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**APPENDIX H**

***Johnston Enabling Legislation***



Sec. 12. This section and section 11 of this act shall take effect upon passage of this act; and the remainder of this act shall take effect upon the approval of this act by a majority of those voting on the question at the election prescribed by section 11 hereof.

Act effective,  
when.

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CHAPTER 115.

**AN ACT Providing for a Sewage Disposal System in the Town of Johnston and Dissolving the Johnston Sanitary District.**

S 3034  
Approved  
May 1, 1972.

It is enacted by the General Assembly as follows:

Section 1. DEFINITIONS.—As used in this act, the following words and terms shall have the following meanings unless the context shall indicate another or different meaning or intent:

Definitions:

(a) The term "bond resolution" shall mean the bond resolution adopted by the sanitary board on February 20, 1956, as amended and supplemented by resolutions of the board adopted February 27, 1956, March 5, 1956 and September 22, 1958 and by any other supplemental resolutions heretofore adopted by the board after January 1, 1963 pursuant to article VII of the original resolution.

"Bond  
resolution."

(b) The word "Commissioner shall mean the commissioner of the town of Johnston or any other officer of the town to whom the powers of the commissioner under this act may be transferred pursuant to law or the town charter.

"Commis-  
sioner."



"District charter."

(c) The term "district charter" shall mean chapter 3218 of the public laws of 1953 as heretofore amended.

"Sanitary board."

(d) The words "sanitary board" or "board" shall mean the sanitary board of the Johnston sanitary district.

"Sanitary district."

(e) The words "sanitary district" or "district" shall mean the Johnston sanitary district.

"Town charter."

(f) The term "town charter" shall mean the home rule charter adopted by the electors of the town of Johnston on November 6, 1962.

"Finance director."

(g) The words "finance director" or "director" shall mean the finance director of the town of Johnston.

Appointment of sewer commissioner.

Sec. 2. APPOINTMENT OF COMMISSIONER.—A sewer commissioner shall be appointed by and serve at the pleasure of the town administrator, and no employee of the town or holder of any other office of the town (not including an office of the district) shall be eligible to serve as sewer commissioner.

Bond.

The town council may require said sewer commissioner to furnish bond for the faithful performance of his duties in such amounts and with such sureties as the town council may deem desirable. Premiums on surety bonds shall be paid from funds of the commissioner which are in the custody of the finance director.

Salary.

The town council shall fix from time to time the salary of the sewer commissioner.

Custody of funds.

All funds of the commissioner shall be in the custody of the finance director, except for funds in the custody of a trustee pursuant to the bond resolution, and shall be expended under the direction of the com-

missioner, all of said funds to be kept in and expended through a separate account.

In addition to the funds provided by this act or the district charter, the commissioner is authorized to expend for the purposes of this act such sums as may be made available by town borrowing or current town appropriations.

Sec. 3. GENERAL GRANT OF POWERS. — The commissioner is authorized subject to the approval of the town administrator:

Powers of commissioner.

(a) to adopt by-laws for the transaction of the affairs of the department;

(b) to adopt rules and regulations relating to its rates, the conditions upon which service shall be supplied and the protection of the property in its charge and to provide for any breach thereof a penalty not to exceed a fine of \$100. for every day of said breach, to be recovered for the use of the town, which rules and regulations may be enforced by prosecution on complaint of the commissioner or of any officer designated by the commissioner.

