

**CITY DOCUMENT; NO. 18,  
1877; REPORT UPON  
SEWER ASSESSMENTS;  
WITH AN APPENDIX**

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**COMMITTEE ON CITY ENGINEER'S DEPARTMENT**

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1877.]

CITY DOCUMENT.

[No. 18.]

REPORT

UPON

SEWER ASSESSMENTS,

MADE BY THE

COMMITTEE ON CITY ENGINEER'S DEPARTMENT,

WITH AN

APPENDIX.

[Presented May 21, 1877.]



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## REPORT.

TO THE HONORABLE THE CITY COUNCIL OF THE CITY OF PROVIDENCE

The committee on the city engineer's department make this their report:—

November 1, 1875, two resolutions in the words following were referred by the common council to this committee:

RESOLVED, That in accordance with the wishes of a large number of tax payers of the city of Providence, the city treasurer is hereby instructed to discontinue the further collection of assessments made under the present law for assessing and collection of the sewer tax.

RESOLVED, That the city solicitor is hereby instructed to appeal to the legislature for a more equitable law in regard to the past, as well as the future, sewer assessments.

On the same day the petition of Alexander Manchester and others in the words following, was presented to the common council:

TO THE HONORABLE THE CITY COUNCIL OF THE CITY OF PROVIDENCE.

We, the undersigned, citizens and tax payers of the city of Providence, do hereby remonstrate against the present unequal and unjust mode of sewer assessments, and do respectfully request your honorable body to repeal the present, and enact a more equitable mode of assessments on the valuation of property.

This petition by the following resolution of the city council, approved November 4, 1875, was referred to this committee.

RESOLVED, That the petition of Alexander Manchester and others, is hereby referred to the joint committee on the engineer's department, with instructions to report the manner in which other cities pay for the construction

of sewers, and such other information relating to the subject of sewer assessments as they may deem important; also to report what changes, if any they may deem necessary in the present law.

January 3, 1876, the following preamble and resolution was referred to this committee, by the board of aldermen:

WHEREAS, Under existing laws, tax payers are assessed for sewers, they cannot use or derive any benefit therefrom, and

WHEREAS, Estates are taxed several times for sewerage, whether the same are used by the estates or not, and

WHEREAS, Estates of nominal value not using the sewers, are assessed equally with other estates of large value using the same, therefore

RESOLVED, That the city treasurer is hereby instructed to discontinue further collections of sewer assessments, until the law is made more equitable.

May 11, 1876, a resolution in the words following, was also referred to this committee, by the board of aldermen.

RESOLVED, That the city solicitor is hereby directed to apply to the general assembly, at the May session, for an amendment to chapter 313, by which the sewer tax shall be assessed as follows,—viz.:

On corner lots the frontage tax shall be assessed on the longer front, and also, on all over fifty feet in length on the shorter front; a lot surrounded by streets being subject to a tax for double frontage, except that when triangular, only one-half of the whole frontage shall be assessed; provided that but one front shall be assessed on any lot not containing over 2,500 square feet.

February 19, 1877, three resolutions were referred to this committee by the common council, and are as follows:

RESOLVED, That the method of assessing the sewer taxes, shall be so amended, that hereafter said taxes shall be assessed upon the valuation of the whole estate, including the land and all the improvements made thereon.

RESOLVED, That all persons who have paid sewer taxes upon their land shall be entitled to an equitable adjustment of the same, in accordance with the foregoing resolution

RESOLVED, That \_\_\_\_\_ of the common council, with such as the board of aldermen may add, be and they are hereby appointed a special committee to report.

March 26, 1877, the common council referred two resolutions in the words following:

(No. 1.) RESOLVED, That the city solicitor be directed to apply to the general assembly for an amendment to chapter 313 of the public laws, by which the sewer tax shall be assessed as follows, viz.:

On corner lots the frontage tax shall be assessed on the longer front, and also all over fifty feet in length on the shorter front; a lot abutting on three or more streets, being subject to a tax for three-quarters of the total frontage, provided that but one front shall be assessed on any lot not containing more than two thousand five hundred square feet.



(No. 2.) Resolved, That the city solicitor be directed to apply to the general assembly at the present session, for an amendment to chapter 549, of the public laws, adding to the first section thereof, the words, "and the taxes already assessed for that purpose, on any estate not abutting upon a street and now unpaid, shall not be collected by virtue of chapter 313, or any act in amendment thereof, or in addition thereto."

