

2012 -- S 2617

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO WATERS AND NAVIGATION -- INSPECTION OF DAMS

Introduced By: Senators P Fogarty, Sosnowski, Tassoni, Algieri, and Maher

Date Introduced: March 01, 2012

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 46-19-4 of the General Laws in Chapter 46-19 entitled "Inspection
2 of Dams and Reservoirs" is hereby amended to read as follows:
3 **46-19-4. Investigations and orders as to unsafe dams and reservoirs.** -- (a) The
4 director of the department of environmental management, on application made to him or her in
5 writing by any person owning or representing property liable to injury or destruction by the
6 breaking of any dam or reservoir, or on an application made by any mayor or city council of any
7 city, or by the town council of any town, on account of danger of loss of life or of injury to any
8 highway or bridge therein, from the breaking of any dam or reservoir, or, without the complaint,
9 whenever he or she shall have cause to apprehend that any dam or reservoir is unsafe, shall
10 forthwith view and thoroughly examine the dam or reservoir, or cause the dam or reservoir to be
11 viewed and examined. And if in the judgment of the director the dam or reservoir be not
12 sufficiently strong to resist the pressure of water upon it, or if from any other cause the director
13 shall determine the dam or reservoir to be unsafe, or if in his or her judgment there is reasonable
14 cause to believe that danger to life or property may be apprehended from the unsafe dam or
15 reservoir, the director shall determine whether the water in the reservoir shall be drawn off in
16 whole or in part, and what alterations, additions, and repairs are necessary to be made to the dam
17 or reservoir to make the dam or reservoir safe, and shall forthwith in writing under his or her hand
18 notify the owner or person having control of the dam or reservoir to cause the additions,
19 alterations, and repairs in the dam or reservoir to be made within a time to be limited in the

1 notice; and may order the water in the reservoir to be drawn off, in whole or in part, as the
2 director may determine.

3 (b) If such order is not carried out within the time specified, or if the owner of the dam
4 cannot be determined, the director of the department of environmental management or the
5 director's duly authorized agents may carry out the actions to mitigate the unsafe condition as
6 required by the order, provided the director has determined that an emergency exists and the
7 safety of life and/or property is endangered. The director is hereby authorized to assess the costs
8 of such action, including the use of deed restrictions, against the person owning or having care
9 and control of the dam.

10 (c) Any order or notice issued by the director shall be eligible for recordation under
11 chapter 13 of title 34. The director shall forward the original order or notice to the city or town
12 wherein the subject property is located and the order or notice shall be recorded in the land
13 evidence records in the city or town wherein the subject property is located. Any subsequent
14 transferee of that property shall be responsible for complying with the requirements of the order
15 or notice. Upon satisfactory completion of the requirements of the order or notice, the director
16 shall provide written notice of the same, which notice shall be similarly eligible for recordation.
17 The original written notice shall be forwarded to the city or town wherein the subject property is
18 located and the notice of satisfactory completion shall be recorded in the land evidence records in
19 the city or town wherein the subject property is located.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would expand the ability of the director of the department of environmental
2 management to regulate water dam safety.

3 This act would take effect upon passage.

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