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THE TOWN OF COVENTRY

ORDINANCE OF THE TOWN COUNCIL

IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,
PART II – GENERAL LEGISLATION, 2005

Ordinance No. 2024-03


Passed:

4-0



Hillary V. Lima, Council President

Approved:



Daniel O. Parrillo, Town Manager

It is ordained by the Town of Coventry, Town Council as follows:

Section 1. The Town of Coventry Code of Ordinance, Part II General Legislation is hereby amended by adding the following Chapter and Sections:

Chapter 187 – PONDS, DAMS, DAM STRUCTURES, AND RECREATIONAL USE

Article I – Flat River Reservoir a/k/a Johnson’s Pond

Sec. 187-1 Findings, Purpose and Intent

The Town Council finds that private ownership of the dam and pond at Flat River Reservoir (collectively, “Johnson’s Pond” or “Pond”) is untenable. Recent events have demonstrated that such ownership is inconsistent with and does not promote the preservation of public use, peace, health, safety and welfare. The Town Council finds further that such private ownership has been detrimental to the best interests of the environment, public safety, and public use of and benefit from recreational access to the Pond and the quality of life in the Town of Coventry. Accordingly, the purpose of this Ordinance is to acquire, maintain and redevelop Johnson’s Pond, its dam, dam structures and associated property to protect the environment, ensure public safety, and provide recreational facilities for and access to and public use of the Pond.

Sec. 187-2 Acquisition

The Town shall acquire by purchase or condemnation the dam, dam structures, Pond, and associated property at Johnson’s Pond, including any and all property, rights, and interests acquired by Soscia Holdings, LLC from the Quidnick Reservoir Company. Condemnation, if necessary, is authorized by the Town’s Home Rule Charter, which was authorized and approved by the Rhode Island General Assembly on November 7, 1972 (P.L. 1973, Ch. 4, Sec. 2).

49 If the Town's efforts to purchase the Pond are of no avail, then the Solicitor is directed to take
50 all necessary action to make the acquisition by a condemnation of the Pond, dam, dam
51 structures and associated property at Johnson's Pond, in order to put the Pond and its
52 associated property in the public domain for public use and redevelopment.
53

54 **Sec. 187-3 Ownership, Operation and Maintenance**

55
56 Upon acquisition, the Town shall take immediate action to:

- 57
- 58 • Register with the Rhode Island Department of Environmental Management ("RIDEM")
59 as the owner of the dam;
- 60
- 61 • Extend its insurance coverage with respect to the dam, dam structures, Pond;
- 62
- 63 • Maintain the Pond's water level, dam and dam structures in accordance with Rhode
64 Island General Laws as well as all regulations promulgated by RIDEM;
- 65
- 66 • Bring the dam and its structures into compliance as set forth in *OCI-DAMS-23-28*
67 issued by RIDEM on April 3, 2024;
- 68
- 69 • Perform any other necessary and appropriate acts in connection with the ownership,
70 operation, and maintenance of the Pond, dam, dam structures and associated property at
71 Johnson's Pond.
- 72

73 **Sec. 187-4 Redevelopment**

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75 The Town shall create a public benefit for Town residents by redeveloping the Pond for public
76 use that shall include, but not be limited to expanded public access, boat ramps, parking,
77 facilities, and the like for public recreation and use.
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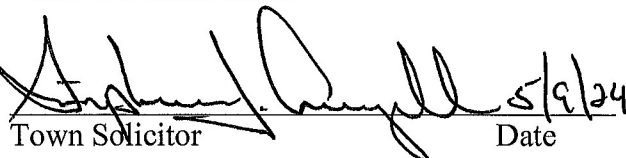
79 **Sec. 187-5 Transfer**

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81 The Town may transfer any or all of its rights to own, operate, maintain and redevelop the
82 Pond, property, dam and dam structures to any agency of the Town whose membership is
83 appointed by the Town Council.
84

85 **Section 2.** This ordinance shall take effect upon its passage and final adoption.
86
87

88 Positive Endorsement:

Negative Endorsement: (Attach reasons)

89
90
91  5/9/24
92 _____
Town Solicitor Date

Town Solicitor Date

93
94
95 Introduced by/Pursuant to: Council Vice-President James LeBlanc

96
97 Referred to/for: Public Hearing on May 14, 2024