

RESOLUTION OF THE CITY COUNCIL

No. 318

Approved June 16, 1997

RESOLVED, That the City Council endorses and urges passage by the General Assembly of An Act Relating to Maintenance of the Hurricane Barrier in the City of Providence, in substantially the form attached.

IN CITY COUNCIL
JUN 5 1997
READ AND PASSED

Emilio T. Dargnoli

PRES.

Michael A. Clement

CLERK

APPROVED
JUN 16 1997
Vincent A. Cianci
MAYOR

RECEIVED
CITY CLERK
JUN 16 1997

THE COMMITTEE ON
MAR 6 1997

Richard K. Clement
Clerk

State Legislation

THE COMMITTEE ON
APR 21 1997

Recommendation: Indefinite
Postponement

State Legislation

Cont.

Jan M. Angione
Chairman
clerk

THE COMMITTEE ON
JUN 2 1997

Recommendation: *Passage*

State Legislation

Jan M. Angione
Chairman
clerk

Council President Jagnoli and Councilman Rollus (By request)

97S0863

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DES537

STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 1997

A N A C T

RELATING TO LEVY AND ASSESSMENT OF LOCAL TAXES

Introduced By: Senators Goodwin, Graziano, Ruggerio, Perry and Palazzo

Date Introduced: February 13, 1997

Referred To: Senate Committee on Finance

It is enacted by the General Assembly as follows

SECTION 1. Section 44-5-20.9 of the General Laws in Chapter 44-5 entitled "Levy and Assessment of Local Taxes" is hereby amended to read as follows:

44-5-20.9. Property tax classification -- Providence -- Miscellaneous. -- (a) The city of Providence may adopt a system of classification of taxable property in accordance with the foregoing provisions only in any revaluation year and such system of classification shall continue until terminated by resolution or ordinance adopted by the city council.

(b) All provisions of this chapter or any other general state law relating to the levy and assessment of local taxes and chapter 34 of this title shall continue to apply to the city of Providence after the adoption of a system of classification of taxable property except insofar as any provision thereof is inconsistent with the provisions of sections 44-5-20.6 -- 44-5-20.9.

{ADD (c) The city of Providence is hereby authorized to annually assess the owner of land and buildings, within the area classified as being vulnerable to hurricane flooding and tides, for the maintenance and capital costs for repair of the hurricane barrier, so called.

(1) The total amount of such annual assessments shall in no event exceed the approved city council's budget expenditure for maintenance and capital costs for repairs of the hurricane barrier and improvements related thereto. Such costs of maintenance and capital repair shall be certified to by the director of public works and the director of finance in writing to the city council.

(2) Prior to making any such assessment, the city council shall by resolution designate the special assessment district and the basis of the special assessment to be levied shall be uniform throughout the district.

(3) No such resolution shall be passed or approved until after a public hearing on the same, notice of which shall first be given to all property owners in the special district by registered mail addressed to their last and usual place of abode, at least three (3) weeks prior to the date of the public hearing. Said notice shall be given by the city clerk and shall specify the time and place of the hearing. Notice by publication shall also be given in a newspaper published within the city at least one (1) week prior to the date of the hearing. The hearing required by this section may be held at any regular, adjourned or special meeting of the city council.

(4) The resolution of the city council shall contain a special assessment roll of all land and buildings, within the designated district with the amount of the assessment against such individual properties.

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

(6) The special assessment made pursuant to the provisions of this act shall constitute a lien on the land and buildings of the person assessed in the same way and manner as general city taxes assessed on real estate are liens.

(7) In any case where the provisions of this act may be proved to be insufficient to carry into full effect the making of any special assessment, the city council shall by ordinance provide any further steps or procedures required.

(8) All moneys paid by special assessment in accordance with the provisions of this act shall be held in a special fund to be applied to the cost of the maintenance and capital repair of the hurricane barrier.

(9) If the city council shall deem any special assessment invalid or defective for any reason whatsoever, or if the court of competent jurisdiction shall adjudge such assessment to be illegal in whole or in part, the city council shall have the power to cause a new assessment to be sued for the same purpose for which the former assessment was made and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as is provided in the original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment to that extent shall be deemed satisfied. If more than the amount assessed shall have been collected, the balance shall be refunded to the person making the payment.

(10) If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provision or applications of this act which can be given effect without the invalid provisions or application, and to this end the provisions of the act are declared to be severable.

(11) This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed. ADD}

SECTION 2. This act shall take effect upon passage.

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**EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO LEVY AND ASSESSMENT OF LOCAL TAXES**

* * *

This act would permit the city of Providence to assess property within a district created by the Providence city council for maintenance and capital repair for the hurricane barrier, so called.

This act would take effect upon passage.

97S0863

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