

AN ACT TO AUTHORIZE THE TOWN OF REHOBOTH TO SUPPLY ITSELF WITH WATER

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Be it enacted, etc., as follows:

Section 1. The Town of Rehoboth may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing, and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid therefore.

Section 2. Said Town for the purposes aforesaid may take by eminent domain under Chapter 79 of the General Laws, or acquire by purchase or otherwise, and hold, the waters of Palmer River, Bad Luck Brook, and Rocky Run, or either of them, and of any such ground water supplies within the water sheds of said river, said brook, and said run, or either of them in the Town of Rehoboth or in the Town of Swansea, and the water rights connected with any such water sources, and may also so take, or acquire by purchase or otherwise, and hold, all lands, rights of way, and easements necessary for collecting, storing, purifying, and preserving the water, and for conveying the same to any part of said Town of Rehoboth; provided, that no source of water supply and no lands necessary for preserving the quality of the water shall be taken without first obtaining the advice and approval of the Department of Public Health, and that the situation of all dams, reservoirs, and wells to be used as sources of water supply under this Act shall be subject to the approval of said Department. Said Town of Rehoboth may construct on the lands acquired and held under the provisions of this Act proper dams, reservoirs, stand pipes, tanks, buildings, fixtures, and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and may construct, lay, and maintain

aqueducts, conduits, pipes, and other works under and over any land, water courses, railroads, railways, and public or other ways, and along such ways in any of said towns in such manner as not un-necessarily to obstruct the same; and for all other proper purposes of this Act, said Town of Rehoboth may dig up or raise and embank any such lands, highways, or other ways, in such manner as to cause the least possible hindrance to public travel on such ways. Said Town of Rehoboth shall not enter upon, construct, or lay any aqueducts, conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the Department of Public Utilities.

Section 3. Said Town of Rehoboth shall have the right to lay its pipes or conduits in the Town of Swansea along a direct road from the source of supply, in the public streets of such Town, or through private lands acquired in accordance with Section 2; provided, that no conduits or pipes shall be laid in a public way except under the direction of the Selectmen of the Town in which any such way is situated or of the State Department of Public Works in the case of a State highway; and provided, further, that any public way in which work is done under this Act shall be restored by said Town of Rehoboth to a condition satisfactory to said Department or to said Selectmen as the case may be.

Section 4. The land and water rights taken or acquired under this Act shall be managed, improved, and controlled by the Board of Water Commissioners hereinafter provided for, in such manner as they shall deem for the best interests of the Town of Rehoboth.

Section 5. Any person or corporation injured in his or its property by any action of said Town of Rehoboth or of said Board under this Act may recover damages from said Town under Chapter 79 of the General Laws; provided, that the right to damages for the taking of any water, water source, or water right, or any injury thereto, shall not vest until the water is actually withdrawn or

diverted under authority of this Act. Said Town may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this Act; in such case, any damages caused by such taking shall be based upon such amount or quantity as is set forth in said vote, without regard to the amount of water actually withdrawn or diverted, until the same shall be increased by vote or otherwise, and in such event said Town shall be liable further only for the additional damages caused by such additional taking.

Section 6. Whoever willfully or wantonly corrupts, pollutes, or diverts any water taken or held under this Act, or injures any structure, work, or other property owned, held, or used by said Town under authority of this Act, shall forfeit and pay to the Town three times the amount of damages assessed therefore, to be recovered in an action of tort; and upon being convicted of any of the above willful or wanton acts shall be punished by a fine not exceeding \$300.00 or by imprisonment in jail for a term not exceeding one year.

Section 7. Said Town shall, after its acceptance of this Act, at the same meeting at which the Act is accepted or at a legal meeting called for the purpose, elect by ballot of three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding annual Town meeting, to constitute a Board of Water Commissioners; and at each annual Town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said Town by this Act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject, however, to such instructions, rules, and regulations as the Town may impose by vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said Board from any cause may be filled for the

remainder of the unexpired term by said Town at any legal Town meeting called for the purpose. Any such vacancy may be filled temporarily by a majority vote of the Selectmen, and the person so appointed shall hold office until the Town fills the vacancy in the manner provided herein.

Section 8. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the Water Works shall be applied to defraying all operating expenses, interest charged, and payments on the principal as they accrue upon any bonds or notes issued under authority of this Act. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be used for such new construction as the Water Commissioners may determine upon, and in case a surplus should remain after payment for such new construction, the water rates shall be reduced proportionately. No money shall be expended in new construction by the Water Commissioners except from the net surplus aforesaid, unless the Town appropriates and provides money therefore. Said Commissioners shall annually, and as often as the Town may require, render a report upon the condition of the Works under their charge, and an account of their doings, including an account of receipts and expenditures.

Section 9. Said Town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this Act, may issue from time to time bonds or notes to an amount not exceeding                      Thousand Dollars. Such bonds or notes shall bear on their face the words "Town of Rehoboth water loan, Act of 1966", shall be payable by such annual payments, beginning not more than one year after their respective dates, as will extinguish each loan within thirty years from its date; and the amount of such annual payment of any loan in any year shall not be less than the amount of the principal of said loan payable in any subsequent year. Each authorized issue of bonds or notes shall

constitute a separate loan. Said bonds or notes shall bear interest at a rate not exceeding 5% per annum, payable semi-annually, and shall be signed by the Treasurer of the Town and countersigned by a majority of the Water Commissioners hereinafter provided for. The Town may sell the said securities at public or private sale, upon such terms and conditions as it may deem proper, but they shall not be sold for less than their par value, and the proceeds shall be used only for the purposes herein specified.

Section 10. The said Town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of the preceding sections of this Act; and when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the Town, and to make such payments on the principal as may be required under the provisions of this Act, shall annually thereafter, without further vote, be assessed by the Assessors of the Town, in the same manner in which other taxes are assessed, until the debt incurred by said loan or loans is extinguished.

Section 11. This Act shall take effect upon its acceptance by a majority of the legal voters of the Town of Rehoboth present and voting thereon at a legal meeting called for the purpose within three years after its passage; but the number of meetings so called in any one year shall not exceed three; and for the purpose of being submitted to the voters as aforesaid this Act shall take effect upon its passage.