

## PART I WEST WARWICK HOME RULE CHARTER\*

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\*Editor's note: This part contains the Home Rule Charter of the Town of West Warwick, Rhode Island, approved by the electorate at the November 4, 1986 General Election and the amendments approved by the electorate at the February 8, 1994 Special Election, and the General Election of November 5, 1996. All amendments to the Charter will be indicated by a history note parenthetically enclosed following the affected sections; conversely, absence of such notation indicates a derivation from the original publication. Any words inserted in the text for clarification are enclosed in brackets [ ].

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#### ARTICLE I. BASIC PROVISIONS

101. Inhabitants incorporated as town with powers and duties of a town.

The inhabitants of the Town of West Warwick, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "Town of West Warwick," and as such shall continue to have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations, now incumbent upon or appertaining to said town as municipal corporation, or by virtue of the laws of this state so far as the same shall not be altered by this Charter or amendments thereof. The enumeration of particular powers by this Charter shall not be deemed to be exclusive; and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the town shall have and may exercise all powers which, under the Constitution of this state, it would be competent for this Charter specifically to enumerate.

102. Form of government.

Pursuant to the provisions of this Charter and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the town, except those powers vested in and exercised by the financial town meeting, shall be vested in an elected town council, which shall enact local legislation, and in a town manager appointed by the town council, who shall be responsible for the execution of the laws and the administration of the town government in accordance with the provisions of this Charter, the Constitution of the State of Rhode Island, and the laws enacted by the General Assembly of Rhode Island.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

103. Joint activities with other governments.

The town shall have power to join with any other municipal corporation, special district, or with any other unit or agency or government, or with any number or combination thereof, by contract or otherwise, in the ownership, operation, or performance, jointly or by one (1) or more on behalf of all, of any property, facility, or service which each would have the power to own, operate, or perform separately.

104. Town appointed boards, commissions, committees and authorities.

(A) Subject to the approval of the town council, all appointed boards, commissions, committees and authorities of town government shall adopt bylaws and/or rules necessary and proper for carrying into execution the powers granted to such public body by the Town Charter, the ordinances of the town or state law. All bylaws/rules shall at a minimum address: conduct of meetings, attendance and election of officers at least annually.

(B) Any official appointed by the town council to any board, commission, committee or authority shall be removed from office by the town council if said official fails to attend scheduled meeting for a period of three (3) consecutive meetings without the express(ed) written leave of the chairperson of such public body.

Editor's note: This section is added by Question 12 approved at November 5, 1996  
General Election.

## ARTICLE II. ELECTIONS AND CANVASSING AUTHORITY

### 201. Conduct of elections.

Elections for all town offices which are filled by the vote of the electors of the town, shall be held on the first Tuesday after the first Monday in November in each even numbered year, provided however, that special elections shall be scheduled as provided by law. All such town elections shall be conducted pursuant to applicable provisions of the elections laws of the state.

### 202. Canvassers, composition.

There shall be a bipartisan canvassing authority appointed by the council as provided by the Constitution and laws of the state. The canvassing authority shall be known as the board of canvassers, and shall be vested with all the powers and duties now or hereafter vested by law in the canvassing authority or board of canvassers of the town. All members of said authority or board now in office shall continue as members thereof until their successors have been appointed and qualified. All members shall be qualified electors and residents of the town during their term of office.

### 203. Districting.

It shall be the duty of the board of canvassers within one (1) year after each decennial federal census, or more frequently to review and if necessary to alter, the ward boundary lines designated for the election of members of the town council, in such manner that each of the five (5) wards shall comprise compact and contiguous territory, contain as nearly as is practical equal populations, and have well defined boundaries.

## ARTICLE III. TOWN MANAGER\*

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\*Editor's note: This article is amended by Question 1 approved at February 8, 1994  
Special Election.

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### 301. Appointment.

The town manager shall be appointed by and serve at the pleasure of the town council, which shall fix the compensation, benefits and other terms of employment of the town manager. The town council may utilize a search process in selecting a town manager. The first town manager shall assume office not sooner than the first Monday following the certification of election of a majority of the members of the town council by the canvassing authority (the "Effective Date") in the election to be held on November 8, 1994. The mayor shall be the chief executive and administrative officer of the town until the Effective Date, which shall be the end of the term of office of the mayor. For the purpose of facilitating and encouraging a smooth and efficient transition from a mayoral to a managerial form of government, the town council may employ the first town manager on or after October 1, 1994.

### 302. Employment relationship.

The employment relationship between the town council and the town manager will be based on applicable principles of the International City Managers Association's Code of Ethics, as in effect from time to time, provided, however, that this section shall not limit

the town council's authority to terminate the town manager, with or without cause, as set forth in Section 307.

#### 303. Qualifications.

The town manager shall possess executive and administrative qualifications with special reference to his or her experience in or knowledge of accepted practice with respect to the duties of the office of town manager as hereinafter set forth. He or she shall either (a) hold a masters degree from an accredited institution in business or public administration and have at least three years' experience as manager of a city, town or county, or (b) have such education, experience and other attributes that, in the opinion of the town council, are comparable to the qualifications set forth in (a). The town manager need not be a resident of the town at the time of appointment, and may reside outside the town while in office only with the approval of the town council.

#### 304. Employment prohibition.

The town manager shall devote his or her entire time and attention to the duties of town manager and shall not be actively engaged in any employment, business or the practice of any profession other than the office of town manager of the Town of West Warwick.

#### 305. Assignment or assumption of duties.

The town manager, with the prior approval of the town council, may assume and perform, in addition to the duties of the office of town manager, any other administrative office or offices under his or her supervision but, by virtue of such action, shall not be entitled to additional compensation. The town manager, with the prior approval of the town council, may assign the duties of two or more administrative officers to one person or divide the duties of any office between two or more persons.

#### 306. Acting town manager.

By letter filed with the town clerk, the town manager shall designate, subject to prior approval of the town council, a qualified officer of the town to exercise the powers and duties of the town manager during his or her temporary absence or disability for a period of thirty (30) days or less. If such absence or disability continues beyond thirty (30) days, the council may appoint an incumbent administrative officer of the town to be "acting manager" until such absence or disability shall cease. The acting town manager shall not make any appointments, without the prior approval of the town council. If such absence or disability continues beyond ninety (90) days, the town council may declare the position vacant and appoint a new town manager.

#### 307. Suspension and removal.

The town manager may be suspended or removed, with or without cause, by a vote of not less than four (4) members of the town council. Any such action by the town council shall not be subject to review by any court, agency or other body. The town manager shall be paid through the effective date of removal, and shall not be compensated for any period of suspension.

#### 308. Powers and duties.

The town manager shall be the chief administrative officer of the town and shall be responsible to the town council for the administration and management of all town affairs placed in the manager's charge by the town council or pursuant to this Charter. He or she shall have control and supervision of all administrative departments, divisions, offices and agencies subject to his or her jurisdiction, except as otherwise provided by this Charter.

The town manager shall:

(A) Recommend to the town council the appointment of all officers, including department heads, and other employees of the town, except as otherwise provided by this Charter, law or personnel ordinance.

(B) When necessary for the good of the service, suspend or remove any officer, including any department head, and other employees of the town, except as otherwise provided by this Charter, law or personnel ordinance, subject to the approval of a majority of all members of the town council.

(C) Prepare the budget annually and submit it to the town council, together with a message describing its important features, and be responsible for its administration after adoption.

(D) Prepare and submit to the town council, not more than ninety (90) days following the end of the fiscal year, a complete report on the finances and the administrative affairs of the town for the preceding fiscal year.

(E) Keep the town council advised of the financial condition and future needs of the town and make such recommendations as he or she may deem desirable.

(F) Recommend to the town council a standard pay schedule for department heads and other administrative officers in the exempt service, including minimum, intermediate and maximum rates.

(G) Recommend to the town council adoption of such measures as he or she may deem necessary or expedient for the health, safety or welfare of the town, for the improvement of administrative services or on any other appropriate matter.

(H) See that the terms and conditions imposed in favor of the town in any contract or franchise are faithfully kept and performed, and shall participate directly in all town labor contract negotiations with the exception of the School Department.

Editor's note: This section is amended by Question 2 approved at June 19, 2001 Special Election.

(I) See that all laws and ordinances are duly enforced and that all licenses, permits and privileges granted by the town are faithfully preserved.

(J) Be responsible for care and preservation of the property and equipment of the town.

(K) Attend all meetings of the town council unless excused.

(L) Investigate the affairs of the town or any department, division or other segment thereof, as well as all complaints in relation to matters concerning the administration of the government of the town.

(M) Be responsible for the conduct and performance of all administrative functions and services which are not assigned to some other officer by this Charter, law or personnel ordinance, or by the town council.

(N) Coordinate the activities of all boards, commissions, and committees as may be directed by the town council.

(O) Perform such other duties as may be directed by the town council or are specified in this Charter.

#### ARTICLE IV. TOWN COUNCIL

401. Number, term, selection.

The town council shall consist of five (5) members, elected by the town by wards, said elections to be held on the first Tuesday after the first Monday [in November] in each



even numbered year, and each member to serve for a term of two (2) years, or until a new council has been elected and a majority of its members qualified.

#### 402. Qualifications.

Members of the council as defined in this Charter shall at the time of their election and during their term of office be residents of the respective wards from and [sic] which they have been elected and qualified electors of the Town of West Warwick and shall hold no other paid public office or employment in the service of the town, except that of auctioneer. No member of the council shall be eligible to accept any other paid appointed town office during his or her term on the council or for a period of one (1) year thereafter. Editor's note: This section is amended by Question 4 approved at February 8, 1994 Special Election.

#### 403. Vacancies.

(A) A vacancy shall exist in the town council if a member dies, resigns, ceases to meet the qualifications for membership, is convicted of a felony or a crime of moral turpitude and has exhausted all appeals from said conviction, or is absent from four (4) consecutive months of council meetings, unless such absences are excused by a majority vote of the whole council membership, with reasons therefore stated at [the] time and appearing in the journal of the meetings from which the council member was excused.

(B) If a vacancy shall occur in the town council one (1) year or more prior to the regular election, a special election shall be called by the town clerk to take place within sixty (60) days after such vacancy has occurred, in the manner prescribed by state law. Any vacancy in the membership of the town council that shall occur less than nine (9) calendar months prior to the regular election may be filled for the unexpired term by the remaining members of the town council; provided that the one chosen by the town council to fill such vacancy shall be of the same political party as the prior incumbent, such political party allegiance to be verified in writing to the president of the town council by the town party committee of such political party.

#### 404. Meetings.

The first meeting of a newly elected council shall be held on the first Monday following the certification of election of a majority of its members by the canvassing authority, at which session the newly elected members of the council shall assume the duties of their office. Regular meetings shall be held at least once each month for the transactions of business, at such time and place within the town as the council shall prescribe by ordinance. A special meeting of the town council shall be called by the town clerk on written request of the town council president, by not less than three (3) members of the council. Notice of a special meeting shall be in writing and delivered personally to each member, or to his or her place of residency, by the town clerk or a person designated by him or her, at least forty-eight (48) hours previous to the time of such meeting. The town council may meet upon shorter notice by majority consent of all its members, which shall be entered in the record of the proceedings. The purpose of a special meeting shall be stated in the notice of the meeting and no business shall be transacted at any special meeting other than that which has been stated in the notice. All meetings of the town council shall be open to the public, and citizens shall have a reasonable opportunity to be heard, except that this provision shall not be deemed to prevent the holding of executive sessions permitted by state law, provided that all votes are taken in public.

Editor's note: This section is amended by Question 1 approved by the electorate at February 8, 1994 Special Election.

405. Council offices.

The council shall elect one of its members as its president and another as vice president at its first meeting as defined in Section 404. The council president shall preside at meetings of the council and shall have a voice and vote in its proceedings. The vice president shall perform the duties of the president during the absence or disability of the president. In the absence of both the president and vice president, the council shall elect one of its members as acting president, who shall perform the duties of the president during the absence of both the president and the vice president.

406. Compensation.

Members of the town council shall receive such annual salaries as shall from time to time be presented by the town council and approved by the budget process. The president of the town council shall receive such additional salary as shall from time to time be presented by the town council and approved by the budget process. No increase in salary shall take effect until after the next biennial election of the town council.

407. Powers.

The town council shall be the legislative determining body of the town, and shall exercise the powers of the town, as provided by this Charter, or by the Constitution and laws of this state. Among the powers of the council, to be exercised in accordance with relevant provisions of the Charter and of the Constitution and laws of this state shall be to:

- (A) Determine its own rules and order of business and keep a journal of its proceedings which shall be open to public inspection in the office of the town clerk.
- (B) Enact, amend, or repeal rules, ordinances and resolutions for the government of the town which shall have to do with the preservation of the public peace, health, safety, welfare and comfort of the inhabitants and the protection of persons and property, and other municipal functions.
- (C) Provide reasonable penalties in accordance with law for the violation of any ordinances.
- (D) Enact ordinances providing for levying taxes and other revenue and appropriate money for expenditures.
- (E) Review and act upon the town budget in the manner prescribed in Article V.
- (F) Fix the amount of official bonds of all nonelective officers of the town who, in its opinion, should be bonded, the premium on such bonds to be paid by the town.
- (G) Inquire into any department, office, board, commission or other agency, excluding the school department, but not interfere with their normal administrative functions.
- (H) Request, through the office of the town manager, the attendance of any officer of the town at its meetings within thirty (30) days.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

- (I) Act upon all recommendations for appointments from the town manager for which town council confirmation is required.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

- (J) Provide by ordinance for a personnel classification system in conformity with provisions of this Charter and applicable general and special laws.

- (K) Review any special assessment upon request of a property owner and order correction or confirmation of the same.
- (L) Enact and amend, after notice as prescribed by state law and public hearing, such zoning ordinances as it deems appropriate, providing such ordinances are in accordance with state law.
- (M) Appoint such number of constables to serve civil process as it shall from time to time determine, and charge and collect for licenses issued to such constables such fees as the council shall fix by ordinance.
- (N) Grant, suspend, or revoke licenses in accordance with state law.
- (O) Provide for the audit of the town accounts at any time, or of the accounts of any of the town's departments, and to provide for an annual audit as hereinafter prescribed.
- (P) Issue subpoenas to compel witnesses to testify and produce records as prescribed by state law.
- (Q) Exercise powers, consistent and in accordance with the Charter and the laws and Constitution of the state, which have been or may hereafter be granted to the council by the Charter or to the town by the laws and Constitution of the state.
- (R) Participate in person through one or more council members, and/or through the appointment of one or more designees, in the negotiation of all town labor contracts (other than school department contracts); provided, however, that no such contract shall become effective and binding on the town until it has received the prior approval of the town council subsequent to the completion of negotiations.

Editor's note: This section is amended by Question 5 approved at February 8, 1994 Special Election.

- (S) Whenever in this Charter an act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Charter, the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided within this Charter; town ordinances, or under state or federal law, then the violation of any such provision of this Charter shall be punished by a fine as may be established by ordinance by the town council for the Town of West Warwick. Each day any violation of this Charter shall continue shall constitute a separate offense.

Editor's note: This section is added by Question 16 Approved at November 5, 1996 General Election.

#### 408. Quorum.

Three (3) members of the town council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least forty-eight (48) hours' notice shall be given to all members prior to the holding of an adjourned meeting.

#### 409. Council procedure.

- (A) The town council may act by rule, ordinance, or resolution. In addition to the case in which an ordinance is required by a specific provision of this Charter or any applicable state law, any action taken under provisions of Section 407(B), (C), (D), (J) and (L) shall be by ordinance only.

- (B) Every proposed ordinance shall be filed with the town clerk by a member of the town council not later than three (3) business days previous to the day of the meeting at which it is to be introduced. The town clerk shall provide each member of the council forthwith with a copy thereof and shall post a copy of each ordinance in some place accessible to the public in the town hall.

(C) Every ordinance shall be identified by a number and a short title. All ordinances shall begin with the words, "The Town of West Warwick Ordains." Every ordinance, other than an emergency ordinance, shall be read the first time by title, be explained by its introducer, and then referred to a subsequent regular meeting for action. If in the meantime a petition signed by at least twenty (20) qualified voters be filed with the town clerk requesting a public hearing, a public hearing shall be held at the meeting next following introduction of the ordinance, and no action shall be taken on the ordinance until the conclusion of the hearing. A public hearing shall be mandatory on any ordinance amending the zoning ordinance, adopting or amending a wage and classification plan or creating or amending a personnel classification system, and no such ordinance shall be passed as an emergency ordinance. Public hearings shall be advertised in a newspaper of general circulation in the town not less than three (3) nor more than seven (7) days prior to the hearing, and must be in conformity with the provisions of the laws of the state.

(D) The affirmative vote of a majority of a quorum shall be required for any official action of the council. The vote upon any ordinance shall be by roll call and entered on the record of the proceedings. A vote by roll call be taken on any matter at the request of any member.

(E) After passage, the town clerk shall publish in a newspaper of general circulation in the town, forthwith a notice describing the ordinance in brief and general terms, and stating that it is available for public inspection in the office of the town clerk. All ordinances shall be recorded by the clerk in a book called, "The Ordinance Book, " and it shall be the duty of the president of the council and the clerk to authenticate such record by their official signatures.

(F) Every ordinance, unless it shall specify another date, shall become effective at the expiration of twenty (20) days after publication following passage.

(G) In an emergency affecting the public peace, health, safety, comfort and welfare of the inhabitants of the town and for protection of persons and property, the council by an affirmative vote of three (3) members may adopt on the day of its introduction, without previous filing with the town clerk, an ordinance containing a declaration of emergency which shall take effect upon its passage. The nature of the emergency shall be specifically stated in the ordinance and such declaration shall be conclusive as to the existence of such emergency. Such emergency ordinance(s) shall be temporary and for the period of the emergency only and may authorize departments, offices and agencies of the town government to act outside and beyond the usual requirement of ordinances, resolutions, rules and regulations.

#### ARTICLE V. BUDGET PROCESS

501. The fiscal year.

The fiscal year of the town shall begin on July 1st of each year, and end on June 30th of the following year.

502. Budget schedule and procedures.

The following provisions shall govern the preparation of the annual town budget:

(A) All departments, officials and agencies of the town, including the school committee, shall submit to the town manager and make available to the council, no later than the first Monday in February of each year, respective estimates for their capital and operating expenditures for the fiscal year beginning on the subsequent July 1st.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(B) The town manager shall submit his or her budget to the town council no later than the third Monday in March. The budget submitted shall include the compensation that may be paid to all appointed officers, including board and commission members of the town, and stipulate the amount in each instance, except where specifically provided otherwise in this Charter.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(C) The budget submitted by the town manager shall include: separate listings and totals for the capital and operating appropriations requested, respectively; comparisons with expenditures for the current fiscal year; a recommended tax rate for the town to fund the town's share of the total appropriations; a detailed listing of funds anticipated from the state and federal governments and other sources; together with such explanation of the budget and its several parts as the mayor may wish to provide.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(D) On the same day that the budget is submitted to the council, there shall be made available copies thereof at the town hall to be furnished to interested citizens upon request.

(E) Upon receipt of the budget, the council shall make provision for no less than two (2) public hearings thereon, to be held on separate days, and to be concluded no later than the third Monday in April. Notice of said hearings shall be advertised on at least three (3) separate days in a newspaper of general circulation in the town, the final such advertisement to appear no less than three (3) days prior to the first hearing date. The council shall also cause to be published in a newspaper of general circulation in the town a summary of major expenditure categories appearing in the budget with the recommended appropriations compared to current authorized expenditures, said publication to appear no less than five (5) days prior to the first public hearing.

(F) The council may make any changes in the budget as submitted by the town manager which it shall think proper, provided however that it shall not have the authority to change any item in the school budget except the overall total amount, and provided further that the budget when approved by the council shall show a balance between authorized appropriations and anticipated receipts. The council shall complete action on the budget for submission thereof to the financial town meeting no later than the first Monday in May.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(G) The council shall again cause to be published in a newspaper of general circulation in the town a budget summary as provided in subsection (E) of this section, showing any changes it shall have made in the budget as submitted by the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

503. Financial town meeting.

The annual financial town meeting shall convene on the third Tuesday in May at such time and place as shall be prescribed by the town council. All financial town meetings

shall be conducted and shall have the powers as prescribed by state law, not inconsistent with the provisions of this Charter.

504. Failure to complete budget.

In the event that the budget shall not have received final approval by the start of the fiscal year, the departments, officials and agencies of the town shall have the authority to continue making expenditures at the rates authorized in the budget of the previous fiscal year until such a time as a new budget shall have been approved.

505. Transfer of appropriations.

The town manager may at any time authorize the transfer of any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency or board or commission, provided that the existence of the balance proposed or to be transferred is certified in writing by the director of finance. At the request of the town manager, but only within the last three (3) months on the fiscal year, the town council may by ordinance transfer any portion of an unencumbered appropriation balance certified in writing by the director of finance from one department, office, agency, board or commission to another except that no such transfer shall be made from the appropriation of the school department.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

506. Unexpended and unencumbered balances.

At the end of each fiscal year all unexpended or unencumbered balances and appropriations for that fiscal year shall revert to the general funds of the town unless reappropriated in the budget for the ensuing fiscal year.

507. Investment of idle funds.

Investment of all funds shall be made through national banks or trust companies, providing that the financial conditions and integrity of said institution or institutions are verifiable and can be monitored. The investment of funds shall be in direct obligations of the United States Government and "money market instruments" rated A or better.

Investment in any one institution shall not exceed five (5) percent of that institution's capital and surplus as set forth in the institution's most recent audited financial statements. All investments will be made as would be done by prudent men of discretion and intelligence in such matters who are seeking a reasonable income and preservation of their capital.

508. Balanced budget.

The budget of the Town of West Warwick shall be balanced for each fiscal year so that total expenditures shall not be greater than total receipts. If any time during the fiscal year the town manager shall determine that actual revenue receipts will not equal the original estimates upon which the budget was based, the town manager, for purpose of maintaining a balanced budget, shall recommend to the town council such reductions or suspension in the appropriations for any or all departments, offices or other agencies of the town government as will, in the town manager's opinion, prevent the occurrence of a deficit. However, there shall be no reductions or appropriations for the town debt payments or the retirement fund or lease purchasing contractual obligations to balance the town budget. The town council shall by ordinance either approve the same in whole or part or make such other reductions or suspensions in total equal to that proposed by the town manager as will prevent the occurrence of a deficit.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

509. Cash reserve fund.

The town council shall provide for a cash reserve fund which shall be used as a source of funds to meet town obligations in anticipation of tax receipts, anticipated from state or federal government or other sources, provided however, that all advances from said fund shall be repaid thereto upon receipt by the town of the anticipated tax payments or other anticipated payments. The cash reserve fund may also be used as a contingency fund for emergency appropriations.