(c) to operate, maintain, extend, enlarge and improve within the boundaries of the town a sewage disposal system, which may include facilities for collection, treating and disposing of sewage and commercial and industrial wastes;

(d) to enter into agreements for periods not exceeding 40 years with the state or any other municipal or quasi-municipal corporation or any private party for the treatment or disposition by one party of sewage

and wastes collected by the other, any such municipal or quasi-municipal corporation or private party being hereby authorized to enter into any such agreement;

(e) to acquire real and personal property or interests therein for the purposes of this act and to dispose of the same,

(f) to enter into all contracts necessary or incidental to the performance of its duties;

(g) with the approval of the town council, to employ and fix the compensation of such employees and agents as may be necessary in its judgment and to require surety bonds of any of its agents and employees, the premiums to be paid from funds of the commissioner in the custody of the finance director;

(h) to enter on any lands, waters or watercourse within the town to make surveys, borings, soundings, or examinations for the purposes of this act;

(i) to construct, maintain and operate sewers in, along or under public ways within the town, provided that such ways shall be restored by the commission to their original condition as nearly as practicable;

(j) to restrain, enjoin or otherwise prevent any individual, person or corporation, public or private, from discharging into any of the waters or watercourses in the town any sewage, wastes or refuse which would in its opinion contribute to the pollution thereof and to restrain, enjoin or otherwise prevent any violation of this act or of any rules or regulations adopted hereunder; and

(k) to contract for and expend federal assistance

and to accept and expend aid or contributions from any other source.

Sec. 4. EMINENT DOMAIN.—The commissioner is authorized to exercise powers of condemnation on behalf of the town for the purposes of this act under the procedures set forth in sections 24-1-1 through 24-1-14 of the general laws. All references therein to the town council shall be deemed to refer to the commissioner.

Eminent domain.

Sec. 5. SPECIAL ASSESSMENTS. — Whenever the commissioner determines that any project or projects for the extension, enlargement or improvement of the sewage disposal system is or are substantially complete, he shall by resolution assess the cost thereof upon the owners of all estates abutting upon that portion of any street or highway in or along which any sewer constituting any portion of such project or projects may be located or otherwise specially benefited by such project or projects. For this purpose, the cost shall include in addition to other items of cost such preliminary, administrative or incidental expenses as the commissioner deems it equitable to include. Such assessment may be made separately for each project or for several projects taken together as the commissioner may deem equitable.

Special 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 general measure of benefits or upon any combination of the foregoing. The commissioner shall not make any particular assessment in excess

Basis of assessments.

Same.

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 system. The town shall be subject to such assessments on town-owned property. X

The resolution making any assessments shall name the owners assessed, describe their estates and state the amounts of the assessments but not error or omission in the name or description shall invalidate the assessment as long as either the owner or the estate is substantially identified.

Assessments  
public  
records.

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

Notice of  
assessments.

Prior to or forthwith after the delivery to the town clerk of a copy of the resolution making such assessments, the commissioner 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

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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 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.

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 assessments invalid in whole or in part, it shall give judgment reducing the amount thereof accordingly. The filing of such a petition shall not relieve the estate involved from the lien hereinbefore provided for or prevent the assessment becoming due, 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.

In the event an assessment is partially or wholly invalid the commissioner may make a corrected as-

Same.

Petition for relief in superior court.

Corrected assessment.



Same.

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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 of delivery of the resolution making it to the town clerk.

Assessments:  
How payable.

Assessments shall be payable one thirtieth annually upon a date fixed by the commissioner and shall bear interest from the date of delivery of the resolution to the clerk until paid at a rate to be fixed from time to time by the commissioner, provided that 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. Notwithstanding the foregoing provisions, the commissioner may in the resolution making the assessment increase the tentative amount thereof by a reasonable amount in lieu of interest upon the assumption that the assessment will be paid in thirty annual installments and make the assessment in the aggregate amount of the tentative assessment plus such interest charge, which assessment shall be payable one-thirtieth each year upon a date fixed by the commissioner without further interest, provided that if any such assessment is paid in full before the expiration of thirty years there shall be an equitable adjustment of the interest charge so

that interest will be paid on the unpaid balance of the tentative assessment for the period up to such payment in full.

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 commissioner may by resolution 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 pro rata as the original assessment or unpaid 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.

Apportionment of assessments.

