

RESOLUTION OF THE CITY COUNCIL

No. 234

Approved May 13, 1996

RECEIVED IN CITY COUNCIL ON
MAY 13 1996
CITY CLERK

RESOLVED, that the City Council endorses and urges passage by the General Assembly of Senate Bill 96-S 3012 Relating to Hurricane Barrier, in substantially the form attached.

IN CITY COUNCIL
MAY 2 1996
READ AND PASSED

Evelyn V. Fargnoli
ACTING PRES.
Michael K. Clement
CLERK

APPROVED
MAY 13 1996
Vincent A. Cianci
MAYOR

General Business *Resolutions*

CITY COUNCIL
MAR 21 1996
FIRST READING
REFERRED TO COMMITTEE ON

CLERK

THE COMMITTEE ON:
State Legislation
Recommends Continuance
John M. Campbell
4/15/96
Clerk

THE COMMITTEE ON:
State Legislation
Approves Passage of
The Within Resolution
Richard A. Davis
4/18/96
Chairman
Lee
Clerk

PD1041

STATE OF RHODE ISLAND

96-S 3012

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 1996

A N A C T

RELATING TO THE MAINTENANCE OF THE HURRICANE BARRIER IN THE CITY OF PROVIDENCE

96-S 3012

Introduced By: Senators Goodwin, Graziano, Kells, and Walton

Date Introduced : February 6, 1996

Referred To: Senate Committee on Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. The city of Providence is hereby authorized to annu-
2 ally assess the owner of land and buildings, within the area classi-
3 fied as being vulnerable to hurricane flooding and tides, for the
4 maintenance and capital costs for repair of the hurricane barrier, so
5 called.

6 SECTION 2. The total amount of such annual assessments shall in
7 no event exceed the approved city council's budget expenditure for the
8 maintenance and capital costs for repairs of the hurricane barrier and
9 improvements related thereto. Such costs of maintenance and capital
10 repair shall be certified to by the director of public works and the
11 director of finance in writing to the city council.

12 SECTION 3. Prior to making any such assessment, the city council
13 shall by resolution designate the special assessment district and the
14 basis of the special assessment to be levied shall be uniform through-
15 out the district.

16 SECTION 4. No such resolution shall be passed or approved until

1 after a public hearing on the same, notice of which shall first be
2 given to all property owners in the special district by registered
3 mail addressed to their last and usual place of abode, at least three
4 (3) weeks prior to the date of the public hearing. Said notice shall
5 be given by the city clerk and shall specify the time and place of the
6 hearing. Notice by publication shall also be given in a newspaper
7 published within the city at least one (1) week prior to the date of
8 the hearing. The hearing required by this section may be held at any
9 regular, adjourned or special meeting of the city council.

10 SECTION 5. The resolution of the city council shall contain a
11 special assessment roll of all land and buildings within the design-
12 nated district with the amount of the assessment against such indi-
13 vidual properties.

14 SECTION 6. If after public hearing, the resolution, including
15 the special assessment roll, is passed and approved, a certified copy
16 of the same shall be directed to the city assessor within ten (10)
17 days thereafter, ordering him to add said assessment to the tax rolls
18 of the city. All special assessments shall be due and payable at the
19 same time and in the same manner as taxes on real estate.

20 SECTION 7. The special assessment made pursuant to the provi-
21 sions of this act shall constitute a lien on the land and buildings of
22 the person assessed in the same way and manner as general city taxes
23 assessed on real estate are liens.

24 SECTION 8. In any case where the provisions of this act may be
25 proved to be insufficient to carry into full effect the making of any
26 special assessment, the city council shall by ordinance provide any
27 further steps or procedures required.

28 SECTION 9. All moneys paid by special assessment in accordance
29 with the provisions of this act shall be held in a special fund to be
30 applied to the cost of the maintenance and capital repair of the hur-
31 ricane barrier.

32 SECTION 10. If the city council shall deem any special assess-
33 ment invalid or defective for any reason whatsoever, or if any court

96-S 3012

1 of competent jurisdiction shall adjudge such assessment to be illegal
2 in whole or in part, the city council shall have the power to cause a
3 new assessment to be sued for the same purpose for which the former
4 assessment was made and whether any part of the assessment has been
5 collected or not. All proceedings on such reassessment and for the
6 collection thereof shall be made in the same manner as is provided in
7 the original assessment. If any portion of the original assessment
8 shall have been collected and not refunded, it shall be applied upon
9 the reassessment and the reassessment to that extent shall be deemed
10 satisfied. If more than the amount assesses shall have been col-
11 lected, the balance shall be refunded to the person making the pay-
12 ment.

13 SECTION 11. If any provision of this act or the application
14 thereof to any person or circumstance shall be held invalid, such
15 invalidity shall not affect the provision or applications of this act
16 which can be given effect without the invalid provisions or applica-
17 tion, and to this end the provisions of the act are declared to be
18 severable.

19 SECTION 12. This act shall take effect upon its passage and all
20 acts and parts of acts inconsistent herewith are hereby repealed.

21 SECTION 13. This act shall take effect upon passage.

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