The town manager shall include in his budget recommendations for fiscal year 1990 a sum equal to no less than .3 percent (.003) of the total recommended operating budget for that year, to be paid into the cash reserve fund, and shall include a sum equal to no less than .35 percent (.0035) for fiscal year 1991 for the same purpose, and for each fiscal year thereafter to be paid into the said cash reserve fund until said reserve shall equal 5 percent (.05) of the operating budget. All monies paid into the cash reserve fund shall be invested by the director of finance in such manner as to earn the maximum income thereon consistent with maintaining the availability of the monies in the fund upon short notice.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

#### ARTICLE VI. BORROWING

601. Emergencies.

The council may, upon recommendation of the town manager, authorize the issuance of notes by emergency ordinance or resolution to provide funds for emergencies as defined in Section 409(G) in the event no other source of funds is available. The amount of any such emergency notes shall mature and be payable not later than one (1) year from their date.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

602. Bonds.

The town may incur indebtedness at public or private sale by issuing its serial bonds pursuant to this Charter for any purpose for which a town is authorized by the general laws. Except as may otherwise be provided by special act, whether heretofore or hereafter enacted, bonds shall be authorized by ordinance adopted pursuant to the provisions of this Charter, which shall state at least the amount of bonds authorized and the purpose for which they are authorized. In the absence of a contrary provision in the ordinance authorizing the issuance of bonds, the date, maturities, denominations, interest rate or rates, place of payment, form and other details of each issue of bonds and of providing for the sale thereof shall be determined by the finance director with the approval of the town council president, provided that all bonds shall be payable in annual principal installments. In the absence of a contrary provision in the ordinance authorizing their issuance, an authorized issue of bonds may be issued at one time or from time to time as two (2) or more separate bonds issues, as shall be determined by the finance director, with the approval of the town council president. All bonds issued pursuant to this section shall be signed by the town finance director and the town council president. Any premiums arising from the sale of bonds shall be applied first to defray the expenses

incident to the preparing, issuing and marketing thereof and thereafter the balance, if any, shall be used to pay the principal of the first of the bonds to mature. No purchasers shall, however, in any way be responsible for the proper application of the bond proceeds or premium. All bonds shall be obligatory on said town, in the same manner and to the same extent as other debts lawfully contracted by it. The town shall annually appropriate a sum which with other revenues, if any, available for the purpose, shall be sufficient to pay the interest payable in the year to be covered by such appropriations on all bonds issued under this Charter and outstanding in such year and also to pay the principal of any of said bonds which may mature in such year.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

#### 603. Bond anticipation notes.

The officers authorized to issue bonds may issue and sell from time to time interest-bearing or discounted temporary notes in an anticipation of bonds, the issuance of which has been authorized by ordinance as provided in Section 602. The aggregate principal amount of such temporary notes at any one time outstanding shall not exceed the total principal amount of any bonds previously issued pursuant to such ordinance. Temporary notes issued hereunder shall be signed by the town finance director and the town council president and shall be payable within three (3) years from their respective dates, but the principal of, and interest on, any notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder, provided the period from date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed three (3) years. The period for which bonds may be issued under Section 602 need not be reduced by the period of any temporary borrowing hereunder. Except as provided in this section, the proceeds derived from the sale of such temporary notes shall be used only for purposes for which the proceeds of the bonds in anticipation of which the temporary notes are issued may be used.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

#### 604. Federal or state aid anticipation notes.

If the town shall have contracted for or accepted an offer of a grant of federal or state aid or both for any purpose for which it may incur indebtedness as provided in this Charter, the town finance director, with the approval of the town council president may issue and sell from time to time interest-bearing temporary notes in anticipation of the receipt of such aid. The aggregate principal amount of such temporary notes at any one time outstanding shall not exceed the amount of such aid payable to the town at the time such temporary notes are issued, less all amounts of such aid theretofore paid, as shall be determined by the finance director, with the approval of the town council president. Temporary notes issued hereunder shall be signed by the town finance director and countersigned by the town council president, and shall be payable within twelve (12) months from their respective dates, but any such notes may be renewed or paid from time to time be [by] the issue of other notes hereunder. The proceeds derived from the sale of such temporary notes shall be used for the purposes for which the aid in anticipation of which they are issued may be used.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.



605. Notes in anticipation of taxes.

In any fiscal year, in anticipation of taxes for such year, whether levied or to be levied in such year, the town council may by resolution, adopted by a majority of all its members, authorize the borrowing of money by the issuance of negotiable notes of the town, the amount of which outstanding at any one time shall not exceed in the aggregate the total tax levy of the current fiscal year, or the preceding fiscal year if no levies for the current fiscal year have been made. Notwithstanding any provisions of this Charter to the contrary, a resolution of the town council authorizing notes in anticipation of taxes may be finally passed at the regular or special meeting at which it is introduced. Notes issued under this section shall be made payable not more than one (1) year from their date of issue.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

606. Execution of bonds and notes.

Any bonds or notes issued by the town may be signed with manual or facsimile signatures of the officers of the town required to sign the same.

ARTICLE VII. DEPARTMENT OF FINANCE

701. Organization.

There shall be a department of finance, the head of which shall be the director of finance, appointed by the council upon recommendation of the town manager. Further organization of this department shall be as stated in this Charter and by ordinances enacted by the town council, to the end that the essential processes in the finances of the town, namely control and accounts, purchasing, assessment of property, collection of taxes and other revenues, and payments may be properly administered.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

702. Qualifications.

The director of finance shall be a person who holds at least a bachelor's degree from an accredited college or university in accounting, finance, business administration, or economics, and who has had no less than three (3) years' experience as a comptroller, controller, accountant, auditor or a position involving similar responsibilities and requiring similar skills, in a private or public organization.

703. Functions.

The function of the department shall be the supervision and direction of all matters pertaining to the financial operation of the town including, but not limited to, accounting and budgeting, control of expenditures, assessment and collection of taxes and administration of trust funds, and such other duties as shall be required by this Charter, by ordinance or by state law.

704. Departmental offices.

Within the department of finance there may be established such other offices or agencies as the town council may determine, upon the recommendation of the town manager, and placed under the jurisdiction of the director of finance. The director of finance shall have general supervision and control of the operation of all offices in the department of finance.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

705. Director of finance; duties and powers.

The director of finance shall:

(A) Cooperate with the town manager in compiling the expenditures and revenue estimates for the budget;

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(B) Collect and receive all taxes and special assessments for the collection of which the town is responsible. He or she shall have all the powers rights and duties prescribed under the general laws for tax collectors;

(C) Receive all license fees, rents, funds, money receivable by the town from the state and/or the federal government, and from the court and from any department, office and agency of the town, except as otherwise provided in this Charter;

(D) Have custody of all public funds belonging to or under the control of the town, or any department, office and agency of the town government including the school department, and deposit all funds coming into his hands in such depositories as may be designated by resolution of the town council, or, if no such resolution be adopted by the town council, in such depositories as he may choose, subject to the requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the town and shall be accounted from and credited to the proper accounts;

(E) Have custody of all investments and invested funds of the town or in the possession of the town in a fiduciary capacity, and have the safekeeping of all bonds and notes of the town and the receipts and delivery of town bonds and notes for transfer, registration or exchange;

(F) Exercise control over all expenditures by pre-auditing all bills, invoices, payrolls or other evidences of claims or charges against the town, and see that budget appropriations are not exceeded by disbursements in any department, office or agency of the town including the school department;

(G) Pay out the funds by check; such payments to be made only after compliance with provisions of (F) above;

(H) Establish and maintain an accounting system for the town government and all departments, offices and agencies thereof, including the school department, in accordance with the requirements set by the state; and shall cause reports to be prepared for the town council monthly or at such more frequent intervals as the council may ordain, showing the obligations against, and the unencumbered balances in, the account of each spending agency of the town government, including the school department;

(I) Prescribe uniform forms of receipts, vouchers, bills and claims to be used by all departments, offices and agencies of the town, excluding the school department;

(J) Prepare a monthly statement of all receipts and disbursements in sufficient detail to show the financial condition of the town for submission to the town manager and the town council, it being the duty of the department of finance to make sufficient copies for all departments of the town government and file a copy with the town clerk which is made a public record;

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(K) Prepare as soon as possible, within a ninety-day period, and at the end of each fiscal year, a complete financial statement and report, in accordance with state law, for

submission to the town manager, the town council and the taxpayers of the town, and also prepare a tax book following each reevaluation;

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(L) Perform the work of buying for the town pursuant to rules and regulations established by ordinance according to which the finance director, or an officer appointed or designated by him or her, shall purchase or contract for all supplies, materials and equipment required by any department, office or agency of the town; establish and enforce specifications with respect to supplies, materials and equipment; supervise the inspection of deliveries of supplies, materials and equipment to determine their quality, quantity and conformance with specifications; cause to be made and kept current an inventory of all supplies, materials and equipment belonging to the town; store, if necessary, and distribute all supplies, materials and equipment required by any department, office and agencies; transfer to or between department, offices and agencies surplus, obsolete and unused supplies, materials and equipment, and subject to the approval of the town council, dispose of any such, by sale if possible, [.] [W] whenever any department, office or agency of the town government, excluding school department, shall purchase or contract for any supplies, materials, equipment or contractual services, independently and contrary to the provisions of this Charter or the rules and regulations made hereunder, such order or contract shall be voidable by the town council.

706. Competitive bidding.

It shall be the responsibility of all officials and employees of the town who are involved in the procurement of any supplies, equipment, or services with town funds, to insure that the best quality at the lowest possible price is obtained. The following requirements and procedures shall govern purchase or procurement:

(A) Except in the case of contracts for consultants retained to perform services not able to be performed by any town employee, all purchases of, or contracts for supplies, materials, equipment or work to be performed in excess of the minimum dollar amount set pursuant to the provisions of this subsection, shall be made only after the preparation of written specifications and solicitation of competitive bids following public notice, under such rules and regulations as the council may prescribe by ordinance. Said minimum dollar amount shall be set at the beginning of each town fiscal year to equal one one-hundredth of one percent (.01%) of the total amount appropriated by the council for the ensuing fiscal year.

(B) All purchases in excess of four hundred dollars (\$400.00) but which shall not exceed the minimum dollar amount set pursuant to subsection (A) of this section, shall be made only after telephone bids have been solicited. A memorandum shall be prepared and kept on file for public inspection in the office of the finance director in the case of each purchase, listing the vendors contacted, the bids received, the award made, and the reasons for said award.

(C) Purchases made, or contracts awarded, pursuant to subsection (A) of this section shall be to the lowest responsible bidder, except that the purchasing authority may be directed by the council to reject any or all bids, and re-solicit bids pursuant to subsection (B) of this section, and showing the total monies expended or obligated during the quarter for all such purchases, and the department or agency responsible for each purchase.

(D) A performance bond shall be required of successful bidders in such amount, with surety and in such cases or classes of cases as the council shall specify. No transaction which is essentially a unit shall be divided into a series of orders for the purpose of circumventing the requirements of this section for competitive bidding. Bids, specifications and all other factors being equal, preference shall be given to the bidder whose residence or whose place of business is in the Town of West Warwick.

(E) In the event of an emergency, where the adherence to the requirements and procedures prescribed in this section would cause substantial damage or might result in irreparable damage, purchases may be made without complying therewith. The head of any department, or agency may make any emergency purchases deemed necessary, but only after obtaining the approval of the town manager if available, and if the town manager shall not be available, their first obtaining the approval of the finance director. A record shall be kept of all such emergency purchases which shall be available for public inspection in the office of the finance director.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(F) The town will have the authority to enter into purchasing agreements with the State of Rhode Island and other municipalities that would specifically benefit the Town of West Warwick through the purchase of quantities at lower per unit prices.

#### ARTICLE VIII. TAX ASSESSOR AND COLLECTOR

##### 801. Tax assessor.

There may be within the department of finance the office of the tax assessor, who shall be appointed by the town council upon the recommendation of the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

##### 802. Qualifications.

The tax assessor shall be a person who holds a degree from an accredited college or university, having taken courses in business management or equivalent, shall hold a Rhode Island license as a real estate broker, and shall have had no less than three (3) years' experience as a real estate broker.

##### 803. Powers and duties.

The tax assessor shall:

(A) Supervise and be responsible for the fixing of an assessed valuation for purposes of taxation upon all real estate and all taxable personal property;

(B) Apply to or apportion upon the assessed valuation of real estate and personal property the amount of tax ordered to be levied or imposed thereon;

(C) Make and prepare all regular and special assessment rolls and a tax roll for the town in the manner provided by law;

(D) Establish a uniform and equitable system for assessing all classes and kinds of property;

(E) Prepare tax maps and land value maps;

(F) Give such notices of assessments and taxes and to perform such other duties as may be required by law and ordinance;

(G) Subject to the approval of the director of finance, employ from time to time within the limits of available appropriations such clerical assistants and such technical consultants as may be necessary;

(H) Cooperate with the board of canvassers and registration in the preparation of the lists of electors;

(I) Serve as an ex officio member of the board of assessment review.

#### 804. Tax collector.

There may be within the department of finance the office of tax collector, who shall be appointed by the town council upon the recommendation of the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

#### 805. Qualifications.

The tax collector shall be person who has graduated from a recognized college or university with courses emphasizing business management, accounting, business or public administration and at least three (3) [years'] experience in a supervisory capacity.

#### 806. Powers and duties.

The tax collector shall:

(A) Collector [collect] and receive all taxes and special assessments for the collection of which the town is responsible, and shall have all the rights, powers and duties prescribed by the laws of the state and by ordinance.

(B) Conduct a tax sale of all properties upon which property taxes, sewer assessments, sewer use, and/or other town liens that remain unpaid for a period of 18 months from the date the property taxes first became due.

Editor's note: This section is amended by Question 13 approved at November 5, 1996 General Election.

(C) Within fifteen (15) days of the time of being sworn into office, give bond to the town in such sum and with such sureties as the council shall prescribe, for the faithful performance of the duties of such office. The cost of such bond shall be paid by the town.

(D) With the approval of the finance director may abate interest on delinquent tax payments.

#### 807. Board of assessment review.

There shall be a board of assessment review consisting of three (3) members appointed by the town council, each to serve a three-year term, no more than two (2) of whom shall be members of the same political party at any one time, and all of whom shall be electors and residents of the town. The terms of the members of said board shall be arranged in such manner that the term of one (1) member shall expire each year. All members of said board in office at the time of the taking effect of this Charter shall continue to serve until the expiration of their respective terms, and all members shall serve until their successors are appointed and qualified, or until they shall cease to have the qualifications for office set forth in this section. All vacancies shall be filled for the remainder of the unexpired term in the manner prescribed for appointments to the board in this section.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(A) The town council shall provide by ordinance for the organization and procedure for the board of assessment review and for the manner of receiving, considering, and disposing of appeals, provided that the procedure before the board shall be informal and of a nature calculated to effect justice in as simple a manner as possible, and provided that the requirements stated in [subsection] (B) following are observed.

(B) The board of assessment review shall hear and consider the appeals of any property owner concerning the amount of his assessed valuation as determined by the tax assessor. The assessor shall attend all hearings of the board in order to explain his valuation, but shall have no vote. The board shall keep an accurate record of its proceedings which shall be available for public inspection. The board shall meet on the first business day after the expiration of twenty (20) days subsequent to the date on which taxes become due and payable, and at such times thereafter as may be necessary to hear appeals. No appeal shall be considered unless it is made in writing and is received by the board no later than three (3) months from the date the tax becomes due and payable. No appeal shall be considered by the board unless the tax due and payable, has been paid under protest, except that the Town Council or the Board of Assessment and Review may waive such requirement in instances where the assessment of the Town is deemed to be in error. If it shall appear that the valuation of any property has been incorrectly or inequitably assessed, the board shall have power to change the assessment and shall determine the correct valuation of such property. It shall be the duty of the director of finance to make payment of any refund that may be due to the property owner.

Editor's note: This section is amended by Question 4 approved at June 19, 2001 Special Election.

(C) The taking of an appeal to the board of assessment review, or any action thereon shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the tax assessor or subsequently by the board of assessment review.

#### ARTICLE IX. DEPARTMENT OF PERSONNEL

##### 901. General provisions.

The town shall have the authority under this Charter, subject to the Constitution and laws of the state to establish by ordinance enacted by the town council, such personnel policies, rules and regulations as the council may deem appropriate subject to the provisions of this Charter. The council shall enact a personnel ordinance to become effective no later than June 1, 1989.

##### 902. Organization.

There shall be a department of personnel, the head of which shall be the director of personnel, appointed by the town council upon the recommendation of the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

##### 903. Qualifications.

The director of personnel shall be a person who holds at least a bachelor's degree from an accredited college or university in personnel management, labor relations, or business administration, and who has had no less than three (3) years' experience in personnel management.

##### 904. Functions.

The functions of this department shall be to recruit, select, develop and maintain an effective and responsive work force which will meet the social, economic, and service requirements of the citizens of the town, and perform such other duties as shall be required by this Charter, by ordinance or by state law.

##### 905. Exempt and career services.

The personnel of the town shall be divided into the exempt and career services. The exempt services shall consist of all officers elected by the people or by the council; all members of boards and commissions; persons employed on non-recurring projects of limited duration; persons employed as consultants or counsel, who are rendering temporary professional services; volunteers and persons appointed to service without pay; positions involving seasonal or part-time employment; employees of the school committee; and appointed officers and department heads. The career service shall consist of all other employees of the town.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

906. Powers and duties.

The director of personnel shall, in accordance with state law or applicable collective bargaining agreements:

(A) Advise the town manager on the efficient utilization of human resources;

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(B) Establish and maintain an employee record system;

(C) Establish a plan for resolving employee grievances and complaints;

(D) Establish employee disciplinary action procedures which shall include, but not necessarily be limited to, providing a means for presenting charges, conducting hearings, guaranteeing rights and establishing appeals;

(E) Make an annual report to the town manager and the town council on the quality and status of personnel administration in the town government, make recommendations for improvements therein, and suggest personnel budget requirements for the following fiscal year;

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(F) Perform any other lawful acts, and adopt all other rules, which may be necessary or desirable to carry out the intent and provisions of this Charter relative to personnel matters, or to execute the policies of the town manager or the council.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

907. Additional powers and duties; director of personnel and department heads.

The director of personnel shall in conjunction with department heads, and in accordance with state law or applicable collective bargaining agreements:

(A) Establish standard qualifications for all career and exempt service positions, unless otherwise provided for in this Charter;

(B) Prepare and revise a position classification plan for career service positions based upon similarity of duties performed and responsibilities assumed, to insure equitable compensation for all positions in the same class. The plan shall also include rules governing the positions or classes in the career service, if necessary;

(C) Establish minimum qualifications for each class or position;

(D) Establish an objective method for recruiting, testing, interviewing, investigating and determining the relative qualifications of all applicants for all positions.

908. The career service.

The procedure for all appointments in the career service shall be:

(A) Job announcements. The director of personnel shall issue job announcements and publicize vacancies. Such announcements shall be written in a clear and readable manner and shall include job title, salary range, and qualifications. Said announcements shall also indicate testing information, including the time, place and manner of completing applications. Vacancies shall be announced a minimum of ten (10) working days prior to the closing date for filing applications. Continuous recruitment programs may also be established for any or all of the positions in career service.

(B) Applications. All applications for employment shall be made on forms prescribed by the director of personnel, providing, however, that prior to submission of final applications, personal resumes containing information on the applicant's training and experience, may be submitted. Applications shall be held on file for a period of one (1) year.

(C) Rejection of applications. The director of personnel may reject applications which do not meet the minimum qualifications established for the position. Applications may also be rejected by the director if the applicant deliberately falsified information on the application, is physically unable to perform the duties of the position, or is not within the legal age limits prescribed by the law for the position.

(D) Selection process. The selection process shall maximize reliability, objectivity and validity through a practical and job related assessment of each applicant's attributes as they are related to successful job performance and career development. The selection process shall be balanced to provide for competition by applicants from within career service who are seeking promotion and nonmunicipal employees seeking entry into career service. The selection process shall be as follows:

(1) The director of personnel and/or department head shall administer appropriate tests to all qualified applicants. The test results shall constitute seventy-five percent of the applicant's final score.

(2) The director of personnel and/or department head shall conduct an oral interview following a standard format. The interview results shall constitute twenty-five percent of applicant's final score.

(3) The combined test and interview results shall be tallied as a single score, and the top [three] (3) highest scores shall be recommended to the town manager for appointment.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(4) After considering all relevant factors including applicable test scores, if two or more applications have equal qualifications and abilities, preference may be given to the applicant who is a resident of the Town.

Editor's note: This section is added by Question 5 approved at June 19, 2001 Special Election.

(E) Notification of candidates. All persons competing in the selection process shall be given written notice whether final rating is passing or failing. Within five (5) working days after receiving the rating notice, any applicant may inspect his or her examination papers and/or other documents relative to the rating during regular business hours at the office of the director of personnel. If an error is found, appropriate corrections shall be made by the director.



(F) Budget approval. Before any final appointment shall be made the director of personnel shall obtain certification from the finance director that such position has funding within the budget of the department in which the appointment is to be made.

(G) Final appointment. The director of personnel shall submit to the town manager the names of the three (3) highest scoring candidates, one of whom shall be appointed by the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

909. Probationary status.

Career employees of the town shall serve a probationary period of one (1) year before any appointment or promotion shall become permanent, during which time the probationary employee may be discharged or reduced in class position.

910. Promotions.

Vacancies in higher positions in the career service shall be filled on the basis of competitive testing and interviewing as provided in Section [908] of this article. Promotional consideration shall be given to all town employee applicants who have completed their probationary period and who meet the qualifications for the vacant position.

911. Status of current employees.

All persons who have been employees of the town for not less than one (1) year at the time this Charter takes effect are hereby placed in the career service of the town. All persons who have been employees of the town for less than one (1) year and for more than six (6) months at the time this Charter shall take effect, shall become permanent employees in the career service upon satisfactory completion of a probationary period of six (6) months, provided, however, that those persons upon whom state law has conferred life tenure shall become permanent employees in the career service without regard to the length of their town employment.

912. Felony convictions.

No person who shall have been convicted of or entered a plea of guilty or nolo contendere to a felony shall be eligible for employment or appointment in any position with the town. Any employee or elected or appointed official of the town who shall be charged with, indicted on or convicted of a felony shall be subject to suspension and removal from employment or office in the manner prescribed for employees or elected or appointed official of the town in Section 2209 of this Charter.

