

2023 -- H 5718

LC001352

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO THE KINGSTON FIRE DISTRICT IN THE TOWN OF SOUTH KINGSTOWN

Introduced By: Representatives Fogarty, Tanzi, Spears, McEntee, Cardillo, Cotter, Azzinaro, Kennedy, Casey, and Hull

Date Introduced: February 17, 2023

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 2, 4, 5, 7, 9, 10, 11, 15, 17, 18 and 19 of Chapter 544 of the 1923
2 Public Laws entitled "An Act to Incorporate the Kingston Fire District in the Town of South
3 Kingstown" as amended, are hereby amended to read as follows:

4 Sec. 2. The electors, who shall consist of ~~electors of said district qualified to vote in town~~
5 ~~affairs on propositions to impose taxes or for the expenditure of moneys~~ the residents of said district
6 qualified to vote in elections of the Town of South Kingstown, shall be entitled to vote and act in
7 all meetings of the corporation.

8 Sec. 4. Said electors at each annual meeting, and at any other meeting when vacancies
9 occur, may elect officers to serve for one year or until the next annual meeting, and until others be
10 elected in their stead, which officers shall consist of a moderator, clerk, ~~Treasurer~~, treasurer, ~~three~~
11 assessors, auditors, and a collector of taxes, whose duties and powers within said district shall be
12 such as like officers of towns in this state have within their respective towns. They may also elect
13 fire wardens, a president of fire wardens and such other officers and committees as they may deem
14 necessary.

15 Sec. 5. Said electors at any of their legal meetings shall have power to order such taxes,
16 and provide for assessing and collecting the same, on the taxable inhabitants and property in said
17 district as they shall deem necessary for purchasing and procuring real estate, buildings and
18 implements, apparatus, other equipment and a supply of water for the extinguishment of fire, for

1 constructing cisterns and reservoirs, laying water pipes and purchasing rights to lay the same, ~~for~~
2 ~~the purpose of lighting the street in said district with electricity or otherwise,~~ for the payment of the
3 current expenses of said district, the payment of such police force as they may deem necessary for
4 the protection of the inhabitants of said district from fires and for the preservation of the public
5 peace therein and for the payment of obligations that have been or may be incurred, by said district
6 in the exercise of the powers granted to said district, and also for the payment of any indebtedness
7 that has been or may be incurred by said district. Such taxes so ordered shall be assessed by the
8 assessors of said district on the taxable inhabitants and property therein according to the last
9 valuation made by the assessors of the town next previous to said assessment, adding, however,
10 any taxable property which may have been omitted by said town assessors or which may have been
11 since acquired; and in all cases where the town assessors have included property within said district
12 and property without said district in one valuation, the assessors of said district shall make an
13 equitable valuation of that portion of the same lying within said district; and in the assessing and
14 collecting of said taxes such proceedings shall be had by the officers of said district, as near as may
15 be, as are required to be had by the corresponding officers to towns in this state in assessing and
16 collecting town taxes assessed for said district have the same powers and authorities as are now by
17 law conferred upon collectors of taxes for towns in this state. Said district may provide for such
18 deduction from the tax assessed against any person if paid by an appointed time, or for such penalty
19 by way of percentage on the tax if not paid at an appointed time as they shall deem necessary to
20 insure punctual payment, which penalty shall not exceed that provided by law to be charged by the
21 cities and towns of the state on property taxes assessed by them.

22 Sec. 7. Said electors shall have power to enact by-laws prescribing the duties of fire
23 wardens and the several officers and committees of said district, and of the inhabitants of said
24 district in time of conflagration, and to enforce obedience to the commands of the fire wardens for
25 suppressing disorder and tumult, guarding or removing property or rendering other services in time
26 of fire, and also for the protection of the water pipes, hose, hydrants or other apparatus or property
27 of said district and for the preservation of order and the public peace in said district; and said
28 electors may provide for the breach of any such by-law a penalty consisting of a fine not exceeding
29 ~~twenty dollars~~ five hundred dollars, to be recovered for the use of said district, or imprisonment for
30 a term not exceeding thirty days, or both, which penalty may be enforced by prosecution on
31 complaint and warrant in the district court of the fourth judicial district.

32 Sec. 9. The fire wardens elected by said district shall publicly within four days next
33 preceding the day of holding and regular meeting of said fire district, make a corrected list of the
34 names of all persons entitled to vote in such meeting, and certify and deliver the same to the

1 moderator before the time shall arrive for the calling of the meeting to order. In making such list
2 the fire wardens shall take from the last corrected voting list of the town of South Kingstown the
3 names of all persons residing within the limits of said district who continue qualified to vote in
4 elections of the Town of South Kingstown ~~on a proposition to impose a tax, or for the expenditure~~
5 ~~of money in said town~~ and place said names upon the list to be made up by them, and shall add
6 thereto the names of all persons residing within said district who shall be so qualified and whose
7 names shall not be upon said voting list and shall cause printed notices of the time and place named
8 by them to make such list to be posted in five public places within said district, not more than ten
9 nor less than five days before the time appointed for such district meeting, and the list so made and
10 certified shall be used in determining any question before such meeting when demanded by ten of
11 the voters present; and thereupon the moderator shall receive the votes of all persons whose names
12 are upon such list, and shall reject the votes of all persons claiming to vote whose names are not
13 thereon.

