

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 189

*Approved* March 26, 2002

RESOLVED, That the City Council hereby endorses and urges passage by the General Assembly of House Bill 2002 – H 7272 Relating to the Providence Water Board, substantially the form attached.

IN CITY COUNCIL  
MAR 21 2002  
READ AND PASSED  
PRES.  
Michael H. Clement  
CLERK

APPROVED  
MAR 26 2002  
Vincent A. Cianci  
MAYOR

IN CITY COUNCIL  
Feb. 21 2002  
FIRST READING  
REFERRED TO COMMITTEE ON  
STATE LEGISLATION  
Michael R. Cleaver  
RD

THE COMMITTEE ON  
State Legislation  
Recommends Passage  
Michael R. Cleaver  
3/6/02  
CLERK

Councilman Allen (By request)

Approved  
City Council

2002 -- H 7272

LC02091

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2002**

**A N A C T**

**RELATING TO PROVIDENCE WATER BOARD**

Introduced By: Representatives Moura, D Cicilline, and Tejada

Date Introduced: February 05, 2002

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 18 of Chapter 1278 of the public laws, 1915, entitled "An act to  
2   furnish the city of Providence with a supply of pure water", amended, is hereby further amended  
3   to read as follows:

4           Sec. 18 Said town of Scituate, the City of Cranston and each water and fire district  
5   therein now or hereafter incorporated, and each other town, city or water or fire district now or  
6   hereafter incorporated having any of its territory included in the drainage district of said north  
7   branch of said Pawtuxet River, or of the drainage district of said Pawtuxet River below the  
8   junction of the north and south branches of said river, the entire towns of North Providence,  
9   Smithfield, Johnston, the Bristol County Water Company or the Bristol County Water Authority  
10   serving the town of Bristol, Barrington and Warren, the city of East Providence, the town of  
11   Lincoln, and the town of Burrillville, and each water or fire district therein now or hereafter  
12   incorporated, even though its territory or territories are not included in either of said drainage  
13   districts shall have the right to take and receive water from said storage reservoir or reservoirs for  
14   use for domestic, fire or other ordinary municipal water supply purposes in the town of Scituate  
15   or the city of Cranston, or such water or fire district therein, or in any part or parts of such  
16   territory or territories of such other town, city or water or fire district as are included in either of  
17   said drainage districts, or in the town of North Providence, Smithfield, Johnston, Bristol,  
18   Barrington and Warren (the latter three towns being served by either the Bristol County Water  
19   Company or the Bristol County Water Authority), the city of East Providence, the town of

1 Lincoln, and the town of Burrillville, or such water or fire districts therein, even though such  
2 territory or territories are not included in said drainage districts. The city of Warwick or any  
3 water or fire districts therein shall have the further right to take and receive water as aforesaid for  
4 use in any part of its territory excepting that area of the city which lies south of Greenwich Bay  
5 and is separated from said city by territory of the town of East Greenwich, which area is known  
6 as Potowomut.

7 It is provided, however, that as to the entire town of Smithfield and such parts of the town  
8 of north Providence, Johnston and the cities of Warwick and East Providence, and the town of  
9 Burrillville and such water or fire districts therein as were not entitled to water under chapter  
10 1278 of the public laws of 1915 as originally enacted, the city of Providence, acting by and  
11 through the water supply board of the city of Providence or such other offices or officers as may  
12 for the time being shall have charge of the water works, shall have the right to determine whether  
13 it shall sell water directly to prospective water users or consumers at retail or to the city or town  
14 water or fire district therein at wholesale rates. Proper connections with said water supply source  
15 or sources, including the installation of proper meters or other devices for ascertaining the  
16 quantity of water so received, shall be made at such suitable location or locations as shall be  
17 determined and approved by the water supply board of the city of Providence or such other  
18 officer or officers as may for the time being shall have charge of the water works, and at the  
19 expense of the town, city, district, water company or water users desiring to receive such water,  
20 and subject to such reasonable rules and regulations as from time to time may be made by the  
21 water supply board of said city of Providence or its duly authorized officer or officers as may for  
22 the time being shall have charge of the water works. Such town, city or water or fire district,  
23 water company or water users or consumers shall have the right to take such water as aforesaid to  
24 any extent each month not exceeding an average per day of one hundred fifty gallons per capita  
25 of the number of inhabitants of such parts of its territories as are served from such water supply  
26 source or sources, as such number of inhabitants was shown by the last preceding census of the  
27 United States or of the State of Rhode Island, unless and to the extent and for the time only that  
28 said officer or officers of said city of Providence shall consent to the taking by such town, city or  
29 water or fire district, water company or water users of a greater quantity of such water.  
30 Whenever any such town, city, water company or water or fire district receives water wholesale,  
31 such town, city, water company, or water or fire district shall pay to said city of Providence such  
32 fair wholesale rates or charges for the quantity of water taken by it as aforesaid, and at such times  
33 and the rates fixed to continue during such periods, as may be mutually agreed upon, or in default  
34 of agreement as shall be determined by the Rhode Island Public Utilities Commission in

1 accordance with the provisions of sections 39-3-10 and 39-3-11 of the general laws. And it is  
2 provided, further, that in case the city of Providence as hereinbefore provided elects to sell water  
3 directly to water uses or consumers, the water supply board of the city of Providence or such  
4 other officer or officers as may for the time being shall have the charge of the water works, shall  
5 have the right to determine the rate at which said water shall be sold subject to approval of the  
6 Rhode Island Public Utilities Commission. Said city of Providence may furnish water from such  
7 water supply source or sources to any water company incorporated by the general assembly and  
8 whose rules, regulations and rates are subject to the approval of the administrator of the public  
9 utilities of the state or the use as aforesaid in either of said drainage districts or in the town of  
10 North Providence, Johnston, Smithfield, Bristol, Barrington, Warren, the city of East Providence,  
11 the town of Lincoln, and the town of Burrillville, or in any part of the territory that is supplied by  
12 such water company.