Editor's note: This section is amended by Question 17 Approved at November 5, 1996 General Election.

913. Additional requirements.

The requirements for hiring employees of the town set forth in this article shall be considered as minimum requirements, and shall not be interpreted as prohibiting the imposing of further requirements by the director of personnel and/or by department heads and other hiring authorities, with the approval of the town manager. Nothing in this Charter shall be construed as precluding the town manager or the town council from filling any exempt service position appointed or elected by them in the same manner as career service positions are filled.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

914. General prohibitions.

All employees of the town shall be recruited, selected and promoted on the basis of their relative ability without regard to political consideration and they may not be required to contribute to any political purpose. Equal opportunity shall be given to all qualified applicants. There shall be no discrimination against any person being recruited for, seeking employment with, or currently employed by, the town because of political or religious affiliation or belief, or because of [of] race, nationality, gender, age, or marital status.

915. Residence.

No person shall be eligible for appointment as Town Manager, Police Chief, Fire Chief or Director of Public Works of the town who is not a resident and elector of the Town of West Warwick, provided, however, that a non-resident shall be eligible for appointment to the position of Town Manager, Police Chief, Fire Chief or Director of Public Works, if he or she signs an affidavit confirming that residency in the town will be established within one year of appointment. Upon certification of the town council that after a diligent search no person with proper qualifications can be found to fill the position of Town Manager, Police Chief, Fire Chief or Director of Public Works, then the residency requirement may be waived by the town council.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election; Question 6 approved at June 19, 2001 Special Election.

916. Town officials and employees, appointments and tenure.

The tenure in office of all officials and employees of the town appointed by the town council upon the recommendation of the town manager shall terminate upon the termination of the town manager's employment, unless the town council otherwise determines. Any such official or employee may be removed by the town council with or without cause. All town officials and employees of the town appointed by the town council upon the recommendation of the town manager shall be subject to the provisions of the approved personnel manual of the Town of West Warwick.

Editor's note: This section is amended by Question 14 approved at November 5, 1996 General Election.

## ARTICLE X. TOWN CLERK

1001. Selection and term.

There shall be a town clerk who shall be appointed by the town council to serve at the pleasure of the council. There may be appointed a deputy clerk who shall in the absence or disability of the town clerk have all the powers to perform all the duties which are granted to the office of town clerk, and perform such other duties as may be required, being thereunto qualified by taking the oath of office. The town clerk may be suspended or removed, with or without cause, by a vote of not less than four (4) members of the town council.

Editor's note: This section is amended by Question 15 approved at November 5, 1996 General Election.

1002. Qualifications.

The town clerk shall be a person who has qualifications consistent with the objectives of the Town Clerk's Association and no less than three (3) years' experience in a supervisory capacity.

1003. Powers and duties.

The town clerk shall be the clerk of town council, clerk of the probate court, clerk of the board of canvassers, clerk of the financial town meeting and the recorder of deeds. It shall be the duty of the town clerk to:

- (A) Make a permanent record of all proceedings and certify by the clerk's signature all actions of the aforesaid bodies;
- (B) Be custodian of the town seal and of the official documents and records of the town;
- (C) Direct and supervise the recordings of deeds, mortgages, vital statistics, license and permits and such other records as shall by ordinance and state law be required to be kept by the town clerk;
- (D) Issue marriage licenses, burial permits, and such other licenses and permits as are required by ordinance and state law to be issued by the town clerk;
- (E) Perform such other duties as may be prescribed by this Charter or by state law pertaining to town clerks, and such other duties appropriate to the office as the town manager and the town council may require.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

#### 1004. Compensation.

The town clerk shall receive such annual salaries as shall be set by the town budget process. All fees collected by either the town clerk or deputy town clerk shall be conveyed daily to the finance director and be deposited in the general funds of the town, unless otherwise directed by the laws of the state.

#### 1005. Reserved.

Editor's note: Section 1005, Bond, was repealed by Question 7 approved at June 19, 2001 Special Election.

### ARTICLE XI. TOWN SOLICITOR

#### 1101. Selection and term.

There shall be a town solicitor who shall be appointed by the town council to serve at the pleasure of the council.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

#### 1102. Qualifications.

The town solicitor shall be an attorney-at-law in good standing who has been admitted to the practice of law in this state, at least three (3) years prior to appointment. He or she shall not hold any other office in the town government except that of acting judge of probate when so necessary. The town solicitor need not be required to devote full time to the duties of the office.

#### 1103. Duties.

The town solicitor shall be the attorney for the town and legal advisor to the town manager, town council and all other departments, offices, and agencies of the town government. It shall be the duty of the town solicitor to:

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

- (A) Appear for and protect the rights of the town in all actions, suits and proceedings, civil or criminal in law or equity, brought by or against it or for or against any of its departments, including the canvassing authority;

(B) Examine and make recommendations on the form of all ordinances and resolutions and the form of all invitations for bids, contracts and other legal documents sent out by any department, office, or agency of the town;

(C) Perform such other duties appropriate to the office as the provisions of this Charter, the town manager and/or the town council may require;

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

(D) Nothing in this section shall prohibit the appointment of a law firm to perform the duties of the town solicitor, in the manner prescribed in Section 1101 of this article;

(E) Nor shall anything in this section prohibit the town council from providing for the appointment of assistant town solicitors if in its judgement the work load of the town solicitor's office shall justify such appointment. In the event that assistants are provided for, said offices shall be filled in the same manner and for the same term as that of the town solicitor. Nor shall anything in this section prohibit the council from making provision for the hiring of special counsel to assist or act in the place of the town solicitor, in extraordinary and limited circumstances, when in the judgement of the council such provision will best serve the interests of the town. Nothing in this section shall prohibit the school department from retaining counsel to be compensated from funds provided in its budget.

1104. Opinion, a public record.

All written legal opinions furnished to the town manager, the town council and all departments, offices and agencies of the town shall be filed with the town clerk and become public records unless otherwise directed by state law or town ordinances.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

1105. Special powers.

The statement in this Charter of duties of the town solicitor shall not be deemed to abridge such special powers and duties as are now and hereafter conferred upon town solicitors by state law.

## ARTICLE XII. PROBATE COURT

1201. Selection and term.

There shall be a judge of probate who shall exercise and perform the powers and duties of a probate court for the town, who shall be appointed by the town council to serve at the pleasure of the council.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

1202. Qualifications.

The judge of probate shall be an attorney-at-law in good standing who has been admitted to the practice of law in this state at least three (3) years prior to appointment and who is a qualified elector of the town.

1203. Clerk.

The town clerk shall be the clerk [of] the probate court. The clerk shall pay all fees and other revenue received by the probate court to the finance director, on the same day as received, for the use and benefit of the town.

1204. Vacancies.

Whenever the judge of the probate court is a party to or interested in any proceeding about to be heard in his or her court, or is absent or unable to perform the judge's duties, or there is a vacancy in such office, the duties shall be temporarily performed by the town solicitor, and the fact of such interest, absence, inability or vacancy shall be recorded in the records of said court. If the vacancy has been more than ninety (90) days, the town council shall appoint another judge of probate.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

### ARTICLE XIII. POLICE DEPARTMENT

#### 1301. Organization.

There shall be a police department, the head of which shall be the chief of police appointed by the town council upon the recommendation of the town manager. In addition to the chief of police, there shall be such positions as determined from time to time as deemed appropriate and such other subordinate officers, all of the aforesaid serving full-time, as shall from time to time be determined by the town council. They shall hold their respective offices, during good behavior, until vacated by death, resignation or retirement or until they shall be removed in accordance with the provisions of this Charter unless in conflict with any collective bargaining agreement. All members of the force, except the chief of police, shall at the time of their permanent appointment have served for a period of not less than one (1) year in probationary status during which period they may be removed at any time by the town manager upon recommendation of the chief of police, with or without cause. The further organization of the department into divisions, offices or grades shall be made by the town council on recommendation of the town manager after conferring with the chief of police.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election; Question 8 approved at June 19, 2001 Special Election.

#### 1302. Police chief qualifications.

The chief of police shall be a person who has graduated from a recognized college or university with a degree in law enforcement and/or business management with no less than three (3) years' experience in a supervisory capacity in a law enforcement agency. Effective July 1, 2003, any new appointment for chief of police shall have graduated from a recognized college or university with a bachelor's degree in law enforcement and/or business management with no less than three (3) years' experience in a supervisory capacity in a law enforcement agency.

Editor's note: This section is amended by Question 9 approved at June 19, 2001 Special Election.

#### 1303. Powers and duties.

The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, regulation of traffic, and the enforcement of the laws of the state and the ordinances of the town and rules and regulations in accordance therewith. The chief of police and other members of the department shall have all powers and duties as are vested in such police offices by the laws of the state and the town ordinances. The chief of police shall be in direct command of the police force and shall, subject to the approval of the town manager, make rules and regulations concerning the operation and management of the police department and shall be responsible for all town property in his

or her custody. In the absence or disability of the chief of police, the town council on recommendation of the town manager after conferring with the chief of police, if possible, shall appoint such officer of the department to assume all the powers and responsibilities and perform all of the duties of the chief.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election; Question 8 approved at June 19, 2001 Special Election.

#### ARTICLE XIV. FIRE DEPARTMENT

##### 1401. Organization.

There shall be a fire department, the head of which shall be the fire chief. The chief shall be appointed by the town council upon the recommendation of the town manager. In addition to the fire chief, there shall be such officers and employees, and volunteer personnel as the council shall from time to time determine. They shall hold their respective offices, during good behavior, until vacated by death, resignation or retirement, or until they shall be removed in accordance with provisions of this Charter unless in conflict with any collective bargaining agreement. All members of the force, except the fire chief, shall at the time of their permanent appointment have served for a period of not less than one (1) year in a probationary status during which period they may be removed at any time by the town manager upon recommendation of the fire chief, with or without cause.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

##### 1402. Fire chief, qualifications.

The fire chief shall be a person who has graduated from a recognized college or university with a degree in fire sciences, public administration and/or business management, with no less than three (3) years' experience in a supervisory capacity in a fire department. Effective July 1, 2003, any new appointment for fire chief shall have graduated from a recognized college or university with a bachelor's degree in fire sciences, public administration and/or business management, with no less than three (3) years' experience in a supervisory capacity in a fire department.

Editor's note: This section is amended by Question 10 approved at June 19, 2001 Special Election.

##### 1403. Powers and duties.

The fire department shall be responsible for the adequate protection of life and property from fire and other hazards normally within the jurisdiction of a fire department, and for the enforcement of the laws and regulations relating to fire prevention and fire safety. The fire chief and other members of the department shall have all powers and duties as are vested in such fire personnel by the laws of the state and town ordinances. The fire chief shall be in direct command of the fire department and shall, subject to the approval of the town manager, make rules and regulations concerning the operation and management of the fire department, and shall be responsible for all town property in the chief's custody.

Editor's note: This section is amended by Question 1 at February 8, 1994 Special Election.

#### ARTICLE XV. PUBLIC WORKS

##### 1501. Department and director.

There shall be department of public works, the director of which shall be the director of public works to be appointed by the town council upon the recommendation of the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

1502. Director, qualifications.

The director of public works shall be a person who has graduated from a recognized college or university with courses emphasizing, engineering, construction, business or public administration, and who has had no less than three (3) years' experience in the public work field in private industry or in a government agency. Effective July 1, 2003, any new appointment for director of public works shall have graduated from a recognized college or university with a bachelor's degree in engineering, business or public administration, and who has no less than three (3) years' experience in the public works field in private industry or in a government agency.

Editor's note: This section is amended by Question 11 approved at June 19, 2001 Special Election.

1503. Organization.

The department of public works shall be organized into such divisions and offices from time to time as the town manager shall direct, with the approval of the council. The heads of all such divisions and offices shall be appointed by the director of public works with the approval of the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

1504. Powers and duties.

The department of public works shall be responsible for the functions and services of the town relating to streets, highways, sidewalks, bridges, water courses, street lighting, storm sewers, the collection and disposal of garbage and other refuse and other duties as directed by the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

1505. Cooperation with other town agencies.

The department of public works, under the direction of the town manager, shall cooperate with and perform services for, other branches of the town government, including the school department upon request therefrom, by furnishing labor, materials and equipment, provided however, that the costs of such cooperative efforts and services are reimbursed to the department by the agencies thus served.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

1506. Further organization.

There may be within the department of public works the division of code enforcement and inspection, the head of which shall be appointed by the director of public works and approval [approved] by the town manager. The divisions shall be responsible for all building code enforcement, minimum housing code enforcement, the enforcement of zoning regulations, and all related functions and responsibilities which are within the jurisdiction of the town under state law and town ordinances not inconsistent therewith. All inspectors and other personnel responsible for enforcing such laws and regulations

shall be under the jurisdiction of the division, and the general supervision of the director of public works. The head of said division may conduct personally such portion of the inspection functions of the division as he or she may be qualified to perform.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

#### ARTICLE XVI. PLANNING, ZONING AND DEVELOPMENT

##### 1601. Town planner.

There shall be a town planner, who shall be appointed by the town council upon the recommendation of the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

##### 1602. Qualifications.

The town planner shall be a person who has graduated from a recognized college or university with a master's degree in urban planning, and no less than three (3) years' experience as a city or town planner.

##### 1603. Duties and functions.

The town planner shall be the chief advisor to the town manager, the town council and the town planning board, on matters pertaining to his or her expertise, and shall upon request provide staff assistance to the zoning board of review and to the development commission.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Social Election.

##### 1604. Planning board; membership, appointment, term.

There shall be a planning board for the town consisting of five (5) members, each to serve a five-year term, appointed by the town council, in such manner that no more than three (3) of said members shall be members of the same political party. The said terms shall be so arranged that the term of one (1) member shall expire each year. All members serving on said board at the time that this Charter takes effect shall continue in office until the expiration of their respective terms. All members of said board shall be qualified electors and residents of the town, and shall serve until the expiration of their respective terms, or until their successors are elected and qualified, or until they shall cease to have the qualifications set forth in this section. All vacancies on said board shall be filled for the unexpired term. The board shall elect a chairperson and such other officers as it may determine from among its own membership, and shall adopt rules of procedure not inconsistent with this Charter or state law.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

##### 1605. Planning board, powers and duties.

It shall be the duty of the planning board to make studies of the resources and needs of the town with reference to its physical growth and development as affecting the health, safety, moral and general welfare of the people and the economy and efficiency of communal life. The board may make special studies when requested by the council or the town manager, and shall have access to available plans, records surveys and other data filed with any department of the town. The board shall report annually to the council and to the town manager, and may recommend plans and schemes of development and give estimates of the cost thereof, and shall make other reports upon such relative matters as



may be from time to time referred to it by the council or the town manager. Such plans, schemes of development, [and] costs thereof shall be presented to the town manager annually as a five-year plan. All department heads shall submit to the planning board capital budget items. All capital budget items in excess of two hundred fifty thousand dollars (\$250,000.00) shall be referred to an all-day referendum.

The planning board shall establish rules and procedures for all subdivision review in the Town of West Warwick in compliance with applicable state laws and the town's community comprehensive plan.

All significant community projects before the zoning board will be reviewed by the planning board at the discretion of the town manager for an advisory opinion. The board's recommendation must be made public and considered by the zoning board prior to any decision.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

1606. Zoning board of review.

There shall be a zoning board of review which shall consist of five (5) members, each to hold office for a term of five (5) years with one (1) member to be appointed each year by the town manager with the confirmation of the council. The town council may appoint two (2) alternate members of said board, one of whom shall sit as an active member when and if a member is unable to serve at any hearing, upon request of the chairperson, of said board. The board shall choose its chairperson, and said chairperson or an acting chairperson in his or her absence, may administer oaths and compel the attendance of witnesses. All members and auxiliary members of said board shall be qualified electors and residents of the town during their term of office, and shall hold no other office in the service of the town. No more than three (3) of the members of said board shall at any one time be members of the same political party, and one (1) of the auxiliary members shall be from each of the two (2) major political parties. The board shall elect its chairperson from among its members.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

1607. Development commission.

There shall be a development commission for the town consisting of seven (7) members, all of whom shall be electors and residents of the town. The members of the commission shall be appointed by the town council, each for a four-year term, but with their terms arranged in such manner that the terms of two (2) members shall expire in each of three (3) successive years, and the term of one (1) member shall expire in the fourth year. All members of said commission in office at the time of the taking effect of this Charter shall continue to serve until the expiration of their respective terms. Appointments to the commission shall be made in such manner that no more than four (4) of the members thereof shall be members of the same political party at any one time. All members shall serve until their successors have been appointed and qualified, or until they shall cease to have the qualification for office set forth in this section. All vacancies shall be filled for the remainder of the unexpired term in the manner prescribed for appointments to the commission in this section. The board shall elect its chairperson, vice chairperson and secretary-treasurer from among its members.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

1608. Duties of development commission.

The development commission shall:

- (A) Promote, aid, and assist in the development, expansion and location of industry and business in the town, for the purpose of establishing an equitable balance between commercial and residential property. It may make surveys and compile statistics in furtherance of the purpose set forth herein;
- (B) Perform other duties not inconsistent with the purposes of this article;
- (C) Cooperate with all boards, commission and departments of the town requiring its aid, counsel and advice;
- (D) Have access to all available plans, records, surveys and other information on file with any town department, and may call upon them for aid, advice and assistance. It may also act as a liaison between the town, state and federal agencies on such matters as may be authorized by the town council.

1609. Development commission--Reports, recommendations.

The development commission shall make an annual report to the town manager in compliance with the fiscal year. It may make such recommendations as it deems necessary and advisable for the best interests of the town.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

1610. Same--Bylaws.

The commission may adopt bylaws covering its procedure not inconsistent with the provisions of this article, and shall submit copies of same to the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

## ARTICLE XVII. SEWER COMMISSION

1701. Sewer commission.

The town shall have the authority, pursuant to applicable state law, and subject to applicable rules and regulations of the state and federal governments, to operate, maintain, extend and improve a sewage disposal system for the town or any part or parts thereof. There shall be a sewer commission for the town, which shall be the town council. The sewer commission shall exercise the powers of the town in relation to all matters pertaining to sewers in the town as set forth in this section and in applicable state law, and also in relation to the extension of said sewer system to, and the collection and treatment of all sewage from the state, and any other municipal or quasi-municipal corporation, or any private party, under any contract or contracts it shall have entered into with such parties for said purposes, or shall enter into [in] the future.

1702. Powers of sewer commission.

The sewer commission shall have the powers to:

- (A) Enter into contracts with the state, other municipal or quasi-municipal corporations, or private parties, under which it shall agree to collect and treat sewage from such contracting parties under terms set forth in such contracts, provided, however, that no such contract shall be for a period exceeding forty (40) years;
- (B) Set and apportion sewer assessments and sewer use charges in the manner prescribed by applicable law;

(C) Prescribe rules and regulations, effective within the town, regulating or requiring the connection of estates and buildings with sewers, for the inspection of the materials, the construction, alteration and use of all connection into such sewers, and may prescribe penalties in accordance with local and State law for violation of each rule or regulation, and each day such violation shall be permitted to exist shall constitute a separate offense, provided, however, that all such rules and regulations shall not be effective prior to their publication in a newspaper of general circulation in the town.

Editor's note: This section is amended by Question 12 approved at June 19, 2001 Special Election.

(D) Issue bonds and temporary notes for the purposes set forth in Sections 1701 and 1702, in the manner, and subject to the limitation set forth on applicable state law, and to make application for, receive and apply to the purposes set forth in the said sections, monies from the federal and state governments;

(E) Exercise any and all such additional powers as are conferred upon it by applicable state law, and any amendments thereof.

1703. Sewer department.

In addition to those powers as set forth herein and pursuant to Public Laws 1920, Chapter 2005, as amended, the Town Council for the Town of West Warwick, acting as sewer commission, shall be vested with the power and authority to plan, acquire, construct, operate, maintain, extend and improve a sewage disposal system for the Town or any part or parts thereof.

The Town Council shall also have the power to employ a Superintendent of Sewers upon the recommendation of the Town Manager and to prescribe his or her duties. The Town Manager shall have the power to employ such other assistants, employees and advisers as may be necessary for the efficient operation of the sewer system and, through the Town Manager and Superintendent of Sewers, shall be responsible for the management and operation of said system.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election; Question 13 approved at June 19, 2001 Special Election.

ARTICLE XVIII. DEPARTMENT OF HUMAN SERVICES\*

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\*Editor's note: The Art. XVIII title was amended by Question 14 approved at June 19, 2001 Special Election. Formerly, Art. XVIII was entitled, "Department of Public Welfare."

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1801. Creation.

There shall be a department of human services which shall perform the functions and services of the town relating to human services.

Editor's note: This section is amended by Question 14 approved at June 19, 2001 Special Election.

1802. Director.

The head of the department shall be the director of human services. The director of human services shall be appointed by the town council upon the recommendation of the town manager.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election; Question 14 approved at June 19, 2001 Special Election.

1803. Power and duties.

The director of human services shall have all the powers and duties relating to the poor, needy and dependent persons as may be vested in the department of human services and shall administer all welfare statutes of the state or federal government, the administration of which is delegated to the town or the director of human services.

Editor's note: This section is amended by Question 14 approved at June 19, 2001 Special Election.

#### ARTICLE XIX. SCHOOL COMMITTEE

1901. Number, term, selection.

There shall be a school committee which shall consist of five (5) members, elected from the town at large, to serve four-year terms, subject to recall as provided in this Charter, with their terms arranged in such manner that two (2) members are to be elected in November, 1988, and three (3) members are to be elected in November, 1990. All members of the school committee in office at the time of the taking effect of this Charter shall continue to serve until the expiration of their respective terms or until their successors are elected and qualified.

Editor's note: This section is amended by Question 6 approved at February 8, 1994 Special Election.

1902. Qualifications.

Members of the school committee, as defined in this Charter, shall, at the time of their election and during their term of office, be residents and qualified electors of the Town of West Warwick and shall hold no other paid public office or employment in the service of the town. No member of the school committee shall be eligible to accept any other paid appointed school department office during his or her term on the school committee or for a period of one (1) year thereafter.

1903. Vacancies.

A vacancy shall exist in the school committee if a member dies, resigns, ceases to meet the qualification for membership, is recalled, or is convicted of a felony or a crime of moral turpitude and has exhausted all appeals from said conviction. Any vacancy in the membership of the school committee shall be filled by the council until the next regular town election, when the office shall be filled for the unexpired term thereof, provided that that person selected to said vacancy shall be a member of the same political party as the person whose position he or she is elected to fill.

Editor's note: This section is amended by Question 6 approved at February 8, 1994 Special Election.