14 Sec. 10. Said electors at any of their legal meeting shall have power to choose and appoint
15 so many ~~men~~ persons as they may think needful to be formed into a fire company or companies,
16 and also a hook and ladder company, and to make all such laws and regulations for organizing and
17 establishing the same as they shall see fit, and the members of such companies shall be entitled to
18 the exemptions, privileges and remedies provided by the general laws of the state for members of
19 the fire departments of cities and towns.

20 Sec. 11. Said electors may hold special meetings which, as well as the annual meetings,
21 shall be notified in such manner as they shall prescribe; and it shall be the duty of the ~~clerk~~ board
22 of wardens to call a special meeting upon written application signed by twelve or more of such
23 electors, and whenever the subject of ordering a tax or borrowing money is to be acted on, the same
24 shall be mentioned in the notice unless it be an annual meeting.

25 Sec. ~~15~~ 13. The District may have a common seal, and in its corporate name may sue and
26 be sued, prosecute and defend, in any court and elsewhere and enjoy all the other powers generally
27 incident to corporations. Every suit whether in law or equity, brought against the district shall be
28 brought in the County of Washington unless otherwise directed by law.

29 Sec. ~~17~~ 14. The District may from time to time make and ordain all ordinances, by-laws
30 and regulations for the District that shall not be in conflict with or in violation of other provisions
31 of this act and not repugnant to law.

32 Sec. ~~18~~ 15. All property held by the said district, except land, pursuant to the authority
33 granted by this chapter as amended and located within said district is and shall be exempt from
34 taxation. Such exemption shall also apply to any taxes which, but for the passage of this act, might

1 be assessable with respect to property, except land, held by said district on December 31, 1962.

2 Sec. ~~19~~ 16. This act shall take effect upon its passage, and all acts and parts of acts
3 inconsistent herewith are hereby repealed.

4 SECTION 2. Sections 13, 14, and 16 of Chapter 544 of the 1923 Public Laws entitled "An
5 Act to Incorporate the Kingston Fire District in the town of South Kingstown" are hereby repealed
6 in their entirety:

7 ~~Sec. 13. In addition to the foregoing, said district shall have the power for the purpose of
8 supplying water within said district for fire protection and for domestic, manufacturing and other
9 purposes and for the transaction of any other business connected therewith, to acquire, by purchase
10 or otherwise, own, operate, subdivide, construct, improve, repair, develop, manage, lease,
11 mortgage, pledge, sell, exchange, assign or otherwise deal in real estate, interests in real estate,
12 riparian rights, water, rights of water and of way, any and all kinds of buildings, and any and all
13 personal and other property of any and all kinds incidental thereto. Said district may acquire and
14 hold the capital stock of any water company authorized to do business within said district.~~

15 ~~Sec. 14. Said district may construct driven and bored artesian or other wells and may erect
16 on land acquired by it such dams, buildings, reservoirs, filtering galleries, filters, standpipes,
17 fixtures and other structures, apparatus or equipment as may be convenient for the establishment
18 and maintenance of a complete and effective system of water works and may do all other acts
19 reasonably necessary to carry out the powers granted in Section 13 hereof. Said district may make
20 excavations, procure and operate machinery, lay and maintain aqueducts, conduits, pipes and other
21 works under or over any land, water courses, and along or over any highway or other way, in such
22 manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying,
23 maintaining and repairing such aqueducts, conduits, pipes and other works and for all other
24 purposes of this act, said corporation may dig up, raise and embank any such land, highways or
25 other ways, in such manner as to cause the least hindrance to public travel under the protection and
26 with the assent of the town council of the town as to highways or other ways within its control, and
27 of the department of public works (sic) as to highways or other ways within its control.~~

28 ~~Sec. 16. Said district may sell and distribute water throughout said district, or authorize the
29 same to be done, and may regulate its use and fix the price and rates to be paid therefor, subject to
30 and with the benefit of the provisions of chapters 122 and 449 of the general laws, as amended.
31 Said district shall have the exclusive right to the water acquired or distributed by it, and may
32 maintain an action against any person for using the same without its consent.~~

1 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO THE KINGSTON FIRE DISTRICT IN THE TOWN OF SOUTH
KINGSTOWN

- 1 This act would clarify that qualification to vote in elections of the Kingston Fire District
- 2 extends to those residents of the District qualified to vote in the town of South Kingstown elections.
- 3 It also would remove all those sections addressing the use of water for district fire protection.
- 4 This act would take effect upon passage.

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