13 The city of Providence shall not be required to serve structures in any city or town at  
14 elevations higher than the head characteristics of the present Neutaconkanut pumping station.  
15 The city of East Providence will be supplied from the 66" steel aquaduct near Budlong road in the  
16 city of Cranston which is known as the low service section of the system.

17 The town of Lincoln will be supplied from portions of the Providence water system of the  
18 southern boundary of the said town of Lincoln. The town of Lincoln shall have the right to lay  
19 water pipes and appurtenances and maintain same in city streets and state highways wherever the  
20 same may be necessary to convey said water to the town of Lincoln water system.

21 The Bristol County Water Company or Bristol Water Authority will be supplied from the  
22 aquaduct at:

23 (a) either of the following locations: Wilbur avenue in the vicinity of Natick avenue in  
24 the city of Cranston, or Budlong road in the vicinity of Woodridge school in the city of Cranston;  
25 or

26 (b) such other location as shall be agreed upon between the water supply board of the city  
27 of Providence or such other officer or officers as for the time being have charge of the water  
28 works of either of such entities, and shall have the right to lay water pipes and maintain the same  
29 in city streets of the cities of Providence, Cranston and Warwick and also under, across or over  
30 state property and state highways wherever the same may be necessary to convey said water to a  
31 point where the pipe enters the Providence River. Whenever it may be necessary to cross or  
32 parallel on state land or any state highways, the plans for such use of state land shall be first  
33 approved by the director of public works and upon such terms and conditions as shall be  
34 determined by said properties committee.

1           The town of Burrillville shall be supplied from a point of connection mutually agreed by  
2   the town of Burrillville and the Providence Water Supply Board and shall have the right to lay  
3   water pipes and maintain the same in streets of the towns of North Providence, Smithfield, North  
4   Smithfield and Glocester and also under, across or over state property and state property and state  
5   highways whenever the same may be necessary to convey said water to the town of Burrillville  
6   water system.

7           The city of Providence shall not be obligated to pay for repairs to highways or roads  
8   occasioned by it in the laying or repairing of water pipes or water mains in state, city or town  
9   highways or roads located outside the city of Providence but the cost thereof shall be borne by the  
10   city or town wherein said highways or roads are located and receiving its water supply from the  
11   city of Providence; and the city of Providence shall not be liable in damages for injuries or  
12   damages occasioned by the laying or repairing of water pipes or water mains in the aforesaid  
13   highways or roads, nor shall it be liable for failure or neglect of any such town or city to repair or  
14   maintain said highways or roads after the completion of any such work by the city of Providence  
15   but said city of Providence shall give written notice to the director of public works, or other  
16   person occupying a similar position in the state, city or town having jurisdiction over the highway  
17   or road wherein said work was performed, not more than sixty (60) hours after completion of its  
18   work in said highway, setting forth the name of the highway and the location therein where an  
19   opening had been made and work performed. Neither the city of Providence, the City of  
20   Cranston, nor the city of Warwick shall be liable for injuries or damages occasioned by the laying  
21   of water pipes or water mains in the highways of the city of Providence, the city of Cranston, or  
22   the city of Warwick by the city of East Providence and the Bristol County Water Company and  
23   the Bristol County Water Authority. The town of North Providence shall not be liable for injuries  
24   or damages occasioned by the laying of water pipes and water mains in the highways of North  
25   Providence by the town of Lincoln. Neither the towns of North Providence, Smithfield, North  
26   Smithfield or Glocester by the town of Burrillville.

27           The city of Providence shall be exempt from local taxes on all pipe lines and other water  
28   appurtenances installed, located or laid for the purpose of serving areas not served with water by  
29   said city of Providence prior to April 27, 1931. The city of East Providence and the Bristol  
30   County Water Company and the Bristol County Water Authority shall also be exempt from local  
31   taxes on all pipe lines and other water works appurtenances hereinafter located or installed in the  
32   cities of Cranston, Warwick and Providence for the purposes of providing water supply lines to  
33   either the East Providence water supply system or the Bristol County Water Company or the  
34   Bristol County Water Authority serving the towns of Bristol, Barrington and Warren.

1           The town of Lincoln shall also be exempt from local taxes on all pipe lines and other  
2 water works appurtenances hereinafter located or installed for the purposes of providing water  
3 supply lines to said town of Lincoln water supply system.

4           The town of Burrillville shall also be exempt from local taxes on all pipe lines and other  
5 water works appurtenances hereinafter located or installed for the purposes of providing water  
6 supply lines to said town of Burrillville water supply system.

7           The city of Providence, acting by and through its water supply board, in the event of  
8 drought or any other contingency which may obligate the city to protect or conserve its water  
9 supply, may regulate the amount and use of water to be served to any and all persons,  
10 corporations, towns, water companies, water districts or fire districts.

11           All property, real and personal, owned, leased, or held by the Providence Water Supply  
12 Board and/or the city of Providence shall be free and exempt from all taxation.

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

=====  
LC02091  
=====