1904. Organization.

The school committee shall determine its own rules and its order or [of] business and the time of its meeting.

1905. Compensation.

Members of the school committee shall receive such annual salaries or stipends as may be set by the school committee, provided that any increase shall not become effective until after completion of the term of any member of the school committee at the time motion for said increase was approved.

1906. Powers and duties.

The school committee shall:

- (A) Determine and control all policies affecting the administration, maintenance and operation of public schools and shall have all the powers and be subject to all duties prescribed by the laws of the state and may provide rules and regulations for the use operation, maintenance of public school properties.
- (B) Have the power to inquire into the conduct of any office, department or activity of the public schools and make investigations as to school affairs.
- (C) Appoint and establish the compensation of a superintendent of schools who shall be its chief administrative agent, and who shall have, under the direction of the school committee, the care and supervision of the public schools. The superintendent shall be subject to removal at the discretion of the school committee, following a public hearing, if the superintendent shall request the same. There shall be no right of appeal from the decision of the school committee.
- (D) Appoint and remove all school employees upon recommendation of the superintendent of schools, except as otherwise be provided by state law. Except for the purpose of inquiry, the school committee and its members shall deal with the administration of the public schools solely through the superintendent of schools and neither the school committee nor any member thereof shall give orders to any subordinates of the superintendent of schools, either publicly or privately.
- (E) Submit budget estimates in the same manner provided by state law as other departments, but the budget estimates and appropriations shall be considered by the council and in the town's budget process in total only. The allocation of the amounts appropriated shall be determined by the school committee.
- (F) At its discretion, request the department of public works to maintain and care for school buildings and grounds, provided that the costs are charged against appropriations for the public schools.
- (G) Prepare a complete report of its finances and activities at the close of each fiscal year. Such reports shall be included as a separate section in the annual town report.
- (H) Exercise such other powers and perform such other duties as prescribed by state law and as are not inconsistent with this Charter.

#### ARTICLE XX. OTHER TOWN OFFICES

2001. Town sergeant.

There shall be a town sergeant, appointed by the town council, to serve at the town council's pleasure. The town sergeant shall be a qualified elector and resident of the town during his or her continuance in office, shall have all the powers, privileges and immunities of the said office, and shall perform all duties as prescribed by the general laws of the state and applicable special laws and town ordinances.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

2002. Town moderator.

There shall be a town moderator, appointed by the town council, to serve at the town council's pleasure. The town moderator shall be a qualified elector and resident of the town during his or her continuance in office, and shall preside over the financial town meeting or any special town meetings.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

2003. Town offices, general.

There shall be the following offices to which the town council shall appoint, said appointees to serve at the town council's pleasure:

- (A) Fence viewer,
- (B) Sealer of weights and measures,
- (C) Superintendent of lights,
- (D) Weigher of coal and other merchandise,
- (E) Safety committee chairman,
- (F) Tree warden,
- (G) Civil defense director,
- (H) Recreation director.

All persons appointed to the offices provided for in this section shall be electors and residents of the town during their continuance in office. Each shall have the powers and duties which shall be prescribed for his or her office by state law and by ordinance.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

2004. Pension board.

There shall be a pension board for the town, of five (5) members, appointed by the town council for staggered three-year terms, from among persons who are qualified electors and residents of the town, no more than three (3) of whom shall at any time be members of the same political party. The office of any member who ceases to have the qualifications set forth in this section shall become vacant. Each of the members of the board in office on the date upon which this Charter takes effect shall serve the term for which he or she was appointed. All vacancies shall be filled for the balance of the unexpired term. The board shall elect from its membership its chairman and such other officers as it shall deem necessary. The board shall be responsible for administering all retirement plans for town police, fire and other municipal employees, excepting those employees of the school department who are covered by the state retirement plan.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

2005. Housing authority.

There shall be a housing authority for the town consisting of five (5) commissioners appointed by the town council and each to serve a term of five (5) years, said terms to be so arranged that the term of one commissioner shall expire each year. All persons appointed as commissioner shall be eligible voters and residents of the town, and the office of any commissioner who ceases to meet this qualification shall become vacant. Any vacancy on the authority shall be filled for the unexpired term. The housing authority shall have all of the powers and duties prescribed in applicable provisions of state law and any applicable amendments thereof. All commissioners of the housing authority in office at the time of the taking effect of this Charter shall continue in office and complete the terms for which they were appointed so long as they meet the qualifications for office set forth in this section.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

2006. Water authority.

The town council shall appoint such members from time to time as the town may be entitled to appoint to the board of the Kent County Water Authority, to serve such terms, and to serve under such conditions, as are or may be prescribed by applicable state law, provided however, that all appointees chosen by the town council shall be persons who are qualified electors and residents of the Town of West Warwick, and provided further, that the office of any member who ceases to meet this qualification shall become vacant. Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

#### ARTICLE XXI. RECALL

##### 2101. General authority.

The registered voters of the Town of West Warwick shall have [the] power to remove members of the school committee from office by recall, provided that the recall may not be initiated during either the first or last six (6) months of an incumbent's term.

##### 2102. Commencement of proceedings: petitioners' committee: affidavit.

Any five (5) qualified voters may commence recall proceedings by filing with the town clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in the proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent and setting out in full the proposed name and office of the elected official to be recalled. Not later than ten (10) business days after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate blanks to the petitioners' committee.

##### 2103. Petitions.

(A) Number of signatures. Recall must be signed by qualified voters equal in number to at least twenty-five percent (25%) of the total number of persons registered to vote at the last regular election in the town.

(B) Form and content. All papers of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and voting address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the name and office of the official for whom recall is sought.

(C) Affidavit of circulator. Each paper of a petition shall have attached to it when filed, an affidavit executed by the person circulating it stating the number of signatures thereon and affirming that he/she personally circulated the paper, that all the signatures were affixed in the presence of the circulator, and that he/she believes them to be genuine signatures of the persons whose names they purport to be.

(D) Time for filing recall petitions. Recall petitions must be filed with the town clerk within thirty (30) calendar days after the clerk's issuance of the blank petition.

##### 2104. Procedure after filing.

(A) Certification of petition. The town clerk shall forthwith refer the filed recall petition to the board of canvassers which shall within ten (10) business days prepare a certificate as to the sufficiency, specifying if it is sufficient an [and] specifying if it is insufficient, the particulars wherein it is defective. The board of canvassers shall promptly send a copy of the certificate to the petitioners' committee by return receipt mail. In reviewing the petition, the board shall accept every signature as valid if it can be reasonably identified to be the signature of the voter it purports to be; and provided, further, that variation of the voter's signature by the insertion or omission of identifying

titles or by the substitution of initials for the first or middle names or both shall not in itself be grounds for invalidation of such signature. Any voter who is unable to write may sign by making his or her mark (X) on the petition in the presence of two (2) witnesses who shall subscribe their names on the paper as witnesses to the signing.

(B) Court review; new petition. A determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

2105. Submission to voters.

The vote of the town on a recall petition shall be held not less than thirty (30) calendar days and not more than sixty (60) calendar days from the date that the board of canvassers certified the petition as sufficient.

2106. Results of election.

If a majority of the votes cast on the question of removal is affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon certification of the election results

Editor's note: This section is added by Question 6 approved at February 8, 1994 Special Election.

## ARTICLE XXII. MISCELLANEOUS PROVISIONS\*

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\*Editor's note: This article is renumbered because of Recall Article added by Question 6 approved at February 8, 1994 Special Election.

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2201. Dual office holding.

No paid employees of the town shall be eligible to hold any elective office in the town; nor shall any elected official of the town be eligible for appointment to or for the holding of any position as a paid employees [employee] of the town while serving as such elected official, or for one (1) year following the expiration of the term for which he or she have [has] been elected. For purposes of this section, paid employees of the school department shall be deemed to be employees of the town.

2202. Public records.

All records and accounts of every department, office and agency of the town shall be public records as defined in state law, with such exceptions as are set forth in state law, and shall be open to inspection by any person so requesting in accordance with the provisions of state law.

2203. Codification and revision of ordinances.

The town council, within two (2) years following the effective date of this Charter, and at least every five (5) years thereafter, shall cause to be prepared a revision or codification of the ordinances of the town which are currently in effect and are appropriate for continuation as local laws of the town. Such revision or codification shall be prepared under the supervision of the town solicitor, but the council may authorize the solicitor to contract for the services of persons or organizations experienced in the performance of such work.

2204. Conflict of interest.

The conflict of interest provisions of state law shall apply to all officials of the town as prescribed therein, in accordance with all prohibitions and definitions therein contained.



2205. Charter amendment and review.

This Charter may be amended at any time, or a new Charter adopted, in the manner provided by the Constitution of the state. No amendment or proposed new Charter shall be placed before the electors for a vote thereon by the council until a public hearing has been held on all such amendments or on such new Charter. It shall not be necessary for the full text of proposed amendments, or of a proposed new Charter, to be printed on the ballot. A digest or description thereof, or any statement or question which substantially expresses the purpose or identifies the subject matter to be voted upon shall be sufficient. The council shall approve of the wording of any such digest, description, statement or question as it shall appear upon the ballot. A copy of the full text of the proposed amendments, or of the proposed new Charter, shall be posted in each polling place and such other places as may be designated by the canvassing authority.

(A) Should two (2) or more amendments adopted at the same time have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The section[s] of any amendment added to this Charter shall be numbered by the town clerk and inserted in their appropriate places.

(B) In the tenth year following the year of the adoption of this Charter, and in each subsequent tenth year, the town council shall appoint a charter review commission of nine (9) members, all of whom shall be electors and residents of the town and not more than five (5) of whom shall be members of the same political party. Said commission shall review the Charter of the town as it exists at the time of its appointment, and propose to the council such amendments, if any, as it may deem necessary and advisable. Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

2206. Fees.

All fees, penalties and payments collected by town official[s] or agencies in their official capacities shall be deposited in the general funds of the town, and the compensation paid to each official shall be in lieu of all fees, penalties and payments payable to such officials in the performance of his or her duties.

2207. Annual audit.

Within three (3) months after the beginning of each fiscal year, the town council by resolution shall arrange for an annual independent audit of the books, accounts and other evidences of financial transactions of the town, as of the close of the preceding fiscal year, to be conducted either by state auditor or, following competitive bidding, by a certified public accountant holding a certificate from this state and having no personal interest in the financial affairs of the town. Such examination shall conform to applicable state law and with generally accepted auditing standards, and, further, allow for the auditor to express opinions on the financial condition of the town. A copy of the audit report shall be furnished to the town manager, and a copy or copies as requested to the council. A copy shall also be filed with the town clerk for public inspection.

Editor's note: This section is amended by Question 1 approved at February 8, 1994 Special Election.

2208. Oath of office.

Every officer of the town shall, before entering upon the duties of his or her office, shall take and subscribe to the following oath of office or affirmation, to be filed and kept in the office of the town clerk:

I solemnly swear (or affirm) that I will support the Constitution and obey the laws of the United States of America and the State of Rhode Island and Providence Plantations; and I will in all respects observe the provision of the Charter and ordinances of the Town of West Warwick, and will faithfully discharge the duties of the office of...

2209. Conviction of crime.

Any employee or elected or appointed official of the town who shall have been charged with a felony may, at the sole discretion of the town council, be suspended from office or employment with or without pay pending trial, and any official of the town who shall have been convicted of or entered of guilty or nolo contendere to any felony charge shall be automatically suspended from office or employment without pay pending the outcome of any appeal from said conviction. Any such employee or elected or appointed official whose conviction shall stand following the exhaustion of all appeals shall be deemed to have vacated his or her office or employment. Any such employee or elected or appointed official who is acquitted or whose final conviction shall be overturned upon appeal, may resume his or her duties and shall be paid all compensation that would otherwise have been due during his or her unpaid suspension from office or employment.

Editor's note: This section is amended by Question 17 Approved at November 5, 1996 General Election.

2210. Partial invalidity.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that the provision or language held invalid may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply, and if any section or part of section concerned with election procedures shall be held invalid by such court, the pertinent election procedures set forth in the law of the state shall apply.

2211. Special acts superseded.

The following special acts of the General Assembly pertaining to the granting of tenure in office to officers of town government in the Town of West Warwick, and any other special acts of like nature which shall have been enacted prior to the date upon which this Charter takes effect, shall be superseded by applicable provisions of this Charter: Public Laws of 1968, Chapter 174; Public Laws of 1973, Section[s] 1, 2 and 3 of Chapter 70; Public Laws of 1975, Chapter 138; Public Laws of 1978, Chapters 316, 318 and 319; and Public Laws of 1986, Chapter 58, provided, however that any officer of the town holding office at the time this Charter takes effect, who shall have been granted tenure in office under the terms of any such special act of the General Assembly, shall continue to enjoy said tenure as if such act had remained in effect. All other special acts or parts of acts of the General Assembly pertaining to the Town of West Warwick, which are in conflict with provisions of this Charter, shall be superseded by said Charter provision.

ARTICLE XXIII. TRANSITIONAL PROVISIONS\*

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\*Editor's note: This article is renumbered because of Recall Article added by Question 6 approved on February 8, 1994 Special Election.

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2301. Adoption of Charter.

This Home Rule Charter for the Town of West Warwick shall be submitted to the electors of the town at the general election to be held on the Tuesday after the first Monday in November, 1986, in such manner as is provided by state law.

2302. Effective date.

This Charter shall take effect on the first Monday in December, 1988, at twelve o'clock noon if the same shall have been approved by the electors as provided in Section 2301 hereof, and such approval shall have been certified by the canvassing authority, provided, however, that such provisions of this Charter as relate to the election of the mayor, the members of the town council, and the school committee shall be deemed to have taken effect on the first day prescribed by state law for the filing of declarations of candidacy for the general election to be held on the Tuesday after the first Monday in November, 1988.

2303. First election under Charter.

At the general election held on Tuesday after the first Monday in November 1988, the electors of the town shall vote for a mayor, five (5) members of the town council, and two (2) members of the school committee, to fill the offices established by this Charter in Article III, Section 301, Article IV, Section 401, and Article XIX, Section 1901, respectively. Said officials thus elected shall take office on the effective date of this Charter as prescribed in Section 2302 of this Article.

2304. Continuation in office.

All officials of the town, elective and appointive, shall continue in office following the effective date of this Charter, and shall exercise the powers and duties of their respective offices as these were constituted at the time of their election or appointment, until successors have been elected and qualified or duly appointed under the terms of this Charter, or until their offices have been abolished by ordinance in implementation of this Charter.

2305. Continuation of personnel.

All persons employed in the service of the town, at the effective date of this Charter, shall continue in such employment until their status is altered in accordance with the provisions of this Charter or regulations enacted pursuant thereto.

2306. Transfer of appropriations.

The town council shall have the authority to make any changes or transfers in appropriations existing when this Charter takes effect, where such changes or transfers are required for the operation of the town government under the provisions of this Charter.

2307. Ordinances to implement Charter.

The town council shall proceed to enact or adopt as promptly as possible all ordinances, resolutions, rules and regulations which may be necessary to implement the provisions of this Charter.

2308. Transfer of records and property.

All records, property and equipment whatsoever of any office, department or agency or portion thereof, all of the powers and duties of which are assigned to any other office, department, or agency shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or portion thereof are assigned to another office,

department, or agency, all records, property, and equipment relating exclusively thereto shall be transferred and delivered to the office, department, or agency to which such powers and duties are so assigned. In the event of disagreement over the transfer of the same, the mayor shall make the final decision.

2309. Continuance of contracts and obligations.

All contracts and obligations entered into by the town prior to the effective date of this Charter shall continue in full force and effect.

2310. Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the town or any office, department, or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

2311. Continuation of tax obligations.

All taxes levied or assessed by the town prior to the effective date of this Charter, which have not been collected by the town, shall be collected with any interest and penalties thereon by the town government hereby established in accordance with state law.

2312. Continuance of ordinances.

All ordinances, resolutions, rules and regulations of the town in force at the time when this Charter takes effect, not inconsistent with this Charter, shall continue in force until amended or repealed.

2313. Town meeting referendum.

At the regular town election in November, 1990, the town council shall present to the voters of the town, for their approval or rejection, an amendment to this Charter providing for the elimination of the financial town meeting.

2314. Instances not covered by this article.

In all instances involving the transition of the town government from that under the previous laws governing the town to that under this Charter, which are not covered by the provisions of this article or by other provisions of this Charter, the council shall supply necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefore [therefor].

#### CHARTER COMPARATIVE TABLE

This table contains a chronological listing of amendments enacted subsequent to November 4, 1986, which affect the Home Rule Charter of the town.

#### TABLE INSET:

Date of Approval this Charter	Section	Section
11- 4-86	Arts. I--XXIII	Arts. I--XXIII
1- 7-97	Added	Art. I, § 104
	Added	Art. IV, § 407(S)
		Art. VIII, § 806(B)
		Art. IX, § 912
		Art. IX, § 916
		Art. X, § 1001
		Art. XXII, § 2209

6-19-01                      Art. III, § 308(H)  
                                    Art. VIII, § 807(B)  
                                    Art. IX, § 908(D)(4)  
                                    Art. IX, § 915  
Rpld    Art. X, § 1005  
                                    Art. XIII, § 1301--1303  
                                    Art. XIV, § 1402  
                                    Art. XV, § 1502  
                                    Art. XVII, § 1702(C)  
                                    Art. XVII, § 1703  
                                    Art. XVIII(title)  
                                    Art. XVIII, §§ 1801--1803

## PART II SPECIAL ACTS\*

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\*Editor's note: This part contains special acts relating to the Town of West Warwick. Only those acts of general and prospective effect are set out. A table following the compilation shows the acts not included and the reasons for their omission. Each act is set out in a separate article, and the articles are in chronological order. The sequence of sections within each article is the same as in the act comprising it. A history note in parentheses following each section cites the original source of the section and any subsequent amendments. Amendments have been worked into their proper places and amended or repealed provisions deleted.

The editors have added catchlines in boldface print preceding each section.

It should be noted that Part I of this volume contains the Home Rule Charter for the town which was approved by the voters at the November 4, 1986, General Election, being effective at noon on the first Monday in December, 1988. Section 2111 of such Charter provides that special acts of the General Assembly pertaining to the granting of tenure to certain officers in town government enacted prior to the effective date of the Charter shall be superseded by applicable provisions of the Charter, provided that those officers who have been granted tenure under the special acts shall continue to enjoy such tenure as if such act had remained in effect; and that all other special acts or parts thereof pertaining to the town which are in conflict with provisions of the Charter shall be superseded by such Charter provisions.

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Sec. 7. Custody of records, copies.

Sec. 8. Elective officers specified; terms.

Sec. 9. Election of probate judge.

- Sec. 10. Jurisdiction of pending proceedings.
- Sec. 11. Continuation of officers; transitional registration of voters.
- Sec. 12. Caucuses.
- Sec. 13. Financial town meeting, fiscal year.
- Sec. 14. Apportionment of debts, liabilities.
- Sec. 15. Maintenance of division highways.
- Sec. 16. Division commission created.
- Sec. 17. Duties of division commission.
- Sec. 18. Repealer; when act effective.
- Sec. 19. Expenditures for schools in Warwick.
- Sec. 20. Appointment, removal of policemen in Warwick.
- Sec. 21. Term of office of present policemen in Warwick.
- Sec. 22. Effect on old Warwick police commission act.
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- Sec. 24. Contributions to sinking fund; compensation.
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- Sec. 9. Bonds authorized.
- Sec. 10. Terms, form of bonds; how issued and sold.
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- Sec. 16. Validity of debts not affected by change in affairs.
- Sec. 17. Federal, state assistance.
- Sec. 18. Compliance with constitution.
- Sec. 19. Approval of bonds by electors.
- Sec. 20. Agreements for use by adjoining municipalities.
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#### ARTICLE 1. DIVISION OF WARWICK AND WEST WARWICK

Sec. 1. Towns divided.

The Town of Warwick is hereby divided into two (2) towns. All the territory constituting representative districts one and two of the present town shall constitute the Town of Warwick, and shall constitute representative districts one and two of the Town of Warwick after the passage of this act. All the territory constituting representative districts three, four and five of the present town shall constitute the Town of West Warwick and shall constitute representative districts one, two and three, respectively, of the Town of West Warwick after the passage of this act. Both of said towns shall be a part of the Second Congressional District.

(Laws 1913, ch. 1012, § 1)

Sec. 2. General corporate nature, statutory powers, etc.

The inhabitants of each of said towns shall be a body corporate, and each body corporate shall exercise and enjoy, all the rights, powers, privileges and franchises granted, and shall be subject to the liabilities imposed upon towns by the constitution and General Laws of this state now and hereafter in force.

(Laws 1913, ch. 1012, § 2)

Sec. 3. Representation in general assembly.

From the Town of Warwick, there shall be elected one senator and two (2) representatives; that is, one representative shall be elected by each of the representative districts in said town. From the Town of West Warwick, there shall be elected one senator and three (3) representatives; that is, one representative shall be elected by each of the representative districts in said town.

For the purpose of filling the vacancies created by this act, the present representatives from the first and second districts of the present Town of Warwick shall serve as representatives of the first and second districts, respectively, of the Town of Warwick, and the present representatives from the third, fourth and fifth districts of the present Town of Warwick shall serve as representatives of the first, second and third districts, respectively, of the Town of West Warwick; and the present senator from the present Town of Warwick shall serve as senator from the Town of Warwick; said representatives and senator to serve until their terms as representatives and senator from, the present Town of Warwick would have expired if said town had not been divided. The electors of the Town of West Warwick shall on the first Tuesday following the first Monday of November, 1913, elect a senator who shall serve for one year and until his successor is

elected and qualified. After said terms shall have expired the electors of each of said towns shall elect their senator and representatives as is prescribed by the constitution and General Laws of the State of Rhode Island.

(Laws 1913, ch. 1012, § 3)

State law references: Senatorial districts described, G.L. 1956, § 22-1-2; representative districts described, G.L. 1956, § 22-2-2.

Sec. 4. When district court sits.

The district court of the fourth judicial district shall meet in Warwick each Tuesday and in West Warwick each Friday, at some regular hour to be fixed by the court, and such days shall be return days for civil writs issued from this court; but said court shall not sit on legal holidays for the transaction of civil business.

(Laws 1913, ch. 1012, § 4)

State law references: Sessions of district court, G.L. 1956, § 8-8-13.

Sec. 5. Drawing of grand and petit jurors.

There shall be drawn by the town council of the town of West Warwick, at the time and in the manner prescribed by the General Laws, for the drawing of jurors, twenty-two grand jurors and forty-three petit jurors for service in the superior court for the county of Kent, and there shall be drawn by the town council of the town of Warwick at the time and in the manner prescribed by the General Laws for the drawing of jurors fourteen grand jurors and thirty petit jurors for service in the superior court for the county of Kent.