March 29, 1877, the board of aldermen referred the following resolution:

Resolved, That the city solicitor be directed to apply to the general assembly, at the present session, for an amendment to chapter 313 of the public laws, by which the sewer tax shall be assessed as follows, viz:

On corner lots the frontage tax shall be assessed on the longer front, and also on all over fifty feet in length on the shorter front; a lot abutting on three or more streets being subject to a tax for three-fourths of the total frontage, provided that but one front shall be assessed on any lot not containing more than 2500 square feet.

As soon as practicable after the reference of the two resolutions by the common council, and the petition and instructions in relation thereto by the city council, the committee commenced their inquiries into the subject to which they related: being the method of payment for the construction of sewers in this city, by an assessment upon certain estates, in accordance with section 4, of chapter 313, of the public laws, passed March 28, 1873, which provides that:

All such assessments shall be made upon all estates abutting upon that portion of any street or highway in which any sewer has been or may be constructed, under the provisions of said chapters and of this act, at the rate of sixty cents for each front foot of such estates, upon such street or highway, and one cent for each square foot of such estates, between such street or highway, and a line not exceeding one hundred and fifty feet distant from and parallel with the line of such street or highway; provided however, that where any estate is situated between two streets or highways, the area upon which such assessments of one cent per square foot is made shall not extend to more than one-half the distance between such streets or highways; and provided, also, that where any estate is situated at the corner of two streets or highways, or otherwise so situated as to be assessed for the expense of making a sewer in one of such streets or highways, that portion of such estate assessed for a sewer in one of such streets or highways shall not be liable to be assessed upon its area for the cost of constructing a sewer in the other of such streets or highways, but only for its frontage upon such street.

The plan of assessment thus provided for, was intended to divide the cost of sewer construction equitably between the property directly benefited by such construction, and the

whole property within the city limits, which was indirectly benefited thereby; the proportions being three-fifths by special assessment, and two-fifths by general tax, the benefit to the individual being greater than that to the public.

The advantage to the public of a system of sewers, is, *first*, the promotion of the general health by the prompt removal and disposal of sewage and offensive matter, and *second*, by freeing the streets from surface water in all but exceptional storms.

The individual advantage is in the exemption thereby obtained from the construction and maintenance of cesspools and vaults, and the facility for the easy and convenient removal from the premises of sewage and night soil without offence to health or sense.

The assessment provided by the act is divided into a frontage tax and an area tax, the latter being a means of reducing the former and making the entire assessment more equitable.

In making the assessment for sewer construction the board of water commissioners, acting under the advice of the then law officer of the city, levied the area tax upon all land within one hundred and fifty feet of the sewer, without regard either to the ownership thereof, or whether it could or could not be connected with the sewer.

As the result of their investigations the committee ascertained that there were five classes of objectors to the plan of sewer assessment.

1st. The parties who had been assessed for an area tax for the construction of a sewer which did not drain their estate, and with which they could not connect.

2d. Persons owning estates of "irregular" shape, where the frontage was greatly disproportionate to the area, and which were assessed or liable to be assessed for the construction of two or more sewers.

3d. The owners of corner lots of regular shape liable to a frontage assessment for a sewer, in each of the two streets upon which the estate abutted.

4th. Persons opposed to making an assessment either for frontage or area and desiring that the assessment should be made upon the value of the abutting property, and

5th. Those who desired that the cost of sewer construction should be paid directly from the general tax, or by the issue of bonds to be secured by a sinking fund, the interest on the bonds, and the annual appropriation for the sinking fund to be taken from the general tax.

The committee next proceeded to the work of obtaining information as to "the manner in which other cities pay for the construction of sewers," and the following circular letter was transmitted to the mayors of eighty-six cities in this country and British America :

MAYOR'S OFFICE,  
City of Providence, December 20, 1875. }

TO THE HONORABLE THE MAYOR OF .....

DEAR SIR:—A committee of the city council have been instructed to inquire into the manner of constructing sewers in other cities, and the mode of payment therefor.

At their request, I transmit herewith a series of questions to which will you kindly see that proper answers are affixed and returned to this office. I have also sent herewith the same questions answered as for this city as a guide to the information desired, and remain,

Yours very truly,

THOMAS A. DOYLE,  
Mayor.

With the letter was forwarded a series of questions to be answered, together with a copy of the same questions with answers thereto from this city as follows :

CITY OF PROVIDENCE, December 20, 1875.

1. Have you a system of public sewers ?

*Yes*

2. Who orders their construction ?

*The city council.*

3. Under whose direction are they constructed ?

*The board of water commissioners.*

4. How are they paid for ?

*Partly from the general tax and partly by assessment upon abutting estates.*