt a betterment
6 assessment which betterment assessment shall apply to residential and non-residential properties
7 serviced by public sewers that are privately built, on public property and to all properties that
8 propose a change in use, or an increase in daily flow after the initial assessment date. Properties
9 that propose a change in use or an increase in daily flow after the initial assessment date are
10 subject to both initial assessment and betterment assessments

11 The sewer assessments herein referred to shall be paid by every property owner or
12 institution whose property is abutting on that portion of any highway in which a common sewer is
13 laid under this act or is connected to the town's sewage works. Sewer assessments levied
14 hereunder may be paid in as many as twenty (20) annual installments, upon application by the
15 property owner and approval of the council. In the case of installment payments, interest at a rate
16 not to exceed eight percent (8%) per annum, shall be charged annually on the unpaid balance of
17 the total sewer assessment. [Provided, an abutting owner or occupant of land upon any street in](#)
18 [which there is a sewer shall not be required to connect to the town's sewage works, except as](#)
19 [provided for in subsection 9\(b\) of this section and section 17 of the act.](#)

20 The council shall annually certify to the town treasurer all the annual charges and sewer
21 assessments made by it under the authority of this act. Each charge or assessment made by said
22 council pursuant to this act shall be a lien upon the lands, buildings, and improvements upon
23 which it is made in the same way and manner as taxes assessed on real estate, but such liens shall
24 not expire until the charge or assessment, with all interest, costs, and penalties thereon, is paid in
25 full, and, if the charge or assessment is not paid as required, it shall be collected in the same
26 manner that taxes assessed on real estate are by law collected.

27 Such annual charges and sewer assessments shall be due and payable at the time the
28 regular town taxes are first due and payable next after the date of receipt by the town treasurer of
29 the aforesaid certificate of said annual charges and sewer assessments from the council. The town
30 treasurer, after receiving a list of charges or assessments under this section, shall forthwith, at the
31 expense of the town, send to each person assessed or charged notice of the amount of his or her
32 assessment or charge. The notice shall substantially identify the person assessed, state the amount
33 of the assessment or charge and refer to the remedy available under section 19 of this act. The
34 notice shall be mailed postpaid and directed to the last known address of the person assessed. If

1 there are persons whose addresses are unknown, a similar notice covering the assessments against
2 such persons shall be published in a newspaper of general circulation in the town and such
3 published notice may be a single collective notice for all such persons. No irregularity in the
4 notice required by this section shall excuse the nonpayment of the assessment or charge or affect
5 its validity or any proceedings for the collection thereof as long as there is substantial compliance
6 with the provisions hereof. No deficiency in the notice to the person assessed shall excuse the
7 nonpayment by others of the assessment or charges assessed against them or affect the validity
8 thereof or any proceedings for the collection thereof. The tax collector shall, without further
9 warrant, collect such annual charges and assessments in the same manner and at the same time as
10 the regular taxes of the town are first payable. Interest at the rate per annum fixed for nonpayment
11 of town taxes shall be charged and collected upon all overdue charges and assessment from the
12 date they become payable until paid.

13 The council may at any time cancel in whole or in part any charge or assessment to the
14 extent the council determines such charge or assessment to have been improperly imposed.

15 (b) Mandatory connection to sewer because of sale or transfer. -- After December 31,
16 2017, any abutting owner or occupant of land upon any street in which there is a sewer must
17 connect such premises with the town's sewer works and fill up and destroy any cesspool, privy
18 vault, drain or other arrangement on such land for the reception of sewage, excluding any Rhode
19 Island department of environmental management ISDS approved system, prior to the one year
20 anniversary of any sale or transfer in ownership after December 31, 2017. If such abutting owner
21 or occupant of land who is required to connect to the town sewage works fails to do so in
22 prescribed time period, then such abutting owner or occupant of land shall be required to pay
23 usage fees as if such abutting owner or occupant of land were connected to the sewage system.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

IN AMENDMENT OF CHAPTER 330 OF THE PUBLIC LAWS OF 1997 AS AMENDED BY
CHAPTER 140 OF THE PUBLIC LAWS OF 2006, PERTAINING TO SEWERS IN THE
TOWN OF COVENTRY

1 This act would provide that in the town of Coventry, an abutting owner or occupant of
2 land upon any street in which there is a sewer would not be required to connect to the town
3 sewage works, except in certain circumstances involving a sale or transfer of the property, or
4 when the town council orders the sewer connection be made, in the interest of public health. The
5 act would also provide that a sewer assessment would not begin to be assessed or accrue or be
6 levied against real property prior to the time of actual connection to the town sewage works.

7 This act would take effect upon passage.

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