(Laws 1913, ch. 1012, § 5)

State law references: Drawing of jurors and the number thereof, G.L. 1956, §§ 9-9-16, 9-9-20.

Sec. 6. Boards of police commissioners.

There shall be a board of police commissioners for the town of Warwick, consisting of three members, all of whom shall be qualified electors of said town, and there shall be a board of police commissioners for the town of West Warwick, consisting of three members, all of whom shall be qualified electors of said town. The members of each of said boards shall be elected by the electors of their respective towns at the first town election to be holden in each of said towns after this act takes effect. Of the three commissioners chosen on each of said boards, one shall serve for one year, one for two years and one for three years from the date of their election, and thereafter there shall be elected at each annual election for town officers in each of said towns one member of the police commission for said town to serve for three years. Each of said boards of police commissioners shall in their respective towns have all the privileges and powers that are conferred upon the board of police commissioners of the present town of Warwick by virtue of Chapter 695 of the Public Laws of Rhode Island, approved May 5, 1911. The annual salary of each member of each of said boards shall be three hundred dollars, and each board is hereby authorized to elect a clerk and to determine the salary of the same. The records of each of said boards shall at all times be open to the inspection of the governor, or to such person or persons whom he may designate in writing. The clerks of each of said boards of police commissioners shall give a bond in the sum of five thousand dollars to their respective towns with surety or sureties satisfactory to the town treasurer thereof, but the members of said boards shall not be required to give bond. The board of police commissioners of the present town of Warwick shall when this act becomes operative deliver to the police commissioners of the respective towns such records,

documents and papers relative to the granting of licenses of every description, and of all other matters within the jurisdiction of said board that may pertain to each of said respective towns.

(Laws 1913, ch. 1012, § 6)

Editor's note: The board of police commissioners of West Warwick has been abolished and its functions transferred to the town council by Laws 1923, ch. 2420, appearing as art. 3 hereof.

Sec. 7. Custody of records, copies.

All books of record, plats and assessors' plats of the present town of Warwick shall become the property of the town of Warwick, but the inhabitants of West Warwick shall have the same rights of access to said records and plats as the inhabitants of the town of Warwick. And the Warwick Division Commission, hereinafter created, shall forthwith cause to be made copies of all such records and plats as said commission may deem necessary for the use of said town of West Warwick. The cost of making such copies shall be borne and paid equally by the towns of Warwick and West Warwick. Said copies when so made shall become and be the property of the town of West Warwick.

(Laws 1913, ch. 1012, § 7)

Sec. 8. Elective officers specified; terms.

On the first Tuesday following the first Monday of November, 1913, and annually thereafter, the electors of each of said towns shall elect a town council of five members, town clerk, town treasurer, a school committee of five members, a board of tax assessors of three members, and such other town officers as may be provided for by the General Laws, and which are not in conflict with the provisions of this act relating to the establishment of a police commission.

Of the board of tax assessors so chosen in 1913, by each of said towns, one member shall serve for one year, one for two years, and one for three years; and thereafter at each annual election for town officers in each of said towns, there shall be elected one assessor of taxes to serve for three years.

(Laws 1913, ch. 1012, § 8)

Cross references: School committee membership, Art. 26.

Sec. 9. Election of probate judge.

The town council of each of said towns may elect a probate judge in accordance with Chapter 306, Section 3 of the General Laws.

(Laws 1913, ch. 1012, § 9)

Editor's note: G.L. 1909, ch. 306, § 3 appears as G.L. 1956, §§ 8-9-4, 8-9-5.

Sec. 10. Jurisdiction of pending proceedings.

All proceedings commenced or pending prior to the time when this act shall take effect before the court of probate in the present town of Warwick, over which the court of probate of the town of West Warwick would acquire jurisdiction, shall remain within the jurisdiction of the court of probate of the town of Warwick until their final termination.

(Laws 1913, ch. 1012, § 10)

Sec. 11. Continuation of officers; transitional registration of voters.

The town officers now in office in the present town of Warwick shall hold office until the officers of the respective towns of Warwick and West Warwick shall have been elected as provided for in this act, and shall have qualified for their respective offices, and said town officers shall continue to perform for both of said towns all of the duties now

imposed by law upon them, until such new officers are elected and qualified. And the moderators of the present voting districts and other election officials shall continue to serve until after the elections herein provided for both of said towns until their successors are elected and qualified. All persons who if registered would be qualified to vote in the present town of Warwick at the annual election to be holden on the fourth day of November, 1913, if this act had not been passed, may register with the town clerk of the present town of Warwick in the same manner as may be required by law, and such registration shall be good within and for both of the towns created under this act to all intents and purposes as it would have been in the town of Warwick had said town not been divided by this act.

(Laws 1913, ch. 1012, § 11)

Sec. 12. Caucuses.

The respective town committees of all qualified political parties in the present town of Warwick shall issue calls for caucuses for their respective political parties in the two towns created hereunder in such manner as said town committees may determine to nominate candidates for senators and representatives in the general assembly, town and district officers, members of town and other committees, and transact such other business as said town committee may direct to be transacted.

(Laws 1913, ch. 1012, § 12)

State law references: Caucuses replaced by primaries, G.L. 1956, § 17-15-6.

Sec. 13. Financial town meeting, fiscal year.

The electors of the town of Warwick qualified to vote on any proposition to impose a tax or for the expenditure of money in said town shall on the Tuesday following the third Monday in November, in the year 1920, and thereafter annually on the second Tuesday in May, assemble in town meeting at the town hall in said town, at two o'clock in the afternoon, for the purpose of hearing official reports, ordering a tax or taxes, making appropriations and transacting any other business appertaining to the financial affairs of said town. The fiscal year of the town of Warwick shall include the twelve calendar months from May to April both inclusive.

The electors of the town of West Warwick qualified to vote on any proposition to impose a tax or for the expenditure of money in said town, shall annually on the Tuesday following the third Monday in May, assemble in town meeting at a place in said town designated by the town council of West Warwick, at two o'clock in the afternoon, for the purpose of hearing official reports, ordering a tax or taxes, making appropriations and transacting any other business appertaining to the financial affairs of said town. The fiscal year of the town of West Warwick shall include the twelve calendar months from May to April both inclusive.

Said town meeting in each of said towns shall be warned and called as provided by law with respect to town meetings prescribed by law. The list of electors qualified to vote at such town meetings in each of said towns, shall be made out and canvassed in the same manner as provided by law with respect to elective town meetings.

(Laws 1913, ch. 1012, § 13; Laws 1915, ch. 1326, § 1; Laws 1920, ch. 2004, § 1; Laws 1921, ch. 2149, § 1)

Editor's note: It should be noted that Laws 1952, ch. 2892, § 1, included herein as art. 12, provides that the financial town meeting be held annually on the Tuesday following the third Monday in March at 7:00 in the evening.

State law references: Notice of meetings, G.L. 1956, § 45-3-5; canvas of electors, G.L. 1956, § 17-10.1 et seq.

Sec. 14. Apportionment of debts, liabilities.

All debts and liquidated liabilities of the present town of Warwick shall be and remain valid and binding. The Warwick Division Commission, hereinafter created, shall apportion the payment of said debts and liquidated liabilities between the towns of Warwick and West Warwick in proportion to the ratable property in said towns, according to the assessment of taxes last made in the present town of Warwick. Such apportionment shall not bar the holder of such debt or liability against the present town of Warwick from recovering as fully as said holder might have recovered against the present town, but shall be made only for the purpose of determining which town shall be primarily liable for each debt and for establishing a right of recoupment between said towns if [of] the town primarily liable to pay any obligation apportioned to it. All actions in law and equity now pending against the present town of Warwick may be prosecuted to final judgment without the substitution of any new defendant, but execution shall issue against the town treasurers of both the town of Warwick and West Warwick and the amount under said execution shall be paid by the two towns in the same proportions as present indebtedness is apportioned by the Warwick Division Commission. Causes of action against the present town of Warwick in which no suit has yet been brought and in which the statute of limitations has not expired, if brought, shall be brought in the manner prescribed in Chapter 46 of the General Laws of 1909, but against both the towns of Warwick and West Warwick, and in the event of the execution against said towns, said towns shall pay the judgment secured in the same proportions as present indebtedness is apportioned by the Warwick Division Commission.

(Laws 1913, ch. 1012, § 14)

Editor's note: Chapter 46, G.L. 1909, is distributed throughout G.L. 1956, tits. 29 and 45.

Sec. 15. Maintenance of division highways.

Of the highways forming portions of the division line between said towns, those roads known as "Quaker avenue," and "Rocky Hill road," extending from the East Greenwich line at Barton's corner northerly to the Centreville road, (sometimes called Warwick avenue), shall be maintained and kept in repair by the town of Warwick, and the remainder of such division highways shall be maintained and kept in repair by the town of West Warwick, and all claims brought for damages by reason of any defect in said highways, in accordance with Chapter 46 of the General Laws [G.L. 1956, ch. 46], shall be brought accordingly.

(Laws 1913, ch. 1012, § 15)

Note: See the note following § 14.

Sec. 16. Division commission created.

There shall be appointed by the governor of the State of Rhode Island a commission of five competent persons, two of whom shall be residents of the town of Warwick created by this act, and two of whom shall be residents of the town of West Warwick, and one of whom shall be a resident of some city or town in Rhode Island other than Warwick or West Warwick, which commission shall be known as the Warwick Division Commission, and which commission shall perform the duties imposed upon it by the provisions of this act, and which is hereby authorized, empowered and directed to do and perform each and every act, necessary and essential to the complete division of the town



of Warwick and not otherwise specifically devolved upon any official or person, and the acts of said commission in carrying out the provisions of this act shall be final.

(Laws 1913, ch. 1012, § 16)

Sec. 17 Duties of division commission.

The Warwick Division Commission, as provided for in the preceding section of this act, is hereby authorized and directed to apportion the valuation of the town of Warwick and the valuation of the town of West Warwick, as a basis for the state tax, according to the proportionate part of taxable property situate and within said towns; and the amount so found by them, or by any three of them agreeing, shall be the basis of said state tax for the said towns of Warwick and West Warwick. Said commission shall report the result of their action to the town clerk of Warwick and to the town clerk of West Warwick, when elected and qualified, to the secretary of state and to the general treasurer of the State of Rhode Island. The expenses and compensation of said commission shall be borne equally by said towns of Warwick and West Warwick.

(Laws 1913, ch. 1012, § 17)

Sec. 18. Repealer; when act effective.

All acts and parts of acts, whether of General Laws or special statutory enactments, inconsistent herewith are hereby repealed, and this act shall take effect and be in force upon its approval by the governor of the State of Rhode Island.

(Laws 1913, ch. 1012, § 18)

Sec. 19. Expenditures for schools in Warwick.

In addition to the powers now vested in school committees by the provisions of the General Laws, the school committee of the town of Warwick is hereby vested with the exclusive power and authority to expend all appropriations for school purposes made at any financial town meeting held in said town: Provided, however, that nothing herein shall be so construed as to vest in said committee the expenditure of any special appropriation for the erection of new school buildings or the purchase of sites therefor.

(Laws 1913, ch. 1012, § 19; Laws 1915, ch. 1326)

Sec. 20. Appointment, removal of policemen in Warwick.

In addition to the powers conferred upon the police commission of the town of Warwick by section 6 of this act, except as hereinafter provided, said police commission may appoint at any regular meeting after the passage of this act so many and such police officers, including the chief of police, a deputy chief of police, captain, lieutenant, and one or more sergeants of police, for service in said town as by rule or otherwise said commission may from time to time determine, which said officers shall hold their respective offices until vacated by death or resignation, except as hereinafter provided; and the chairman of said commission may at any time suspend any such officer or officers from his or their office or offices until the next regular meeting of said commission, at which meeting he shall report any and all such suspensions, with his reasons therefor, and the said commission may continue such suspension or suspensions until the next regular meeting following: Provided, however, that any one or more of the police officers so appointed, including the chief of police, deputy chief of police, captain, lieutenant, and sergeant or sergeants of police, shall be subject to removal from office by said commission, at any regular meeting thereof, for misconduct, or incapacity of such character as the said commission may deem a disqualification for said office; and all such removals shall be by the said commission upon charges made in writing, if requested by

such officer or officers, and of which the officer or officers complained of shall have notice and opportunity at the time to be heard thereon; provided further however, that nothing in this section shall be construed to apply to any police officer or constable other than the members of the regular paid police department of said town of Warwick.

(Laws 1913, ch. 1012, § 20; Laws 1921, ch. 2148, § 1)

Sec. 21. Term of office of present policemen in Warwick.

Upon the appointment and qualification of said police officers in the town of Warwick in accordance with the provisions of this act, the term of office of the officers composing the existing police force in that town shall terminate.

(Laws 1913, ch. 1012, § 21; Laws 1921, ch. 2148, § 1)

Sec. 22. Effect on old Warwick police commission act.

So much of the provisions of section 7 and 8 of chapter 695 of the public laws, passed at the January session, A. D. 1911, entitled "An act providing for a board of police commissioners for the town of Warwick," as are inconsistent with the provisions of this act, are hereby repealed, provided, however, that nothing herein contained shall be so construed as to affect the powers of the police commission of the town of West Warwick as defined in said chapter 695 and in section 6 of this act.

(Laws 1913, ch. 1012, § 22; Laws 1921, ch. 2148, § 1)

Editor's note: The West Warwick police commission was abolished and its functions transferred to the town council by Laws 1923, ch. 2420, compiled herein as art. 3.

Sec. 23. Sinking land commission created.

Howard V. Allen, town treasurer of the town of Warwick, Frank P. Duffy, town treasurer of the town of West Warwick, Arthur B. Harrington, president of the town council of the town of Warwick, and Donat Archambault, president of the town council of the town of West Warwick, and their respective successors in said offices, are hereby created and shall constitute a board of sinking fund commissioners of the sinking fund authorized to be established by the town of Warwick under the power granted by chapter 942 of the general laws passed at the November session of the general assembly, A. D. 1901, entitled "An act authorizing the town of Warwick to issue bonds and to establish a sinking fund for the redemption thereof."

(Laws 1913, ch. 1012, § 23; Laws 1925, ch. 745, § 1)

Sec. 24. Contributions to sinking fund; compensation.

Said towns of Warwick and West Warwick shall annually hereafter from the revenues of said towns, contribute to said sinking fund and pay to the board of sinking fund commissioners for the redemption of said bonds, the following amounts, until said sinking fund with its accumulations shall be sufficient for the redemption at maturity of the bonds for which said sinking fund was established, viz: the town of Warwick four thousand three hundred ninety dollars, and the town of West Warwick, two thousand seven hundred dollars.

(Laws 1913, ch. 1012, § 24; Laws 1925, ch. 745, § 1)

Sec. 25. Powers, duties of sinking fund commissioners.

Said board of sinking fund commissioners shall take possession of, sue for, and recover from any person or corporation, said sinking fund, or any part thereof in the possession of such person or corporation, shall have charge and control of said sinking fund, shall invest and reinvest in the name of the board all amounts so recovered or taken possession of and all other amounts contributed thereto and the income and accumulations thereof,

as it accrues, in the bonds of towns and cities secured by sinking funds, or certificates of said towns issued in anticipation of taxes, or any securities, except personal securities, in which funds of savings banks of Rhode Island, Massachusetts or New York may by law be invested, and the commissioners may sell and reinvest such securities. They shall keep a record of their proceedings and shall annually make a written report to the financial town meetings of said towns of Warwick and West Warwick of the amount and condition of said bonds and the income thereof for the preceding financial year and said records shall be open to the inspection of the town councils of said towns or to any committee authorized by the respective town councils for that purpose. No member of the board shall receive compensation for his services but the necessary expenses of the board shall be paid by said towns.

(Laws 1913, ch. 1012, § 25; Laws 1925, ch. 745, § 1)

## ARTICLE 2. SEWERAGE SYSTEM

### DIVISION I. LAWS 1920, CH. 2005, AS AMENDED\*

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\*Editor's note: This article contains Laws 1920, ch. 2005, as amended and reenacted in its entirety by Laws 1969, ch. 196, § 1. Sections 2 and 3 of said act provided as follows:

"Sec. 2. Nothing herein shall affect the validity of any action taken or assessments made pursuant to chapter 2005 of the acts of 1920 as amended prior to passage of this act. Assessments made prior to passage of this act shall be collected in the manner set forth in the prior law."

"Sec. 3. This act shall take effect upon its passage."

Prior to Laws 1969, ch. 196, said Laws 1920, § 2005 had been amended in part by Laws 1934, ch. 2169; Laws 1942, ch. 1183; and Laws 1952, ch. 2925. It was amended in its entirety by Laws 1969, ch. 107.

Laws 1941, ch. 1112, which was superseded by Laws 1969, ch. 196, abolished the sewer commissioners under Laws 1920, ch. 2005, and substituted the council therefor.

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#### Sec. 1. Authorized.

The town of West Warwick is hereby authorized and empowered to construct and maintain main drains or common sewers in any or all of the streets and highways of said town; to purchase all or any part of the drains now in said streets heretofore constructed by any party or parties; to acquire, construct and maintain works or plants for the proper treatment and disposal of sewage, and to acquire suitable sites for such works or plants. The cost and expense of such acquisition, construction, maintenance and purchase shall be paid in the manner hereinafter provided.

The sewer commissioners who shall be the members of the town council as and are referred to herein as "said commissioners," are authorized to order any water supplier which services any person assessed by said commissioners pursuant to sections 5 and 6 to terminate the water supply service of any person for non-payment of sewer use fees, charges, pretreatment, non-compliance and assessments. Said commissioners will abide by the rules and regulations of the Public Utilities Commission governing water shut-offs. Upon notification by said commissioners to terminate service, the water supplier shall within fourteen (14) days terminate said service and notify said commissioners that said termination has occurred. Upon notification by said commissioners, the water

supplier shall restore the water supply in accordance with the water supplier's policy on water supply restoration.

The town of West Warwick shall indemnify and hold harmless the water suppliers from any damages incurred to any party as a result of any actions of the water supplier taken pursuant to the provisions of this section. The water supplier shall receive reimbursement from the town of West Warwick for any fees, charges, assessments or costs incurred by the water supplier which are affiliated with the shut-off and restoration of service.

Said commissioners shall have the authority to assess any person any fees, charges and assessments affiliated with the shut-off and restoration of service. When service is provided to a residence occupied by a tenant, the tenant may, after paying the fees, charges and assessments necessary in order to restore or prevent termination of service, deduct the amount paid from the rent due the landlord. The tenant shall provide the landlord with a copy of the receipt from said commissioners when making a deduction from the rent.

(Laws 1920, ch. 2005, § 1; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1; Laws 1994, ch. 118, § 1)

Sec. 2. General powers of council.

The town council of the town of West Warwick shall be vested with the power and authority to plan, acquire, construct, operate, maintain, extend and improve a sewage disposal system for the town or any part or parts thereof. The town council shall also have power to employ a superintendent of sewers, to prescribe his duties, and to employ such other assistants and advisers as may be necessary. The town council from time to time shall fix the salaries of such employees.

(Laws 1920, ch. 2005, § 2; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 3. Agreements authorized.

When authorized by vote of its town council, the town of West Warwick may 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 disposal by one party of sewage collected by the other, and the state, such other municipal or quasi-municipal corporations and private parties are authorized to enter into such contracts with the town.

(Laws 1920, § 2005, § 3; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 4. Power of eminent domain.

For the purposes of this act, the town of West Warwick may acquire land or other real property, or any interest, estate or right therein, by eminent domain by the methods prescribed by chapter 1 of title 24 of the general laws as it may be amended from time to time, provided that no property or interest, estate or right therein belonging to the state or any political subdivision shall be acquired without its consent and that no property or interest, estate or right therein belonging to or used by a public utility shall be acquired without the consent of the division of public utilities. Any damages which may be agreed upon or determined under said chapter, including any interest and other applicable charges, shall constitute a general obligation of the town, but such obligation shall not at any time be included in the debt of the town for the purpose of ascertaining its borrowing capacity.

(Laws 1920, ch. 2005, § 4; Laws 1934, ch. 2169, § 1; Laws 1942, ch. 1183, § 1; Laws 1952, ch. 2925, § 1; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

## Sec. 5. Special assessments.

The town council of the town of West Warwick shall, to the extent described below, assess the cost of any project or projects for the construction, completion, extension, enlargement or improvement of the sewage disposal system upon the owners of the estates in the town which abut 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 which otherwise specially benefit from such project or projects. Such assessments may be made separately for each project or for several projects taken together. The cost to be assessed shall be that which is determined by the town council to provide particular rather than general benefit. 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 measure of benefits or upon any combination of the foregoing. The town council shall not make any particular assessment in excess 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. Such assessments shall name the owners assessed, describe their estates and state the amounts of the assessments but no error [of] omission in the name or description shall invalidate the assessment as long as either the owner or the estate is substantially identified. A copy of such 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 estates on a parity with the lien for town taxes until paid in full. The collector of taxes of the town 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.

Prior to or forthwith after the delivery to the town clerk of a copy of such assessment, the collector of taxes 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 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 [G.L. 1956, § 45-5-29]. If the court finds such assessment invalid in whole or in part, it shall give judgement reducing the amount thereof or for a refund accordingly. The filing of such a petition shall not relieve the estate involved from the lien hereinabove provided for or prevent the assessment becoming due as provided in this

section, 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 town council may make a corrected 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 notice of the corrected assessment was delivered to the town clerk.

Each assessment under this act shall be payable in equal annual installments over not less than twenty nor more than thirty years, as determined by the town council, upon a date fixed by the town council and shall bear interest from the date notice of the assessment was delivered to the town clerk until paid at a rate to be fixed at or prior to the assessment by the town council, 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 town council may provide for increasing the tentative amount of any assessment by a reasonable amount in lieu of interest upon the assumption that the assessment will be paid in annual installments when required and make the assessment in the aggregate amount of the tentative assessment plus such interest charge, which assessment shall be payable in equal annual installments upon a date fixed by the town council without further interest, provided that if any such assessment is paid in full before the expiration of the full term 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 town council may 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 assessment shall be payable at the same times and in the same amounts pro rata as the original assessment or unpaid part thereof. In all other respects the apportioned assessment 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.

All lands in the town of West Warwick held by religious corporations, and on which are located buildings which are used solely for the purposes of holding religious services therein, and all lands in said town held by cemetery corporations and used solely for cemetery purposes, shall be exempt from the payment of any and all assessments for the construction of sewers made in pursuance of the provisions of this act, so long as such lands shall be held and used solely for such purposes: Provided, that all assessments made on such lands for the construction and acquisition of sewers, under the provisions

of this act, shall be and remain for thirty years a lien on said lands, without interest, and the town may enforce the collection of such assessments, whenever such lands or any portion thereof shall be abandoned for said purposes, in the same manner as other sewer assessments are collected or enforced.