Sec. 6. SEWER SERVICE CHARGES.—The commissioner shall by resolution fix and revise from time to time a schedule of sewer service charges for the sewer facilities and services furnished by the town, which shall be sufficient to pay the cost of maintaining, repairing and operating such sewage disposal system, including reserves for such purposes and for renewals and replacements, to pay, together with any other funds available for the purpose, the principal and interest on all bonds issued or assumed by the town for sewer purposes when due, and to pay any other expenses not otherwise provided for which may arise in connection with the sewage disposal system

Sewer service charges.

or under any resolution of the sanitary board securing bonds.

Basis of charges.

Such charges shall be just and equitable and may be based upon the quantity of water used or the number and size of sewer connections made or the number and kind of plumbing fixtures installed on the estate or upon the number or average number of persons residing or working in or otherwise connected therewith or upon any other factor affecting the use of or the value of the facilities and services furnished or upon any combination of such factors.

Assessment of charges.

Such charges shall be assessed by the commissioner periodically against each estate connected with or using any part of the sewage disposal system in the name of the owner, tenant or occupant, who shall be personally liable therefor, but no error or omission in such name or the description of such estate shall invalidate the assessment as long as either the owner, tenant or occupant or the estate is reasonably identified. Sewer service charges shall be charged to the town at such rates as the commissioner may determine from time to time. Sewer service charges shall be payable upon a date fixed by the commissioner, and if not paid within thirty days thereafter they shall bear interest at the rate of eight percent per annum from their due date until paid. A certificate signed by the collector of taxes stating the amount of the delinquent charges, their due date, the name of the owner of the estate against which such charges were assessed and the name of the tenant or occupant if assessed to a tenant or occupant who is not the owner and an identification of such estate shall be recorded with the town clerk as a public record. From and

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after the date of delivery to the town clerk and until the same are paid in full, such delinquent assessments ✓ together with the interest accruing thereon shall constitute a lien upon the respective estates on a parity with the lien for town taxes, and the collector of taxes shall have the same rights to enforce such liens and to collect such charges and interest as the collector of taxes has in the case of town taxes.

The commissioner shall cause notice of the assessment of such charges to be given to the owners and to the tenants and occupants assessed in the manner and with the effect provided above as to special assessments and the remedy provided above as to special assessments shall be applicable. In the event a charge is partially or wholly invalid, the commissioner may assess a corrected charge to replace the invalid charge or portion.

Notice of assessment.

Sec. 7. ANTICIPATION OF SEWER SERVICE CHARGES.—The commissioner may by resolution borrow in each financial year in anticipation of the receipt of the proceeds of the sewer service charges due or to become due in said financial year, an amount which, together with any money borrowed in anticipation of sewer service charges in any prior financial year which may remain unpaid, shall not exceed in the aggregate the total sewer service charges due in the next preceding financial year (including charges due the district), and may issue negotiable notes of the town therefor, payable not later than one year from their dates, but if payable earlier such notes may be renewed or paid by the issue of new notes payable

Borrowing in anticipation of sewer service charges.



not later than one year from the date of the original notes so renewed or paid.

Proceeds of charges.

The proceeds of sewer service charges and of borrowings in anticipation thereof shall be deemed appropriated to the commissioner for the purposes of this act.

Advance from general funds of town.

The director is authorized to advance to the commissioner from the general funds of the town sums equal to sewer service charges accrued but not yet due or, if due, not yet determined to be uncollectible. Such advances shall be repaid without interest from the sewer service charges when collected or from the proceeds of notes issued in anticipation thereof.

Order to connect with system.

Sec. 8. CONNECTION WITH SYSTEM. — The commissioner may by resolution order the owner of any estate abutting any portion of any street or highway in or along which any sewer constituting part of the sewage disposal system is situated to connect the sewerage of said estate with such sewer and to fill up and destroy any cesspool, privy, vault, drain or other arrangement for receiving and disposing of sewage. Such order shall name the owner and describe the estate, but no error or insufficiency therein shall invalidate such order as long as either is reasonably identified.

