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CHAPTER 249.

**AN ACT Amending Chapter 273 of the Public Laws  
of 1968.**

S 855  
Approved  
May 4, 1972.

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**It is enacted by the General Assembly as follows:**

Section 1. Chapter 273 of the public laws of 1968 is hereby amended by adding thereto the following new sections:

“Sec. 23. The board of water commissioners is authorized from time to time to extend and replace the town’s water mains, herein called “project”, and, regardless of whether the funds for the construction

Jamestown:  
Extension  
of water  
mains.

Assessments.

of such project or projects were obtained under this act or under any other general law or special act, the said board of water commissioners shall, to the extent described below, assess the cost of any such project or projects upon the owners of the estates in the town which abut that portion of any street or highway in or along which any water line constituting any portion of such project or projects may be located or which otherwise specially benefit from such project or projects. Such assessments may be made separately for each project or for several projects taken together. The cost to be assessed shall be that which is determined by the board of water commissioners to provide particular rather than general benefit; provided, however, that no such project shall be undertaken until after a public hearing is held thereon. Ten (10) days prior notice of such hearing shall be given by said board to all owners of estates which abut the project.

Basis of assessments.

Such assessments shall be just and equitable and may be based upon frontage or area within a specified reasonable distance from the street or highway or on assessed valuations or on any other factor affording a reasonable measure of benefits or upon any combination of the foregoing. The board of water commissioners shall not make any particular assessment in excess of the benefit conferred and may make reasonable adjustments of such assessments against estates having a frontage upon more than one street or against estates which for any reason are unable to derive the normal benefits from the water distribution system.

Such assessments shall name the owners assessed, describe their estates and state the amounts of the assessments, but no error or omission in the name or description shall invalidate the assesment as long as either the owner or the estate is substantially identified.

Contents of assessments.

A copy of such assesments shall be recorded with the collector of taxes as a public record. From the date of delivery to the collector of taxes the assessments and interest accruing thereon shall constitute a lien upon the respective estates on a parity with the lien for town taxes until paid in full. The collector of taxes of the town shall have the same rights to enforce such liens against the estates and to collect such asesments and interest from the owners as he has in the case of town taxes.

Assessments public records.

Lien.

Prior to or forthwith after the delivery to the collector of taxes of a copy of such assessment he shall cause notice to be sent to the owner of each estate assessed. The notice shall substantially identify the estate assessed, state the amount of the assessment and refer to the remedy available under this section. The notice shall be mailed postpaid and directed to the last known address of the addressee. If there are owners whose addresses are unknown, a similar notice covering the assessments against their estates shall be published in a newspaper of general circulation in the town and such published notice may be a single collective notice for all such owners. No irregularity in the notice required by this section shall excuse the non-payment of the assessment or affect its validity or any proceedings for the collection thereof as long as there is substantial compliance with the

Notice.

provisions hereof. No deficiency in the notice to the owner of an estate assessed shall excuse the non-payment by others of the assessments against their estates or affect the validity thereof or any proceedings for the collection thereof.

Petition for relief.

Any person aggrieved by any such assessment may within 90 days after the mailing or publication of notice to him file a petition for relief against the town as respondent in the superior court, and the clerk shall thereupon issue a citation to summon the town, and said petition and citation shall be subject to the provisions of section 44-5-29 of the general laws. If the court finds such assessment invalid in whole or in part, it shall give judgment reducing the amount thereof or for a refund accordingly. The filing of such a petition shall not relieve the estate involved from the lien hereinabove provided for or prevent the assessment becoming due as provided in this section, but the final judgment of the court reducing such assessment in whole or in part shall reduce such lien and the amount due accordingly. The remedy provided in this paragraph shall be exclusive, and no action or proceeding questioning the validity of any such assessment shall be begun after the expiration of said 90-day period.

Corrected assessments.

In the event an assessment is partially or wholly invalid the board of water commissioners may make a corrected assessment to replace the invalid assessment or portion. The corrected assessment shall be made in the same manner as an original assessment. The first installment of a corrected assessment shall be sufficient to compensate without interest for all installments

which would have become due then or theretofore if the corrected assessment had been made at the time of the original assessment. The corrected assessment shall bear interest from the date notice of the corrected assessment was delivered to the collector of taxes.

Except as provided in the preceding paragraph, each assessment under this act shall be payable in not less than ten nor more than twenty equal annual installments. The board of water commissioners by resolution may, from time to time, determine the number of annual installments in which assessments thereafter made under this act shall be paid, but in the absence of any such resolution the number of such installments shall be ten. The unpaid balance of each assessment shall bear interest from the date a copy of the assessment was delivered to the collector of taxes until the assessment is paid in full. The rate of interest shall be determined by the board of water commissioners prior to or forthwith after the delivery of the copy of the assessment to the collector of taxes. If any part of the project or projects with respect to which the assessment was made was permanently financed by borrowing, such rate shall, to the nearest higher one tenth of one per cent, be equal to the actual rate of interest paid by the town with respect to funds borrowed by it to finance such project or projects. The annual payments of each assessment, with the appropriate amount of interest, then payable, shall become due commencing with the date on which the regular town taxes are due and payable which next follows the date on which a copy of the assessment was delivered to the collector of taxes, provided that

How  
assessments  
payable.

the whole assessment against any owner or estate may be paid without interest at any time prior to the due date of the first installment thereof, and provided further that the whole unpaid balance of any such assessment together with the interest accrued thereon to the date of payment may be paid at any time.

Apportionment  
of assessment  
on subdivi-  
sions.

In the event of the subdivision of any estate subject to any such assessment by the conveyance of any part or parts thereof to a different owner, the board of water commissioners may apportion the assessment or the unpaid part thereof among the new estates so created upon any basis which might then be used under this section for a new assessment and such basis need not be the same as that used for the assessment being apportioned. The apportioned assessments shall be payable at the same times and in the same amounts prorata as the original assessment or unpaid part thereof. In all other respects the apportioned assessments shall be governed by the provisions of this section which would then apply to a new assessment. Upon the recording of the apportioned assessments, the original assessment shall be discharged.”

Use of  
receipts from  
assessments.

“Sec. 24. The receipts from the assessments provided for in section 23 of this act shall be kept in a separate fund and shall be used as directed by the board of water commissioners (a) for the construction, operation and maintenance of water distribution facilities, or (b) for the repayment of advances made under section 12 of this act, or (c) for the payment of bonds or notes issued under this act or issued under any other general law or special act to finance the construction of water distribution facilities. The foregoing provi-

sions shall not be construed as a limitation upon the power and duty of said town to appropriate and raise in the regular town tax such amounts as may be necessary for the prompt payment of principal and interest maturing upon all outstanding bonds or notes issued under this act or under any other general law or special act.”

“Sec. 25. In the event that the town has not authorized sufficient borrowing or provided sufficient other funds to undertake a requested extension, or the board of water commissioners determines that higher priority exists for the use of the proceeds of borrowing or other funds, the board of water commissioners may, in lieu of levying all or part of an assessment under this act, require the person or persons requesting such extension to contribute all or part of the cost thereof before the project is commenced.”

Payment of costs in lieu of assessment.

Sec. 2. Section 7 of said chapter 273 is hereby amended by changing the second paragraph thereof to read as follows:

“The rates shall be fixed so as to be sufficient to meet the expense of operation and maintenance and the principal and interest coming due on bonds and serial notes issued by the town for the purposes of this act and to provide such reserves as the board may deem necessary to the extent that moneys for the foregoing purposes are not otherwise provided.”

Rates.

Sec. 3. This act shall take effect upon its passage.

Act effective, when.