(Laws 1920, ch. 2005, § 5; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 6. Service charges.

The town council of the town of West Warwick may fix and revise from time to time a schedule of sewer service charges for the sewer service furnished in the town for the purpose of paying the cost of maintaining, repairing and operating its sewage disposal system (including reserves for such purposes and for renewals and replacements), the principal and interest on all sewer bonds of the town when due, and any other expenses not otherwise provided for which may arise under this act, to the extent that moneys for the foregoing purposes are not otherwise provided.

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 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.

Such charges shall be assessed by the town council periodically against each estate connected with or using any part of the town's 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 of the estate is reasonably identified. Sewer service charges shall be payable upon a date fixed by the town council, and if not paid within thirty days thereafter they shall bear interest at the rate of eight per cent per annum from their due date until paid. A certificate signed by the collector of taxes of the town 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 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 he has in the case of town taxes.

The collector of taxes 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 town council may assess a corrected charge to replace the invalid charge or portion.

(Laws 1920, ch. 2005, § 6; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 7. Regular laws authorized; violation, penalty; publication.

The town council of the town of West Warwick may from time to time prescribe rules and regulations, effective within the town, regulating or requiring the connection of estates and buildings with sewers, and for inspection of the materials, the construction,

alteration and use of all connections entering into such sewers, and may prescribe penalties not exceeding fifty dollars, for violation of each such rule or regulation, and each day such violation shall be permitted to exist shall constitute a separate offense. Such rules and regulations shall not be effective prior to their publication in a newspaper of general circulation in the town.

(Laws 1920, ch. 2005, § 7; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 8. Pollution prohibited.

The effluent from any system of sewerage or part thereof operated under the provisions of this act which may be discharged into any lake, stream or river shall be at all times of such a character as not to pollute or contaminate the waters of such lake, stream or river so as to be dangerous to the public health, and if the waters of any such lake, stream or river are used as a potable supply, such effluent shall be of such a character as not to pollute or contaminate such potable supply or to endanger the public health: Provided, however, that the duly authorized representatives of any city or town in this state dependent upon or making use of the waters of such lake, stream or river as a potable supply, may at any time, after thirty days' notice to said town of West Warwick that the use and maintenance of any system of sewerage provided herein is such as to be dangerous to the public health or to pollute or contaminate such potable supply, petition the superior court within and/or the county of Kent for a restraining order to prohibit said town from so using such lake, stream or river as to pollute or contaminate the waters thereof or be dangerous to the public health, and such court, after due investigation and hearing, may make such order as will effectually remove such pollution or contamination as may be found to be dangerous to the public health.

(Laws 1920, ch. 2005, § 8; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 9. Bonds authorized.

The Town of West Warwick is hereby empowered, in addition to authority previously granted, to issue bonds to an amount not exceeding sixteen million dollars (\$16,000,000.00) from time to time under its corporate name and seal or a facsimile of such seal. In computing the aggregate amount of bonds which may be issued under the authority of this section, bonds or serial notes issued under this section prior to the effective date of Chapter 196 of the Public Laws of 1969 shall be excluded. The bonds of each issue shall mature in annual installments of principal, the first installment to be not later than three (3) years and the last installment not later than thirty (30) years after the date of the bonds. No installment of principal of any issue shall exceed any prior installment by more than six (6) per cent of the total principal amount of the issue.

(Laws 1920, ch. 2005, § 9; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1; Laws 1976, ch. 90; Laws 1977, ch. 161; Laws 1978, ch. 336, § 1)

Sec. 10. Terms, form of bonds; how issued and sold.

The bonds shall be signed by the town treasurer and by the manual or facsimile signature of the president of the town council and shall be issued and sold at not less than par and accrued interest in such amounts as the town council may determine. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the resolution of the town council authorizing the issue or by separate resolution of the town council, or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. The bonds of each issue shall bear interest at a rate or rates not



exceeding six per cent per annum. Coupons shall bear the facsimile signature of the town treasurer. The proceeds derived from the sale of the bonds shall be delivered to the town treasurer, and such proceeds exclusive of premiums and accrued interest shall be expended (a) for the purposes set forth in section 1 and section 4 of the [this] act (exclusive of current operating and maintenance expenses), or (b) in payment of the principal of or interest on temporary notes issued under section 11 of this act or (c) in repayment of advances under section 12 of this act. No purchaser of any bonds or notes under this act, however, shall be in any way responsible for the proper application of the proceeds derived from the sale thereof. The proceeds of bonds or notes issued under this act, any applicable federal or state assistance and the other moneys referred to in section 14 of this act shall be deemed appropriated for the purposes of this act without further action than that required by this act.

(Laws 1920, ch. 2005, § 10; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 11. Temporary notes.

The town council of the town of West Warwick may authorize the issue from time to time of interest bearing or discounted notes in anticipation of the authorization or issue of bonds under section 10 of this act or in anticipation of the receipt of federal or state aid for the purposes of this act. The amount of original notes issued in anticipation of bonds may not exceed the amount of bonds which may be issued under this act and the amount of original notes issued in anticipation of federal or state aid may not exceed the amount of available federal or state aid as estimated by the town treasurer. Temporary notes issued hereunder shall be signed by the town treasurer and by the president of the town council and shall be payable within three years from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder, provided the period from the date of an original note to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed three years.

(Laws 1920, ch. 2005, § 11; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 12. Advances authorized.

Pending any authorization or issue of bonds hereunder or pending or in lieu of any authorization or issue of notes hereunder, the town treasurer, with the approval of the town council, may apply funds in the general treasury of the town to the purposes specified in section 10 of this act, such advances to be repaid without interest from the proceeds of bonds or notes subsequently issued or from the proceeds of applicable federal or state assistance or from other available funds.

(Laws 1920, ch. 2005, § 12; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 13. Investment of proceeds pending expenditure.

Any proceeds of bonds or notes issued hereunder or of any applicable federal or state assistance, pending their expenditure, may be deposited or invested by the town treasurer in demand deposits, time deposits or savings deposits in banks which are members of the Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof or by the State of Rhode Island or as may be provided in any other applicable law of the State of Rhode Island.

(Laws 1920, ch. 2005, § 13; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 14. Application of accrued interests, premiums, profits.

Any accrued interest received upon the sale of bonds or notes hereunder shall be applied to the payment of the first interest due thereon. Any premiums arising from the sale of bonds or notes hereunder, any net earnings or profits realized from the deposit or investment of funds hereunder and any balance of bond or note proceeds remaining after completion of the projects shall, in the discretion of the town treasurer, be applied to the cost of preparing, issuing and marketing bonds or notes hereunder to the extent not otherwise provided, to the payment of the cost of the projects or the cost of additional improvements coming within the description of the projects in section 1, to the payment of the principal of or interest on bonds or notes issued hereunder or to any one or more of the foregoing. The cost of preparing, issuing and marketing bonds or notes hereunder may also, in the discretion of the town treasurer, be met from bond or note proceeds exclusive of premium and accrued interest or from other moneys available therefor. In exercising any discretion under this section, the town treasurer shall be governed by any instructions adopted by the town council.

(Laws 1920, ch. 2005, § 14; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 15. Effect of debts; amortization.

All bonds and notes issued under this act and the debts evidenced thereby shall be obligatory on the town of West Warwick in the same manner and to the same extent as other debts lawfully contracted by it and shall be excepted from the operation of Section 45-12-2 of the General Laws [G.L. 1956, § 45-12-2]. No such obligation shall at any time be included in the debt of the town for the purpose of ascertaining its borrowing capacity. The town shall annually appropriate a sum sufficient to pay the principal and interest coming due within the year on bonds and notes issued hereunder to the extent that moneys therefor are not otherwise provided. In order to provide such sum in each year and notwithstanding any provision of law to the contrary, all taxable property in the town shall be subject to ad valorem taxation by the town without limitation as to rate or amount, except that the rate of taxation on intangibles shall be limited as provided in Section 44-5-6 of the General Laws [G.L. 1956, § 44-5-6].

(Laws 1920, ch. 2005, § 15; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 16. Validity of debts not affected by change in affairs.

Any bonds or notes issued under the provisions of this act and coupons on any bonds, if properly executed by officers of the town in office on the date of execution, shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor any or all of such officers shall for any reason have ceased to hold office.

(Laws 1920, ch. 2005, § 16; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 17. Federal, state assistance.

The Town of West Warwick, acting by its town council, is authorized to apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes of this act, and any such expenditures may be in addition to other moneys provided in this act. To the extent of any inconsistency between any law of this state and any applicable federal law or regulation, the latter shall prevail. Federal and state advances, with interest where applicable, whether contracted for prior to or after the effective date of this act, may be repaid as a cost of the projects under section 10 of this act.

(Laws 1920, ch. 2005, § 17; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 18. Compliance with constitution.

In all matters related to the purposes of this act, including without limitation and where applicable, the condemnation of any land or interest in land and the levy and collection of assessments or other charges on account of the projects, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute. The validity of bonds and notes issued hereunder shall in no way depend upon the validity or occurrence of any action required by the preceding sentence or of any other action not specifically required herein for the issue of such bonds or notes.

(Laws 1920, ch. 2005, § 18; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1)

Sec. 19. Approval of bonds by electors.

Notwithstanding the foregoing provisions, no bonds in excess of \$12,000,000 heretofore authorized under said Chapter 2005 shall be issued in excess of amounts approved from time to time by vote of a majority of the electors present and voting on the question at an annual or special financial town meeting. A vote not to approve an amount of bonds under Chapter 2005 shall not preclude any later vote to approve the same or a different amount.

(Laws 1920, ch. 2005, § 19; Laws 1969, ch. 107, § 1; Laws 1969, ch. 196, § 1; Laws 1972, ch. 107, § 1; Laws 1977, ch. 161, § 2)

Sec. 20. Agreements for use by adjoining municipalities.

The Town of West Warwick and any municipality or municipalities bordering said town are hereby authorized to enter into agreements for the purpose of providing for the common use of the West Warwick sewer system, and said town of West Warwick and such bordering municipalities may do everything necessary and proper to carry out this authority.

(Laws 1973, ch. 37, § 1)

Sec. 21. Assessments and charges allowed by recorded contract constitute lien.

Whenever the town council, pursuant to said act, enters into a contract in accordance with said act, and the contract is recorded in the city or town clerk's office, any sewer assessment allowed to be levied by the Town of West Warwick and any operation and maintenance or user charges allowed to be levied by the Town of West Warwick shall constitute a lien upon said subject properties in parity with the lien for town taxes, and upon default, said properties may be sold by the Town of West Warwick for the enforcement of said lien by the same procedures as if land were situated within the Town of West Warwick, and said sale being conducted within the Town of West Warwick as if said property were located herein.

(Laws 1983, ch. 10, § 1)

Secs. 22--30. Reserved.

**DIVISION II. LAWS 1979, CH. 82, AS AMENDED**

Sec. 31. Bonds authorized.

The town of West Warwick is hereby empowered, in addition to authority previously granted by Chapter 2005 of the Public Laws of 1920, as amended, to issue bonds to an amount not exceeding \$4,500,000.00 from time to time under its corporate name and seal or a facsimile of such seal. The bonds of each issue may be issued in the form of serial bonds and or term bonds or a combination thereof and shall be payable, either by the maturity of principal in the case of serial bonds or by mandatory serial redemption in the case of term bonds, in annual installments of principal, the first installment to be not later

than five (5) years and the last installment not later than thirty (30) years after the date of the bonds; provided no installment of principal of any issue shall exceed any prior installment by more than seven and one-half (7 1/2) per cent of the total principal amount of the issue.

(Laws 1979, ch. 82, § 1; Laws 1980, ch. 151, § 1)

Sec. 32. Terms, forms of bonds; how issued and sold.

The bonds shall be signed by the town treasurer and by the manual or facsimile signature of the president of the town council and shall be issued and sold at not less than par and accrued interest in such amounts as the town council may authorize. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the proceedings of the town council authorizing the issue or by separate resolution of the town council or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. Interest coupons (if any) shall bear the facsimile signature of the town treasurer. The proceeds derived from the sale of the bonds shall be delivered to the town treasurer, and such proceeds exclusive of premiums and accrued interest shall be expended (a) for planning, acquiring, constructing, operating, maintaining, extending and improving a sewage disposal system for the town, or any part or parts thereof, as provided in Chapter 2005 of the Public Laws of 1920, as amended, or (b) in payment of the principal of or interest on temporary notes issued under section 33 or (c) in repayment of advances under section 34. No purchaser of any bonds or notes under this act shall be in any way responsible for the proper application of the proceeds derived from the sale thereof. The proceeds of bonds or notes issued under this act, any applicable federal or state assistance and the other moneys referred to in section 36 shall be deemed appropriated for the purposes of this act without further action than that required by this act.

(Laws 1979, ch. 82, § 2; Laws 1980, ch. 151, § 2)

Sec. 33. Temporary notes.

The town council may be [by] resolution authorize the issue from time to time of interest bearing or discounted notes in anticipation of the issue of bonds under section 32 or in anticipation of the receipt of federal or state aid for the purposes of this act. The amount of original notes issued in anticipation of bonds may not exceed the amount of bonds which may be issued under this act and the amount of original notes issued in anticipation of federal or state aid may not exceed the amount of available federal or state aid as estimated by the town treasurer. Temporary notes issued hereunder shall [be] signed by the town treasurer and by the president of the town council and shall be payable within five (5) years from their respective dates, but the principal of and interest and notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder, provided the period from the date of an original note to the maturity of any notice issued to renew or pay the same debt or the interest thereon shall not exceed five (5) years.

(Laws 1979, ch. 82, § 3; Laws 1980, ch. 151, § 3)

Sec. 34. Advances authorized.

Pending any authorization or issue of bonds hereunder or pending or in lieu of any authorization or issue of notes hereunder, the town treasurer, with the approval of the town council, may, to the extent that bonds or notes may be issued hereunder, apply

funds in the treasury of the town to the purposes specified in section 32, such advances to be repaid without interest from the proceeds of bonds or notes subsequently issued or from the proceeds of applicable federal or state assistance or from other available funds.

(Laws 1979, ch. 82, § 4; Laws 1980, ch. 151, § 4)

Sec. 35. Investment of proceeds pending expenditure.

Any proceeds of bonds or notes issued hereunder or of any applicable federal or state assistance, pending their expenditure, may be deposited or invested by the town treasurer in demand deposits, time deposits or savings deposits, in banks which are members of the Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof or as may be provided in any other applicable law of the state of Rhode Island.

(Laws 1979, ch. 82, § 5; Laws 1980, ch. 151, § 5)

Sec. 36. Application of accrued interests, premiums, profits.

Any accrued interest received upon the sale of bonds or notes hereunder shall be applied to the payment of the first interest due thereon. Any premiums arising from the sale of bonds or notes hereunder shall, in the discretion of the town treasurer be applied to the cost of preparing, issuing and marketing bonds or notes hereunder to the extent not otherwise provided, to the payment of the cost of the projects, to the payment of the principal of or interest on bonds or notes issued hereunder or to any one or more of the foregoing. The cost of preparing, issuing and marketing bonds or notes hereunder may also, in the discretion of the town treasurer, be made from bond or note proceeds exclusive of premium and accrued interest or from other moneys available thereof. Any balance of bond or note proceeds remaining after payment of the cost of the projects and the cost of preparing, issuing and marketing bonds or notes hereunder, shall be applied to the payment of the principal of or interest on bonds or notes issued hereunder. Any earnings or net profit realized from the deposit or investment of funds hereunder, shall upon receipt be added to and dealt with as part of the revenues of the town from property taxes or, in the discretion of the town treasurer, shall upon receipt be added to and dealt with as part of the revenues of the town from sewer use charges. In exercising any discretion under this section, the town treasurer shall be governed by any instructions adopted by resolution of the town council.

(Laws 1979, ch. 82, § 6; Laws 1980, ch. 151, § 6)

Sec. 37. Effect of debts; amortization.

All bonds and notes issued under this act and the debts evidenced thereby shall be obligatory on the town in the same manner and to the same extent as other debts lawfully contracted by it and shall be excepted from the operation of section 45-12-2 of the General Laws [G.L. 1956, § 45-12-2]. No such obligation shall at any time be included in the debt of the town for the purpose of ascertaining its borrowing capacity. The town shall annually appropriate a sum sufficient to pay the principal and interest coming due within the year on bonds and notes issued hereunder to the extent that moneys therefor are not otherwise provided. If such sum is not appropriated, it shall nevertheless be added to the annual tax levy. In order to provide such sum in each year and notwithstanding any provision of law to the contrary, all taxable property in the town shall be subject to ad valorem taxation by the town without limitation as to rate or amount.

(Laws 1979, ch. 82, § 7; Laws 1980, ch. 151, § 7)

Sec. 38. Validity of debts not affected by change in office.

Any bonds or notes issued under the provisions of this act and coupons on any bonds, if properly executed by officers of the town in office on the date of execution, shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor any or all of such officers shall for any reason have ceased to hold office.

(Laws 1979, ch. 82, § 8; Laws 1980, ch. 151, § 8)

Sec. 39. Federal, state assistance.

The town, acting by resolution of its town council, is authorized to apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes of this act, and any such expenditures may be in addition to other moneys provided in this act. To the extent of any inconsistency between any law of this state and any applicable federal law or regulation, the latter shall prevail. Federal and state advances, with interests where applicable, whether contracted for prior to or after the effective date of this act, may be repaid as project costs under section 32.

(Laws 1979, ch. 82, § 9; Laws 1980, ch. 151, § 9)

Sec. 40. Compliance with constitution.

Bonds and notes may be issued under this act without obtaining the approval of any governmental agency or the taking of any proceedings or the happening of any conditions except as specifically required by this act for such issue. In carrying out any project financed in whole or in part under this act, including where applicable the condemnation of any land or interest in land, and in the levy and collection of assessments or other charges permitted by law on account of any such project, all action shall be taken which is necessary to meet constitutional requirements whether or not such action is otherwise required by statute; but the validity of bonds and notes issued hereunder shall in no way depend upon the validity or occurrence of such action.

(Laws 1979, ch. 82, § 10; Laws 1980, ch. 151, § 10)

Sec. 41. Bonds, notes, transfer, income exempt from taxation.

Notwithstanding any provision of law to the contrary, any bonds or notes issued under this act, their transfer, and the income thereon (including any profits made on the sale thereof) shall at all times be exempt from taxation by the state of Rhode Island or any subdivision thereof other than estate and succession taxes.

(Laws 1979, ch. 82, § 11; Laws 1980, ch. 151, § 11)

Sec. 42. Effective date.

This act shall take effect upon passage.

(Laws 1979, ch. 82, § 13; Laws 1980, ch. 151, § 12)

### ARTICLE 3. ABOLISHING BOARD OF POLICE COMMISSIONERS

Sec. 1. Board abolished.

Such portions of section 6 of chapter 1012 of the public laws, passed at the January session, A.D. 1913, entitled "An act dividing the town of Warwick into two towns," as are concerned in any way with the board of police commissioners for the town of West Warwick, are hereby repealed, and the board of police commissioners for the town of West Warwick is hereby abolished.

(Laws 1923, ch. 2420, § 1)

Cross references: P.L. 1913, ch. 1012, § 6 appears herein as art. 1, § 6.

Sec. 2. Powers, authority vested in town council.

All the powers and authority vested in said board by section 6 of chapter 1012 of the public laws, passed at the January session, A.D. 1913, are hereby conferred and vested in the town council of the town of West Warwick.

(Laws 1923, ch. 2420, § 2)

Sec. 2 1/2. Tenure of officers; demotion, suspension, removal.

All police officers, including the chief, who have been appointed or shall be appointed by the town council of the town of West Warwick, shall hold their respective offices until vacated by death, resignation or by disability to serve, except as hereinafter provided; and the chief of police may at any time suspend any police officer or officers from his or their office or offices until the next regular meeting of said council, at which meeting the chief of police shall report in writing any and all suspensions with his reasons therefor, and the council shall direct the town clerk to notify the officer or officers who have been suspended that a hearing will be held with respect to said suspension or suspensions at the next regular or special meeting as the council shall direct, and the said council may continue said suspension or suspensions until said hearing is held; provided, however, that any one or more of the police officers, including the chief, so appointed shall be subject to reduction in rank, suspension or removal from office by said council upon its own motion at any regular or special meeting thereof, for misconduct, disobedience of orders from a superior officer, or for malfeasance or nonfeasance in office or for other acts which are unbecoming an officer; and all such reductions in rank, suspensions or removals shall be by said council upon charges made in writing, setting forth in general the facts upon which the said charge or charges is or are based, and the said town council shall give the officer or officers complained of notice and an opportunity at the time appointed to be heard thereon; provided, further, however, that this section shall apply to regularly employed and full-time maintenance personnel and employees of the police department; and that nothing in this chapter shall be construed to apply to any police officer or constable other than the members of the regular paid police department of said town of West Warwick.

(Laws 1923, ch. 2420, § 3; Laws 1949, ch. 2180, § 1; Laws 1954, ch. 3320, § 1; Laws 1966, ch. 237, § 1)

Sec. 3. Prior acts validated.

All legal acts, matters and things done, and all rights and powers conferred and all duties imposed by the said board are hereby declared valid and effectual in all respects and shall continue in force until otherwise ordered by said town council.

(Laws 1923, ch. 2420, § 3)

Sec. 4. Documents transferred to council.

The clerk of said board shall forthwith deliver to said town council all their books, records, documents and papers and all other property of every kind and description relative to all acts and things done or performed by said board.

(Laws 1923, ch. 2420, § 4)

Sec. 5. When act effective; repealer.

This act shall take effect upon its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1923, ch. 2420, § 5)

#### ARTICLE 4. DEDICATION OF STREETS

Sec. 1. Approval prerequisite to recording.

No map, plat, plan or chart of any private land or land situated in the town of West Warwick, showing thereon any one or more streets, avenues, roads, lanes or alleys as open to travel or otherwise dedicated for public use, shall hereafter be accepted for filing or record by the town clerk of said town, unless all such streets, avenues, roads, lanes and alleys shall have first been approved by the town council of said town or on appeal therefrom by judgment of court as hereinafter provided: Provided, however, that nothing herein shall apply to any map, plat, plan or chart approved or adopted by order or decree of court in any judicial proceedings, or made, approved or adopted by or pursuant to due action of any public authority.

