

Chapter 170 (February 14, 1905)
Chapter 417 (May 29, 1987)
Chapter 150 (June 21, 2005)

AN ACT TO AUTHORIZE THE NORTH CONWAY WATER PRECINCT TO PURCHASE
AND MAINTAIN A SYSTEM OF WATEWORKS

Section:

Section:

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| 1. Prior acts ratified. | 5. Contracts Authorized |
| 2. Acquisition of waterworks
authorized | 6. Appropriations
authorized |
| 3. Assessment of Damages | 7. Act inoperative
Unless System acquired |
| 4. Right of Eminent Domain passage | 8. Takes effect on
passage |

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN
GENERAL COURT CONVENED:

Section I. The acts of the officers of the towns of Bartlett and Conway and the inhabitants and officers of the North Conway Water Precinct, in establishing said water precinct, and all the acts relating thereto in the election of its officers, in the management and control of its affairs and all the official acts of the same, are hereby legalized, ratified, and confirmed; and the inhabitants of said precinct are hereby made a body politic and corporate under the name of the North Conway Water Precinct, and are hereby vested with all the powers and privileges incident to corporations of similar nature.

Section 2. The North Conway Water Precinct is hereby authorized and empowered to take, or purchase, at a fair and equitable valuation, the property rights, and franchises of the North Conway Water and Improvement Company consisting of its works, structures, fixtures, property rights, and franchises, and estate of whatever nature, for the purpose of supplying said precinct with an adequate supply of pure water in subterranean pipes, for domestic, fire, park, sewerage, and such other purposes as water may be required in said precinct; and upon taking or purchasing the property of said North Conway Water and Improvement Company said precinct shall be and is hereby invested with the franchises, rights and powers, granted the said North Conway Water and Improvement Company by Chapter 196 of the Laws of 1891 or by any other statutes of this state.

Section 2-a. Said precinct is further authorized to construct, enlarge, improve, maintain and operate a sewerage system or systems and sewage and waste treatment facilities.

Section 2-b. Said precinct is further authorized to maintain and operate a fire department for the extinguishment of fires and to maintain and support recreational activities and programs. The acts of said precinct and its officers in maintaining and operating its fire department and in maintaining and supporting recreational activities and programs are hereby legalized, ratified and confirmed.

Section 2-c. Said precinct is further authorized and empowered to raise and appropriate money for the establishment of capital reserve and expendable trust funds. Said precinct shall be vested with all the rights and powers, and privileges incidental thereto.

Section 3. Should said North Conway Water Precinct be unable to agree with said North Conway Water and Improvements Company upon a fair and equitable price for its property, application may be made to the superior court for the county of Carroll, at the trial term thereof, for estimating the value of said property rights and franchise and said court shall refer the same to the county commissioners of said county as provided in section 4 of this act.

Section 4. Said precinct is authorized and empowered to enter upon, take and appropriate any springs, streams or ponds not belonging to any water company, to construct reservoirs, to make excavations through, over, in, or upon any land or enclosure, street highway or lane through which it may be necessary to pass or lay its pipes, to construct its reservoirs, water works, sewerage systems and sewage and waste treatment facilities and to repair the same. Provided, that if it shall be necessary to enter upon and appropriate any stream, spring, or pond, or any land for the purposes aforesaid, or to raise or lower the level of the same, and if an agreement with the owners thereof for the damages that may be done by said precinct cannot be made, or if such owners shall be unknown, said precinct cannot be made, or if such owners shall be unknown, said precinct, or the parties injured, may apply to the superior court, at a trial term of the same in Carroll county, to have the same laid out and the damages determined, and the said court shall refer the same to the county commissioners for said county, who shall appoint a time and place of hearing in the same manner as is provided by law for the laying out of

highways. And said commissioners shall make report to said court and said court may render judgment thereon and issue execution accordingly. If either party shall desire before reference to said commissioners, they shall be entitled to a trial by jury in such manner and under such regulations as the court may prescribe.

Section 5. Said precinct is authorized and empowered to contract with individuals or corporations for supplying said precinct with water, to make such other contracts, establish such regulations, tolls, rates, and charges for the use of water and of the sewerage systems and sewage and waste treatment facilities as may from time to time be deemed proper, to elect a moderator, a treasurer, a clerk, three commissioners and such other officers as may be deemed necessary, to prescribe the duties of its offices and to exercise all such powers as are necessary for the accomplishment of its purposes.

Section 5-a. The annual meeting of said precinct shall be held between January 1 and May 1 in each year and special meetings may be called by the Commissioners. The warrant for any precinct meeting shall be under the hands of the commissioners and shall prescribe the place, day and hour of the meeting and the subject matter of all business to be acted upon thereat.

Section 5-b. The commissioners shall post an attested copy of the warrant for any meeting at the place of meeting and a like copy at one other public place in the precinct, fourteen days at least before the day of meeting, not counting the day of posting nor the day of the meeting.

Section 5-c. The commissioners when calling a special precinct meeting shall, within one week after posting the warrant therefor, cause a copy of said warrant to be published once in a newspaper of general circulation in the precinct.

Section 5-d. The commissioners are authorized and empowered, with the approval of the voters at an annual or special meeting called for the purpose, to adopt and amend bylaws for the conduct of the precinct's business.

Section 6. Said precinct is also authorized, at any annual or special meeting, duly called, by a major vote of those present and voting, to appropriate and raise by taxation or otherwise such sums of money as may from time to time be deemed advisable, for any of its purposes, and in like manner may

authorize the issuance of notes, or bonds of the precinct payable at such times and at such rate or rates of interest as may be thought proper therefore. The provisions of the Municipal Finance Act shall apply to the issuance of notes or bonds by the precinct and to the effect of such bonds or notes so far as apt.

Section 6-a. Whenever the precinct votes to raise money by taxation or otherwise for any of its purposes, the clerk shall, within 10 days thereafter, deliver a certified copy of such vote to the selectmen of the towns of Bartlett and Conway and to the commissioner of revenue administration. The selectmen of each town shall assess the tax on that part of the district lying within their own town and commit it to the collector of taxes from their own town. The collector shall then collect the tax as required by law. The selectmen may make such assessments in the manner provided under RSA 76:4.

Section 7. The said precinct shall not be hereby empowered to establish and maintain a water system until it shall first have purchased the waterworks of the North Conway Water and Improvement Company, or acquired that property by exercise of the right of eminent domain as herein provided.

Section 8. This act shall take effect upon its passage.

[Approved February 14, 1905]

[Amended May 29, 1987]

[Approved May 29, 1987]

[Effective May 29, 1987]

[Amended June 21, 2005]

[Approved June 21, 2005]

[Effective June 21, 2005]