Service of order.

Such order shall be served by delivery to the owner or by mailing to him at his last known address or, in case of an unknown address, by posting or leaving a copy of the estate. If the owner shall fail to comply with such order within 30 days after such service, he shall be subject to a fine of not less than \$5 or more

Failure to comply.

than \$25 for each period of twenty-four hours after the expiration of such 30 days during which such failure shall continue, and the commissioner shall have the right at any time after the expiration of such 30 days to enter upon the estate and perform the work required by such order and the owner shall be liable for the cost to the town of performing such work. From and after the service or any such order, the estate shall be subject to sewer service charges as though the estate were connected with such sewer.

Sec. 9. TAX EXEMPTION.—The property of the town held under this act shall be exempt from taxation by the town. Tax exemption.

Sec. 10. DEBT LIMIT.—Indebtedness incurred or assumed under this act shall be excepted from the operation of section 45-12-2 of the general laws and shall not be included in the debt of the town for the purpose of ascertaining its borrowing capacity. Exception from 45-12-2.

Sec. 11. DISSOLUTION OF SANITARY DISTRICT.—The sanitary district is hereby dissolved and the district charter repealed, except as provided below, but such repeal shall not affect actions heretofore taken or rights heretofore created by or pursuant to the district charter. The assets, properties and rights of the district are transferred to the town and the town shall assume the liabilities, contracts and obligations of the district without further act. With respect to assessments on account of projects constructed by the sanitary district (but not projects constructed by the town) and with respect to the bonds issued by the district, the district charter and the bond Sanitary district dissolved.

Same.

resolution shall continue to apply, the powers and duties of the treasurer of the district as to collections are transferred to the collector of taxes, his other powers and duties are transferred to the town finance director, and the powers and duties of the sanitary board and its chairman and secretary are transferred to the commissioner.

The sewer service charges and other regulations of the district shall continue in effect until amended or revoked by the commissioner to the extent that they are consistent with this act.

The special fund created pursuant to section 9 of the district charter may be applied to the purchase or redemption of bonds issued by the district as well as to the purposes specified in that section. If a special tax is levied pursuant to section 9 of the district charter or section 302 of the bond resolution, it shall be levied upon all taxable real property in the town. The commissioner shall issue notes of the town in anticipation of any such special tax in lieu of the district notes mentioned in said section 9 and said section 302.

Provisions in the bond resolution relating to the sewage disposal system shall apply only to the system constructed by the district. The requirements of section 502 of the bond resolution shall apply only to the operation of the system constructed by the district, to the bonds issued by the district and to the moneys governed by the bond resolution.

Sec. 12. SANITARY DISTRICT ELECTIONS AND BONDS.—No further elections shall be held by the sanitary district. No further bonds shall be issued

No sanitary district elections or further issuance of bonds.

by the district, under authority of any act passed at this session of the general assembly.

Sec. 13. EFFECT OF TOWN CHARTER.—The provisions of the town charter shall apply to the sewage disposal system of the town and to the functions within the jurisdiction of the commissioner to the extent that such provisions are consistent with this act. To the extent that such provisions are inconsistent with this act, the provisions of this act shall control, notwithstanding any legislative validation of the town charter. Without limiting the generality of the foregoing, the following rules shall apply:

Effect of town charter.

(a) The affairs of the commissioner shall be subject to supervision by the town administrator. Clauses (1), (3), (5) and (6) of section IV-6 of the town charter shall apply.

(b) The commissioner may act with respect to the compensation, classification and personnel policies applicable to his subordinates, but no such action shall be taken which is inconsistent with any applicable proceedings of the town council. Clause (7) of section III-8 and article XVI of the town charter shall apply.