(Laws 1926, ch. 919, § 1)

Sec. 2. Procedure for approval; disapproval.

With every application to said town council of the town of West Warwick for such approval, such map, plat, plan or chart shall be deposited in duplicate with said town council, or if said town council is not in session, with the town clerk of said town, and upon the receipt thereof shall be referred by said town council or said town clerk to the highway commissioner of said town, or other officer of said town duly appointed for that purpose, who shall as soon as may be report thereon to said town council. Within thirty days from the time of such depositing of any such map, plat, plan or chart, if all such streets and other ways are reasonable in their location, extent and width with due regard to both the public and private interests involved, said town council shall approve the same, and upon such approval said town clerk shall endorse and certify the fact of such approval by said town council on each said duplicate, and shall promptly deposit in his office, but not file or record the same until requested by the owner or owners of such land or lands and until the fees thereof are paid. If said town council finds that any of such streets or other ways are not reasonable as aforesaid, it shall disapprove the same and shall cause the reasons for its disapproval to be recorded in the records of its proceedings. Said town council may prescribe the size, scale and materials of such maps, plats, plans and charts as shall be filed for approval as aforesaid, and the names used to designate the streets and other ways shown thereon.

(Laws 1926, ch. 919, § 2)

Sec. 3. Appeals from council.

Any person or persons aggrieved by any such action of said town council may appeal from such action to the superior court for Kent county in the same manner and subject to the same provisions as prescribed by law for appeals from the orders and decrees of town councils: Provided, that upon such appeal, instead of a copy being included in the record of the proceedings to be filed in said court, the original map, plat, plan or chart in duplicate shall be transmitted by said town clerk to said court, and said court or the court with a jury if a jury trial is claimed by either party within ten days after the filing of the reasons of appeal, shall try the case, and upon any final judgment approving all such streets, and ways, the clerk of court shall endorse and certify on each such duplicate a copy of such judgment or the substance thereof, and shall transmit both such duplicates to said town clerk, who shall receive but not file or record the same until requested by the owner or owners of such land or lands and until the fees therefor are paid.

(Laws 1926, ch. 919, § 3)

Sec. 4. When streets become public.



Upon the filing of any such map, plat, plan or chart pursuant to the provisions hereof, any and all streets, avenues, roads, lanes and alleys shown thereon as open to travel or otherwise dedicated for public use shall be thence forward public highways to all intents and purposes, and be liable to be opened by the town council of said town of West Warwick in the same manner as highways which are laid out by said town council; but said town shall not be liable to repair such highways, respectively, until said town council shall decree and order that the same respectively shall be repaired at the expense of said town.

(Laws 1926, ch. 919, § 4)

Sec. 5. Acceptance of deeds.

Said town clerk shall not receive for record nor record any deed to said town of any land in said town which deed is made for the purpose of having the land therein described become a public highway pursuant to section 25 of chapter 95 of the general laws\*, unless said town council shall have first accepted such deed to said town: Provided, however, that this provision shall not apply to any such deed of any land that is shown as a street, avenue, road, lane or alley, and as open to travel or otherwise dedicated for public use, on any map, plat, plan or chart, then on file or recorded in the office of said town clerk; and further provided, that no acceptance of any such deed by said town council shall be deemed to impose any liability upon said town to repair any such highway, before said town council shall decree and order that the same shall be repaired at the expense of said town. Said town council shall cause any such deed accepted by it to be transmitted to said town clerk who shall record the same.

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\*State law references: G.L. 1923, ch. 96, § 25, appears as G.L. 1956, § 24-2-8.

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(Laws 1926, ch. 919, § 5)

Sec. 6. When act effective.

This act shall take effect upon its passage.

(Laws 1926, ch. 919, § 6)

#### ARTICLE 5. ORDINANCE REVISIONS

Sec. 1. Authorized.

The town council of the town of West Warwick is hereby authorized and empowered to cause to be printed and published in book or pamphlet form any general revisions of the town ordinances of said town, including any additions or amendments to present ordinances of said town; said publication to be in lieu of publication in newspapers. Said publication in book or pamphlet form shall be sufficient for all purposes, and no other publication shall be necessary.

(Laws 1927, ch. 1124, § 1)

Sec. 2. When act effective.

This act shall take effect upon its passage.

(Laws 1927, ch. 1124, § 2)

#### ARTICLE 6. BUILDING AND ZONING REGULATIONS\*

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\*State law references: Zoning ordinances generally, G.L. 1956, § 45-24-27 et seq.

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Sec. 1. Authorized.

For the purpose of promoting health, safety, morals, or general welfare, the town council of the town of West Warwick shall have power in accordance with the provisions of this act within the limits of said town by ordinance to regulate and restrict the height, number of stories and size of buildings and other structures, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

For any and all of said purposes said town council may divide said town into districts of such number, shape and area as it may deem best suited to carry out the purposes of this act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, to promote health and general welfare; to provide adequate light and air, to prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; and to promote the conservation of exceptional natural physical features. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such town.

(Laws 1933, ch. 2065, § 1)

Sec. 2. Appointment of inspector; duties.

Said town council shall have power to appoint an inspector of buildings and define his duties in the issuance of building permits and in the administration and enforcement of such ordinances.

(Laws 1933, ch. 2065, § 2)

Sec. 3. Public hearing required; notice.

No such ordinance shall be enacted, amended or repealed until after a public hearing has been held upon the question of the enactment, amendment or repeal of such ordinance, before said town council, who shall first give notice of such public hearing by publication in a newspaper printed in the county of Kent at least once each week for three successive weeks prior to the date of such hearing, at which hearing opportunity shall be given all persons interested to be heard upon the matter of the proposed ordinance.

(Laws 1933, ch. 2065, § 3)

Sec. 4. Penalty authorized.

The said town council shall have power to provide a penalty for the violation of any ordinance enacted under the authority of this act by fine not exceeding one hundred dollars for each offense, such fine to inure to said town, and may also cause suit to be brought in the supreme or superior court in the name of said town to restrain the violation of, or to compel compliance with, the provisions of any such ordinance.

(Laws 1933, ch. 2065, § 4)

Sec. 5. Enforcement by extraordinary writ or equity.

The supreme court and the superior court, within their respective jurisdictions, or any justice of either of said courts in vacation, shall, upon due proceedings in the name of

said town instituted by its town solicitor, have power to issue any extraordinary writs or to proceed according to the course of equity or both:

To restrain the erection, alteration or use of any building, structure or other thing erected, altered or used in violation of the provisions of any ordinance enacted under the authority of this act, and to order its removal or abatement as a nuisance;

To compel compliance with the provisions of any ordinance enacted under the authority of this act;

To order the removal by the owner of any building, structure or other thing existing in violation of any ordinance enacted under the provisions of this act and to authorize some official of said town in default of such removal by the owner to remove it at the expense of such owner.

(Laws 1933, ch. 2065, § 5)

Sec. 6. Pre-existing uses.

No ordinance enacted under the authority of this act shall prevent or be construed to prevent the continuance of the use of any building or improvement for any purpose to which such building or improvement is lawfully devoted at the time of the enactment of such ordinance.

(Laws 1933, ch. 2065, § 6)

Sec. 7. Vested rights, incumbrances not created.

Nothing in this act or any ordinance enacted under the authority of this act shall create or be construed to create any vested rights in any person, firm or corporation, or to be or create any incumbrance upon the title of any person, firm or corporation in any property affected by any such ordinance.

(Laws 1933, ch. 2065, § 7)

Sec. 8. Zoning board of review.

The town council of the town of West Warwick forthwith shall provide by ordinance for the selection and organization of a zoning board of review pursuant to the provisions of section 45-24-13 [G.L. 1956, § 45-24-56] of the general laws in chapter 45-24 entitled "Zoning ordinances," the terms of the members of said board to be in conformity with the provisions of section 45-24-14 [G.L. 1956, § 45-24-56] of said chapter, and said board shall operate and function in conformity with sections 45-24-15 through 45-24-20 [G.L. 1956, §§ 45-24-56 and 45-24-57], inclusive, of said chapter.

(Laws 1933, ch. 2065, § 8; Laws 1968, ch. 226, § 1)

Editor's note: Laws 1978, ch. 314, § 1, provided that section 45-24-14 of the General Laws be amended to read as follows:

"46-24-14. Composition of board of review--Open hearings. The board of review shall consist of five (5) members, each to hold office for the term of five (5) years; provided, however, that the original selection shall be made for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The mayor of any city or the town council of any town shall have the right to name an auxiliary or sixth member of said board of review of said city or town, as the case may be, who shall sit as an active member when and if a member of said board is unable to serve at any hearing, upon request of the chairman. All hearings of such board shall be open to the public.

Provided further, however, that the town council of the Town of West Warwick shall have the right to name an additional auxiliary or seventh member of said board of review

of said town to sit as an active member when and if a member of said board is unable to serve at any hearing, upon request of the chairman of said board."

It should be noted that G.L. 1956, § 45-24-14 has been repealed. The latest similar provision is G.L. 1956, § 45-24-56.

#### Sec. 9. Appeals.

Any person or persons, jointly or severally aggrieved by any ordinance or decision of said town council made under the authority conferred by this act, may present to the supreme court a petition duly verified, setting forth that such ordinance or decision is illegal or unreasonable in whole or in part and specifying the grounds of the illegality or unreasonableness. Such petition shall be presented to the court within thirty days after the making of such ordinance or decision. Upon presentation of such petition, the court may allow a writ of certiorari directed to said town council to review such ordinance or decision. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application and on due cause shown, grant a restraining order. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a master to take such evidence as it may direct and to make report to the court with his findings of fact and conclusions of law. The court may reverse or affirm any ordinance brought up for review, or may reverse or affirm wholly or partly or may modify any decision brought up for review.

(Laws 1933, ch. 2065, § 9)

Sec. 10. Repealed by Laws 1966, ch. 10.

Sec. 11. When act effective; repealer.

This act shall take effect upon its passage and any and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1933, ch. 2065, § 11)

### ARTICLE 7. FIRE DEPARTMENT

#### Sec. 1. Authorized.

Upon acceptance of the terms of this act by its financial town meeting the town of West Warwick is authorized to organize and maintain a permanent fire department, consisting of such number of officers and members as the town council in office at the time of the approval of this act, or its successors, shall determine.

(Laws 1933, ch. 2077, § 1)

Editor's note: Laws 1933, ch. 2077, comprising this article, was duly accepted by financial town meeting.

#### Sec. 2. Choosing, term, compensation of personnel.

All officers and members of said department shall be chosen by the town council from time to time as occasion may require. They shall serve during the pleasure of the council at such compensation as the council shall fix.

(Laws 1933, ch. 2077, § 2)

#### Sec. 2 1/2. Suspension, reduction in rank, removal.

All officers and members of the fire department who have been appointed or shall be appointed by the town council of the town of West Warwick shall hold their respective office at such compensation as the said council shall fix until vacated by death, resignation or disability to serve, except as hereinafter provided; and the chief of the fire department may at any time suspend any officer or member of said department until the

next regular meeting of the town council, at which meeting the chief of the fire department shall report in writing any and all suspensions, with his reasons therefor, and the council shall direct the town clerk to notify the officers or members suspended that a hearing will be held with respect to said suspension or suspensions at the next regular or special meeting of said council as the council shall direct, and the said council may continue such suspension or suspensions until the said hearing is held; provided, however, that any one or more of the officers or members of said department shall be subject to reduction in rank, suspension or removal from office by said council, upon its own motion at any regular or special meeting thereof, for misconduct, disobedience of orders from a superior officer, or for malfeasance or nonfeasance in office and all such reductions, suspensions or removals shall be by the said council upon charges made in writing, setting forth in general, facts upon which the said charge or charges is or are based; and the said town council shall give the officer or officers, member or members of said fire department complained of, notice and an opportunity at the time appointed to be heard thereon; provided, further, however, that nothing in this act shall be construed to apply to the volunteers and/or callmen but only to the regular full time members of the paid fire department of the town of West Warwick.

(Laws 1933, ch. 2077, § 2 1/2; Laws 1949, ch. 2179, § 1)

#### Sec. 3. Purchases.

The town council is authorized to make such purchases from time to time as, in its opinion, may be necessary or essential for the proper equipment of said fire department, provided, however, that no purchase of a fire engine, pumper, hook and ladder truck, fire station or land upon which to build such a station, shall be made unless the financial town meeting of said town shall have first appropriated the money therefor.

(Laws 1933, ch. 2077, § 3)

#### Sec. 4. Effect of department on fire districts.

From and after the creation of a town fire department by the town of West Warwick under the provisions of this act, no fire district now located wholly or in part within the town of West Warwick shall pass any vote or resolution levying a tax upon any taxable property within the town of West Warwick, except for the purpose of liquidating obligations outstanding at the time of the passage of a vote or resolution by the town council of West Warwick declaring that a town fire department has been organized within said town, in the event that such obligations shall not be assumed by the town of West Warwick. Nor shall any such fire district pass any such vote or resolution for the purpose of liquidating such obligations if the same shall have been assumed by the town of West Warwick.

(Laws 1933, ch. 2077, § 4; Laws 1946, ch. 1688, § 1)

#### Sec. 5. Town may assume assets, liabilities of districts.

The town of West Warwick may contract with said fire districts, or with any of them, to take over the assets and to assume the liabilities of such districts or district, upon such terms as the contracting parties may agree upon, and the said several fire districts are authorized to enter into any such contract or contracts with the town of West Warwick.

(Laws 1933, ch. 2077, § 5)

#### Sec. 6. Apportionment where district overlaps with town.

In such of said fire districts as overlap town lines an equitable division and distribution of the assets and liabilities owned or outstanding at the time of the passage of a vote or

resolution by the town council of West Warwick declaring that a town fire department has been organized within said town shall be made between the West Warwick taxpayers and the taxpayers of such other town or city included in such district or districts by boards of appraisers consisting respectively of three citizens of the town of West Warwick to be appointed by the town council of West Warwick and three citizens of each of the sections of the respective fire districts located outside the town of West Warwick to be elected at a meeting of said respective fire districts by the tax paying citizens thereof residing in the respective sections of said fire districts located outside the town of West Warwick and such division and distribution shall respectively require the approval of a majority of the members of said several boards of appraisers and in the event that a majority can not so agree said board of appraisers or any of them as the case may [may] be shall appoint an umpire who shall be a citizen of the state of Rhode Island but not a resident or taxpayer of the town of West Warwick or of the city of Warwick or of the town of Coventry and thereupon said umpire shall be a member of the board of appraisers appointing him and said division and distribution shall then be made by the vote and written agreement of at least four of said members of said board.

(Laws 1933, ch. 2077, § 6; Laws 1947, ch. 1967, § 1)

Sec. 7. Crompton fire district may supply water; sale of assets.

The Crompton fire district is authorized to distribute water throughout the town of West Warwick and may sell such water to the inhabitants of said town of West Warwick and to the town of West Warwick for domestic manufacturing or fire purposes; said district, for the purposes aforesaid, may carry any work to be constructed by it over or under any highway, turnpike, railroad or street in the town of West Warwick in such manner as not to permanently obstruct or impede travel thereon, and may enter upon and dig up any highway, turnpike, road or street in said town for the purpose of laying down pipes or building aqueducts upon or beneath the surface thereof or for the purpose of repairing the same, all such work upon or in any highway or street to be with the permission and under the direction of the town council of said town.

The Crompton fire district is also authorized to contract with the town of West Warwick or with any privately owned corporation or individual for the sale of its entire assets or any part of its assets, and may convey good title thereto. Any purchaser of the reservoir and water system of said Crompton fire district shall acquire and have all the rights, privileges, easements and franchises to maintain pipes, hydrants, structures, reservoirs and other fire equipment of said district that are now enjoyed by said Crompton fire district.

(Laws 1933, ch. 2077, § 7)

Sec. 8. Resolution required to organize department.

A town fire department shall be held to have been organized under this act when the town council of West Warwick passes a resolution declaring that such a department has been organized and is ready to take over the duties of the said fire districts now existing within said town.

(Laws 1933, ch. 2077, § 8)

Sec. 9. Repealer.

All acts and parts of acts and any provisions of the charter or charters of said fire districts, or any of them, inconsistent herewith, are hereby amended or repealed, as the case may be, insofar as they may conflict with the provisions of this act.

(Laws 1933, ch. 2077, § 9)

Sec. 10. When act effective.

This act shall take effect upon its passage.

(Laws 1933, ch. 2077, § 10)

#### ARTICLE 8. CLERK AS TEMPORARY JUDGE OF PROBATE

Sec. 1. Authorized.

Whenever the judge of the probate court of the town of West Warwick is a party to or interested in any proceeding about to be heard in his court, or is absent or unable to perform his duties, or there is a vacancy in such office, his duties shall be temporarily performed by the town clerk of the said town of West Warwick; and the fact of such interest, absence, inability or vacancy shall be recorded in the records of said court.

(Laws 1944, ch. 1426, § 1)

Sec. 2. When act effective.

This act shall take effect upon its passage.

(Laws 1944, ch. 1426, § 2)

#### ARTICLE 9. AMBULANCE SERVICE

Sec. 1. Vehicle purchase ratified.

The purchase of 2 motor vehicles by the town council of the town of West Warwick is hereby validated and affirmed.

(Laws 1949, ch. 2407, § 1)

Sec. 2. Authority to establish service, charge therefor.

The town of West Warwick is hereby authorized and empowered to purchase such equipment as may be deemed necessary and to expend such amounts as may be necessary to operate and maintain a town ambulance, and the town council of said town is authorized and empowered in its discretion to establish the rates to be exacted for the furnishing of ambulance service; provided, however, that the provisions of this act shall not be construed to prohibit said town from furnishing ambulance service without charge.

(Laws 1949, ch. 2407, § 2)

Sec. 3. When act effective; repealer.

This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1949, ch. 2407, § 3)

#### ARTICLE 10. PLANNING BOARD\*

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\*State law references: Planning boards and planning generally, G.L. 1956, § 45-22-1 et seq.

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Sec. 1. Appointment required, membership, term, purposes.

The town council of West Warwick shall appoint a nonpartisan planning board, consisting of five (5) members for the term of five (5) years, for the purpose of making a study of the resources and needs of the town with reference to its physical growth and development as affecting the health, safety, morals and general welfare of the people and the economy and efficiency of communal life.

(Laws 1951, ch. 2687, § 1)

Sec. 2. Powers, duties, reports.

The planning board may make special study when requested by the town council and shall have access to available plans, records, surveys and other data filed with any department of the town. The planning board shall report annually to the town council and may recommend plans and schemes of development and give estimates of the cost thereof, and shall make other reports upon such relative matters as may be from time to time referred to the board by the town council.

(Laws 1951, ch. 2687, § 2)

Sec. 3. Original appointments.

The original appointments shall be made for the terms of five (5) years, four (4) years, three (3) years, two (2) years and one (1) year respectively. Each succeeding appointment shall be made for the term of five (5) years as provided in section 1.

(Laws 1951, ch. 2687, § 3)

Sec. 4. When act effective; repealer.

This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1951, ch. 2687, § 4)

ARTICLE 11. PARKING METERS\*

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\*State law references: Parking meters, G.L. 1956, § 31-28-1 et seq.

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Sec. 1. Definition.

For the purpose of this act the term "parking meter" shall mean a meter device installed upon the public highways or the sidewalks adjacent thereto, wherein a coin must be deposited for the privilege of occupying for a certain period a space which is situated in a zone which a lawful authority has designated as a parking meter zone for the purpose of regulating parking of vehicles on said public highways.

(Laws 1951, ch. 2710, § 1)

Sec. 2. Referendum required.

The town council of the town of West Warwick at the next general election to be held on the Tuesday next after the first Monday in November, A.D. 1952, or at any special election of said town held previous thereto, may submit to its qualified electors, for approval or rejection, the following question:

"Shall the installation of parking meters for operation upon the public highways in the town of West Warwick be authorized?"

(Laws 1951, ch. 2710, § 2)

Editor's note: The above proposition was approved at a special meeting held May 25, 1951.

Sec. 3. Ordinances; reasonableness of fee; establishment of zones.

If said electors signify their approval of said question, as aforesaid, the town council may enact ordinances authorizing the installation, operation, maintenance, policing and supervision of parking meters on said public highways and fix and provide for the payment of a fee for the purpose of parking therein by requiring the operator of any vehicle parking in such zone to deposit in the meter therein or adjacent thereto such a coin of the United States as said council shall determine to be necessary for the purpose of regulating such parking. Any fee thus established for parking shall bear a reasonable



relation to the actual cost incurred by the town of West Warwick in the installation, operation, maintenance, policing and supervision of such parking meter system and the parking of motor vehicles on said public highways.

Said town council of the town of West Warwick may establish parking meter zones for the purpose of regulating the parking of motor vehicles on said public highways.

(Laws 1951, ch. 2710, § 3)

Sec. 4. Penalty authorized.

Said town council may impose a penalty not to exceed \$5.00 in any one case for violation of any of its rules, orders or regulations made and issued under the authority of this act.

(Laws 1951, ch. 2710, § 4)

Sec. 5. When act effective; repealer.

This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1951, ch. 2710, § 5)

## ARTICLE 12. DATE AND TIME OF FINANCIAL TOWN MEETING, FISCAL YEAR TRANSITION FINANCING

Sec. 1. Meeting date and time; fiscal year established.

The qualified elections [electors] of the Town of West Warwick, shall annually on the second Tuesday of May at seven o'clock in the evening assemble in town meeting at a place in said town designated by the town council, for the purpose of hearing official reports, ordering a tax or taxes, making appropriations, transacting any other business appertaining to the financial affairs of the town and such other business or matters as may lawfully be considered or acted upon by said meeting. The fiscal year of the Town of West Warwick shall include the twelve (12) calendar months from July to June, both inclusive; provided that the fiscal year beginning March 1, 1987 shall comprise the period March 1, 1987 and ending June 30, 1987.

(Laws 1952, ch. 2892, § 1; Laws 1986, ch. 260, § 1(1))

Sec. 2. Bonds--Authority to issue; terms.

The Town of West Warwick is hereby empowered, in addition to authority previously granted, to issue bonds to an amount not exceeding five million five hundred thousand dollars (\$5,500,000) from time to time under its corporate name and seal. The bonds of each issue may be issued in the form of serial bonds or term bonds or a combination thereof and shall be payable either by maturity of principal in the case of serial bonds or by mandatory serial redemption in the case of term bonds, in annual installments of principal, the first installment to be not later than five (5) years and the last installment not later than twenty (20) years after the date of the bonds. For each issue the amounts payable annually for principal and interest combined either shall be (a) as nearly equal from year to year as is practicable in the opinion of the officers authorized to issue the bonds, or (b) shall be arranged in accordance with a schedule providing for a more rapid amortization of principal, or (c) shall be arranged in annual installments of principal each of which does not exceed any prior installment by more than fifteen (15) per cent of the total principal amount of the issue.