(c) The receipts and expenditures of the commissioner shall be included in the annual budget. The appropriation made by section 7 of this act shall be included in the budget but shall be deemed effective without regard to the budget and may not be transferred under section LX-7 of the town charter without the consent of the commissioner. The commissioner may expend for any of the purposes of this act any sums appropriated to it without regard to any break-



Same.

down contained in the budget or in any other appropriation except that sums appropriated for debt service shall be applied only to debt service unless transferred in accordance with the town charter. Section VIII-5 of the town charter shall not apply. Expenditures of the commissioner from moneys appropriated or deemed appropriated to it need not be authorized by the town council under clause (7) of section IX-5 of the town charter.

(d) The tax assessor shall act subject to the direction of the commissioner in preparing assessment rolls and giving notices with respect to any assessments, charges or taxes levied pursuant to this act. Assessments, charges and taxes may be levied by the commissioner pursuant to this act without regard to clause (3) of section III-8 of the town charter and the town council shall not be authorized under clause (II) of section III-8 of the town council to review special assessments or charges levied under this act.

(e) Notes may be issued by the commissioner in anticipation of sewer service charges under section 7 of this act and in anticipation of special taxes under section 11 of this act notwithstanding clauses (2) and (3) of section IX-10 of the town charter.

(f) Clause (3) (relating to terms of office) of section XIV-4 of the town charter shall not apply to the commissioner. The last sentence of clause (7) of the same section (relating to nominations by town party chairmen) shall not apply. Notwithstanding clause (4) of the same section, no person shall be disqualified from serving as commissioner by reason of his serving as an officer or member of the sanitary board.

(g) Notwithstanding clause (5) of section IX-5 of the town charter, the trustee under the bond resolution shall act as bond registrar for the transfer, registration and exchange of bonds secured by the bond resolution. Same.

Notwithstanding the foregoing rules or any other provisions of this act, the town administrator may: Powers of town administrator.  
(1) transfer the powers and duties of the commissioner or of any of his officers or employees to any other officer or officers or board or boards of the town in whole or in part, (2) provide that the commissioner may not exercise any part or parts or all of his powers and duties under this act without concurrence or other action by any other officer or officers or board or boards of the town, or (3) transfer or abolish the duties of the commissioner under section 3 (g) and (h) of this act.

Sec. 14. SEVERABILITY.—If any of the provisions of this act or their application to any particular circumstances should be held invalid, the remaining provisions or the application of the provisions to other circumstances shall not be affected thereby. Severability.

Sec. 15. REFERENDUM.—The question of the approval of this act shall be submitted to the electors of the town of Johnston qualified to vote upon a proposition to impose a tax or for the expenditures of money at the general election to be held in 1972. The question to be voted upon shall be submitted in substantially the following form: "Shall an act passed at the January, 1972, session of the general assembly, entitled 'An act providing for a sewage disposal system in the town Referendum.

of Johnston and dissolving the Johnston sanitary district, be approved?" The local board, as defined in section 17-1-2 of the general laws, shall forthwith after the election notify the secretary of state of the result of the vote upon the question submitted. The polling places shall be designated by the local board and the election shall be held in conformity with the election laws of the state.

Act effective,  
when.

Sec. 16. EFFECTIVE DATE.—This section and section 15 of this act shall take effect upon its passage. The remainder of the act shall take effect upon the approval of this act by a majority of those voting on the question at the election prescribed by section 15 hereof.

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CHAPTER 116.

AN ACT Detailing the Information to be Listed on  
All Prescription Labels.

H 1099  
Approved  
May 2, 1972.

It is enacted by the General Assembly as follows:

Section 1. Chapter 5-19 of the general laws entitled "Pharmacy", as amended, is hereby further amended by adding thereto the following section:

"5-19-36.1. CONTENTS OF PRESCRIPTION LABEL.—Whenever a pharmacist issues a prescription, a label shall be attached thereto containing thereon, in full, instructions for the use of the item as prescribed by the physician and the names, in full, of both the doctor and patient.

Contents of  
prescription  
labels.