(Laws 1986, ch. 260, § 1(2))

Sec. 3. Same--Manner of sale; proceeds.

The bonds shall be signed by the town treasurer and by the president of the town council and shall be issued and sold in such amounts as the town council may authorize. The

manner of sale, denominations, maturities, interest rates and other terms, conditions and details of any bonds or notes issued under this act may be fixed by the proceedings of the town council authorizing the issue or by separate resolution of the town council or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds or notes. The proceeds derived from the sale of the bonds shall be delivered to the treasurer, and such proceeds exclusive of premiums and accrued interest shall be expended (a) to fund appropriations of the town for the March 1 to June 30 transitional period preceding the town's first July 1 to June 30 fiscal year (the "transitional period") or in payment of the principal of or interest on temporary notes issued under section four, or (c) in repayment of advances under section five. No purchaser of any bonds or notes under this act shall be in any way responsible for the proper application of the proceeds derived from the sale thereof. The proceeds of bonds or notes issued under this act, and the other moneys referred to in section 7 shall be deemed appropriated for the purposes of this act without further action than that required by this act.

(Laws 1986, ch. 260, § 1(3))

Sec. 4. Notes--Authority to issue; terms.

The town council may by resolution authorize the issue from time to time of interest bearing or discounted notes in anticipation of the issue of bonds under section two. The amount of original notes issued in anticipation of bonds may not exceed the amount of bonds which may be issued under this act. Temporary notes issued hereunder shall be signed by the treasurer and by the president of the town council and shall be payable within three (3) years from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder, provided the period from the date of an original note to the maturity of any note issued to renew or pay the same debt or the interest thereon shall not exceed three (3) years.

(Laws 1986, ch. 260, § 1(4))

Sec. 5. Application of town funds.

Pending any authorization or issue of bonds hereunder or pending or in lieu of any authorization or issue of notes hereunder, the treasurer, with the approval of the town council, may, to the extent that bonds or notes may be issued hereunder, apply funds in the treasury of the town to the purposes specified in section three, such advances to be repaid without interest from the proceeds of bonds or notes subsequently issued or from other available funds.

(Laws 1986, ch. 260, § 1(5))

Sec. 6. Disposition of proceeds.

Any proceeds of bonds or notes issued hereunder, pending their expenditure, may be deposited or invested by the treasurer in demand deposits, time deposits or savings deposits in banks which are members of the federal deposit insurance corporation or in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof or as may be provided in any other applicable law of the State of Rhode Island.

(Laws 1986, ch. 260, § 1(6))

Sec. 7. Costs and earnings resale.

Any accrued interest received upon the sale of bonds or notes hereunder shall be applied to the payment of the first interest due thereon. Any premiums arising from the sale of bonds or notes hereunder shall, in the discretion of the treasurer, be applied to the cost of preparing, issuing and marketing bonds or notes hereunder to the extent not otherwise provided, to the funding of appropriations of the town for the transitional period, to the payment of the principal of or interest on bonds or notes issued hereunder or to any one (1) or more of the foregoing. The cost of preparing, issuing and marketing bonds or notes hereunder may also, in the discretion of the treasurer, be met from bond or note proceeds exclusive of premium and accrued interest or from other moneys available therefor. Any balance of bond or note proceeds remaining after payment of operating costs of the town incurred for the transitional period and the cost of preparing, issuing and marketing bonds or notes hereunder shall be applied to the payment of the principal of or interest on bonds or notes issued hereunder. Any earnings or net profit realized from the deposit or investment of funds hereunder shall upon receipt be added to and dealt with as part of the revenues of the town from property taxes. In exercising any discretion under this section, the treasurer shall be governed by any instructions adopted by resolution of the town council.

(Laws 1986, ch. 260, § 1(7))

Sec. 8. Obligation of town.

All bonds and notes issued under this act and the debts evidenced thereby shall be obligatory on the town in the same manner and to the same extent as other debts lawfully contracted by it and shall be excepted from the operation of Section 45-12-2 of the General Laws [G.L. 1956, § 45-12-2]. No such obligation shall at any time be included in the debt of the town for the purpose of ascertaining its borrowing capacity. The town shall annually appropriate a sum sufficient to pay the principal and interest coming due within the year on bonds and notes issued hereunder to the extent that moneys therefor are not otherwise provided. If such sum is not appropriated, it shall nevertheless be added to the annual tax levy. In order to provide such sum in each year and notwithstanding any provision of law to the contrary, all taxable property in the town shall be subject to ad valorem taxation by the town without limitation as to rate or amount.

(Laws 1986, ch. 260, § 1(8))

Sec. 9. Validity.

Any bonds or notes issued under the provisions of this act, if properly executed by officers of the town in office on the date of execution, shall be valid and binding according to their terms notwithstanding that before the delivery thereof and payment therefor any or all of such officers shall for any reason have ceased to hold office.

(Laws 1986, ch. 260, § 1(9))

Sec. 10. Compliance requirements.

Bonds and notes may be issued under this act without obtaining the approval of any governmental agency or the taking of any proceedings or the happening of any conditions except as specifically required by this act for such issue. In carrying out any project financed in whole or in part under this act, all action shall be taken which is necessary to meet constitutional requirements whether or not such action is otherwise required by statute; but the validity of bonds and notes issued hereunder shall in no way depend upon the validity or occurrence of such action.

(Laws 1986, ch. 260, § 1(10))

Sec. 2[11]. Effective date.

This act shall take effect upon passage.

(Laws 1952, ch. 2892, § 2; Laws 1986, ch. 260, § 2)

#### ARTICLE 13. FIRE PROTECTION IN CENTREVILLE AREA

Sec. 1. Authorized.

The town of West Warwick is authorized and empowered to provide fire protection service to the Centreville section of the city of Warwick upon such terms and conditions and for such consideration as the town council of said town of West Warwick and the city council of the city of Warwick shall deem adequate and reasonable.

(Laws 1953, ch. 3051, § 1)

Sec. 2. Expenditures by Warwick authorized.

The city of Warwick is authorized and empowered to expend such sum or sums as may be required to pay the town of West Warwick for providing such fire protection service.

(Laws 1953, ch. 3051, § 2)

Sec. 3. Appropriations authorized.

The qualified electors of the town of West Warwick in regular or special financial town meeting assembled are authorized and empowered to appropriate such sums or sums as may be needed or required for the furnishing of fire protection to said Centreville section of the city of Warwick.

(Laws 1953, ch. 3051, § 3)

Sec. 4. Declared governmental function.

The furnishing by the town of West Warwick to the Centreville section of the city of Warwick pursuant to agreement with said city of Warwick shall be deemed for the purposes of any claims against said town arising therefrom to be the exercise of a governmental function.

(Laws 1953, ch. 3051, § 4)

Sec. 5. Area described.

The Centreville section of the city of Warwick shall be deemed to include the following described portion of said city:

Beginning at the intersection of the center line of Coit avenue and the center line of Centreville road; thence running northerly in a straight line to a point in the center line of New London avenue in range with the southerly corner of lot 345, assessors' plat No. 24 (on file in the office of the board of tax assessors of the town of West Warwick); thence running in a general southwesterly direction along the center line of New London avenue to the center line of Centreville road; thence running easterly along the center line of Centreville road to the point of beginning.

(Laws 1953, ch. 3051, § 5)

Sec. 6. Agreement ratified.

The agreement heretofore entered into on October 14, 1952 by and between the town of West Warwick and the city of Warwick for providing such fire protection is hereby ratified and affirmed.

(Laws 1953, ch. 3051, § 6)

Sec. 7. When act effective.

This act shall take effect upon its passage.

(Laws 1953, ch. 3051, § 7)

#### ARTICLE 14. VOTING PROCEDURES AT FINANCIAL TOWN MEETINGS\*

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\*State law references: Town meetings generally, G.L. 1956, § 45-3-1 et seq.

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Sec. 1. Special vote required on appropriations.

In the event any motion or resolution is presented to the annual financial town meeting the purpose of which is to increase the amount of any appropriation proposed by the town administration or to appropriate any money not proposed in the budget presented by the town administration, and such motion or resolution is seconded by not less than twenty-five (25) qualified electors present and adopted by an affirmative standing vote of not less than two-thirds of the qualified electors present, said motion or resolution shall be referred to a meeting of taxpayers of the town to be held on a date seven days after the annual meeting at which the motion or resolution was presented and adopted, at which meeting all taxpaying voters of the town of West Warwick shall be eligible to vote on any such proposition by secret ballot.

(Laws 1956, ch. 3629, § 1; Laws 1967, ch. 47, § 1)

Sec. 2. Procedure for special vote.

In the event of the introduction of any such motion or resolution referred to in section 1, the town clerk shall give notice of the time and place of said meeting in some newspaper of general circulation in the town, and shall provide ballot boxes for the purpose of receiving the votes of the taxpayers, and shall cause to be printed ballots containing the substance of any motion or resolution so proposed providing upon said ballot the means of expressing the voters' choice thereon in printed boxes marked "Yes" and "No." The town clerk shall provide for the opening of the polls at 9:00 a.m. and for the closing of the polls at 9:00 p.m., on the date provided, and shall provide proper receptacles for the receipt of the taxpayers' ballots. At the closing of the polls said ballots shall be counted by the moderator of the town meeting and the town clerk, in public, and the results of the vote shall be publicly announced and recorded. If a majority of the votes cast are in favor of the motion or resolution it shall be valid and effective. If a majority of the votes are cast against the motion or resolution, or in the event of a tie vote, said motion or resolution shall be recorded as defeated.

(Laws 1956, ch. 3629, § 2)

Sec. 3. Special vote on bond issues.

All proposals presented at the annual financial town meeting for the issuance of bonds not proposed by the town administration shall be referred to the above adjourned financial town meeting in the manner above provided.

(Laws 1956, ch. 3629, § 3; Laws 1967, ch. 47, § 2)

Sec. 4. Other business not affected.

The introduction or presentation of any such motion or resolution requiring a vote of all the taxpaying voters on a subsequent day shall not in any way restrict or interfere with the other business properly before the meeting. Said business may proceed without interruption, and shall be disposed of according to law.

(Laws 1956, ch. 3629, § 4)

Sec. 5. When act effective; repealer.

This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1956, ch. 3629, § 5)

ARTICLE 15. PENSION PLAN FOR POLICEMEN AND FIREMEN\*

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\*State law references: Relief of injured and deceased fire fighters and police officers, G.L. 1956, § 45-19-1 et seq.; retirement of municipal employees, G.L. 1956, § 45-21-1 et seq.

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Sec. 1. Authorized.

The town council of the Town of West Warwick is hereby authorized and empowered to create and disburse a pension fund or funds for officers and members of the police and fire departments of said town, who by reason of age, physical or mental infirmity, injuries sustained or illness incurred while in the performance of duty, or for other causes, may be unfit to perform active duty.

(Laws 1956, ch. 3698, § 1)

Sec. 2. Financing.

The town council of said town is hereby authorized and empowered to collect and divert to said fund or funds not more than 5% of the annual salary due to each such officer and member, and from time to time to appropriate from the general funds of said town such sums of money as may be necessary for the proper carrying out of the purposes of this act and to establish by ordinance all rules and regulations pertaining to said fund or funds as to it shall seem necessary and expedient.

(Laws 1956, ch. 3698, § 2)

Sec. 3. Insurance authorized.

The town council of said town is hereby authorized and empowered to enter into contracts of insurance with any company or companies authorized to do business in the state for the purposes aforesaid.

(Laws 1956, ch. 3698, § 3)

ARTICLE 16. TAX AND ASSESSMENT EXEMPTION FOR RELIGIOUS ORGANIZATIONS

Sec. 1. Authorized.

The town council of the Town of West Warwick is authorized and empowered to exempt from taxation and sewer assessments the parsonage or any religious organization or corporation and the real property of any such organization or corporation occupied by any religious order engaged in teaching in said Town of West Warwick.

(Laws 1958, ch. 62, § 1)

Sec. 2. When act effective.

This act shall take effect upon its passage.

(Laws 1958, ch. 62, § 2)

ARTICLE 17. MODERATOR OF FINANCIAL TOWN MEETINGS\*

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\*State law references: Moderators generally, G.L. 1956, § 45-3-15 et seq.

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Sec. 1. Election required; compensation.

The qualified electors of the Town of West Warwick shall, at each general election of town officers hereafter held, elect, in addition to officers whose election now is provided for by law, a town moderator.

The town council of said town shall fix the compensation of said town moderator and may, from time to time, amend or alter same.

(Laws 1958, ch. 125, § 1; Laws 1965, ch. 122, § 1)

Sec. 2. Duty to preside; term.

The town moderator shall preside at the annual and at any special financial town meetings of said town and shall serve until the next general election of town officers.

(Laws 1958, ch. 125, § 2)

State law references: Moderator to preside, G.L. 1956, § 45-3-17.

Sec. 3. Vacancy in office; absence.

In the event any vacancy shall occur in the office of town moderator because of the death or resignation of the town moderator, the town council of said town shall appoint a successor for the balance of the unexpired term.

In the event the town moderator shall absent himself from any meeting over which he is required to preside, the town council of said town shall appoint a moderator to preside over such meeting.

(Laws 1958, ch. 125, § 3)

Sec. 4. Manner of election.

The town moderator chosen at general elections shall be nominated and elected in the same manner and pursuant to the same statutes governing the nomination and election of elective town officers.

(Laws 1958, ch. 125, § 4)

State law references: Election of officers, G.L. 1956, § 45-4-1 et seq.

Sec. 5. When act effective.

This act shall take effect upon its passage.

(Laws 1958, ch. 125, § 5)

## ARTICLE 18. PROHIBITING INTERMENTS IN GROUNDS ON LOCKWOOD STREET

Sec. 1. Authorized.

The town council of the Town of West Warwick is authorized and empowered to adopt an ordinance prohibiting interment of bodies in a certain private burying ground or burying plat located on the easterly side of Lockwood street, a short distance to the north of the northeast corner of Lockwood street and Cowesett avenue.

(Laws 1958, ch. 137, § 1)

Sec. 2. Disinterment authorized.

The town council of the Town of West Warwick is authorized and empowered, at the petition of any owner or owners of land abutting said burying ground, to permit, subject to such conditions as said council may impose, the disinterment of any bodies in said burying ground or plat and the transfer of said bodies to some other place of burial.

The town council of the Town of West Warwick shall, before acting on any such petition for disinterment and reburial, publish in the Daily Times once per week for two (2) successive weeks of the filing of such petition and of hearing thereon.

(Laws 1958, ch. 137, § 2)

Sec. 3. When act effective.

This act shall take effect upon its passage.

(Laws 1958, ch. 137, § 3)

#### ARTICLE 19. RELEASE AND APPORTIONMENT OF SEWER LIENS

##### Sec. 1. Release authorized.

The Town of West Warwick, by its town council, is authorized and empowered, at the discretion of its town council, to release the lien of said town as to any portion of tracts impressed with a lien for payment of a sewer assessment or assessments.

(Laws 1958, ch. 210, § 1)

##### Sec. 2. Apportionment authorized.

The Town of West Warwick, by its town council, is authorized and empowered, at the discretion of its town council, to apportion the lien for payment of sewer assessments among the portions of any tract or parcel of land impressed with a lien for payment of a sewer assessment or assessments.

(Laws 1958, ch. 210, § 2)

##### Sec. 3. When act effective.

This act shall take effect upon its passage.

(Laws 1958, ch. 210, § 3)

#### ARTICLE 20. RESERVED\*

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\*Editor's note: Laws 1984, ch. 140, §§ 1, 2, repealed Special Acts, art. 20, §§ 1, 2, pertaining to permanency of employees in highway, garbage and sewer departments, including a repealer of inconsistent acts. The former material was derived from Laws 1963, ch. 42, §§ 1, 2.

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#### ARTICLE 21. TAX EXEMPTION FOR THE ELDERLY

##### Sec. 1. Authorized.

The town council of the Town of West Warwick may by ordinance exempt from taxation the real property situated in said town, owned and occupied by any person over the age of sixty-five (65) years, which exemption shall be in an amount not exceeding three thousand dollars (\$3,000.00) of valuation, and which exemption shall be in addition to any and all other exemptions from taxation to which said person may be otherwise entitled. Said exemption shall be applied uniformly and without regard to ability to pay, provided, however, that only one such exemption shall be granted to cotenants, joint tenants and tenants by the entirety, even though all of said cotenants, joint tenants and tenants by the entirety are sixty-five (65) years of age or over. Said exemption shall apply to a life tenant who has the obligation for the payment of the tax on such real property.

(Laws 1965, ch. 129, § 1; Laws 1981, ch. 47; Laws 1984, ch. 21, § 1)

##### Sec. 2. Prior action validated.

The action heretofore taken by the qualified electors of the town of West Warwick qualified to vote upon a proposition to impose a tax or for the expenditure of money with relation to the subject matter contained within this act is hereby validated and affirmed as if said action were taken pursuant to the provisions of this act.

(Laws 1965, ch. 129, § 2)

##### Sec. 3. When act effective; repealer.



This act shall take effect upon its passage and chapter 10 of the public laws, 1965, and all other acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1965, ch. 129, § 3)

Sec. 4. Alternate exemption schedule.

The Town of West Warwick may provide by ordinance for a schedule of exemptions from the assessed valuation on real property located therein for any person who is sixty-five (65) years or older or to any person who is totally and permanently disabled regardless of age, which said exemption schedule shall be based upon annual adjusted gross income as defined for federal income tax purposes as follows:

- (a) An exemption of ten thousand dollars (\$10,000.00) for those having an adjusted gross income of zero to five thousand dollars (\$5,000.00);
- (b) An exemption of eight thousand dollars (\$8,000.00) for those having an adjusted gross income of five thousand and one dollars (\$5,001.00) to six thousand dollars (\$6,000.00);
- (c) An exemption of six thousand dollars (\$6,000.00) for those having an adjusted gross income of six thousand and one dollars (\$6,001.00) to seven thousand dollars (\$7,000.00);
- (d) An exemption of four thousand dollars (\$4,000.00) for those having an adjusted gross income of seven thousand and one dollars (\$7,001.00) to eight thousand dollars (\$8,000.00);
- (e) And an exemption of three thousand dollars (\$3,000.00) for those having an adjusted gross income from eight thousand and one dollars (\$8,001.00) to nine thousand dollars (\$9,000.00).

Provided, however that said exemption schedule shall apply only to single-family dwellings in which said person resides; provided said person acquired said property for actual consideration paid or inherited the same; provided said person has resided in the Town of West Warwick for a period of three (3) years ending with the date of assessment (December 31st) for the year for which exemption is claimed; and provided, further, that such exemption shall not be allowed unless the person entitled thereto shall have presented to the assessors, on or before the last day on which sworn statements may be filed with the tax assessor for the year [for] which the foregoing is claimed, due evidence that he or she is so entitled, which evidence shall stand as long as his or her residence remains unchanged. In the case of married persons the age requirement will be met as soon as either the husband or wife reaches the age of sixty-five (65) years and, in the event the husband passes away, a widow sixty-two (62) years of age to sixty-five (65) years of age will be allowed the exemption as long as she remains unmarried.

Those persons granted tax relief under 44-3-16(b) [G.L. 1956, § 44-3-16(b)], P.L. 1972, ch. 255, will have the option of retaining their current tax freeze or abandoning it to seek relief under this act.

(Laws 1981, ch. 47)

**ARTICLE 22. WARWICK WATER FACILITIES IN WEST WARWICK**

Sec. 1. Acquisition authorized.

The city of Warwick is authorized and empowered to acquire land and easements by negotiations, purchase, condemnation, or otherwise to accommodate the construction of public water works facilities within the territory of the town of West Warwick, for the purpose of providing a connecting water main from the city of Warwick to a connection

in the proposed Providence water supply board aqueduct in the vicinity of Wakefield street, so called, in the town of West Warwick.

(Laws 1966, ch. 34, § 1)

Sec. 2. Construction, maintenance authorized.

Said city is further authorized and empowered to construct, own, maintain and operate public water works facilities in public ways, or public property, or in private ways or private property within the territory of the Town of West Warwick for the purpose outlined in section 1 above.

(Laws 1966, ch. 34, § 2)

Sec. 3. Authority declared additional.

The authority herein granted shall be in addition and auxiliary to authority granted said city by Chapter 1121 of the Public Laws, 1927 and all acts in amendment thereof and in addition thereto.

(Laws 1966, ch. 34, § 3)

Sec. 4. Applicability of general laws.

In exercising the authority granted herein said city is authorized and empowered to exercise all the powers and authority conferred upon towns by the provisions of Chapter 15 of Title 39 of the General Laws of Rhode Island 1956 [G.L. 1956, § 39-15-1 et seq.], as amended, entitled "Water Supply."

(Laws 1966, ch. 34, § 4)

Sec. 5. Liability for damages.

The City of Warwick shall be liable in damages for injuries or damages occasioned by the laying or repairing of water pipes or water mains in the highways or roads of the Town of West Warwick, but it shall not be liable for the failure or neglect of the Town of West Warwick to repair or maintain its highways or roads after the completion of repairs to such highways or roads by the City of Warwick following the laying or repairing of water pipes or water mains in such highways or roads.

(Laws 1966, ch. 34, § 5)

Sec. 6. Tax exemption.

The City of Warwick shall also be exempt from local taxes on all pipelines and other waterworks appurtenances hereinafter located or installed in the Town of West Warwick for purposes of providing water supply lines to the Warwick water supply system.

(Laws 1966, ch. 34, § 6)

Sec. 7. When act effective; repealer.

This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1966, ch. 34, § 7)

ARTICLE 23. TENURE OF TOWN CLERK\*

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\*State law references: Election of town clerks, G.L. 1956, § 45-4-1.

Sec. 1. Declared.

Notwithstanding the provisions of any general or special law to the contrary, the town clerk of the Town of West Warwick shall be appointed by the town council and shall

enjoy tenure of office with no decrease in pay, and shall be removed only for good and sufficient cause. Such tenure shall become effective as set forth in section 2.

(Laws 1968, ch. 174, § 1; Laws 1978, ch. 319, § 1)

Sec. 2. Appointment of deputy clerk as town clerk; other appointments.

(a) Whenever the deputy town clerk shall be appointed town clerk, he or she shall enjoy tenure of office as recited above, provided he or she shall have served a minimum cumulative period of five (5) years in said capacity of deputy town clerk.

(b) In the event the person is appointed town clerk who has not served continuously for five (5) years as a deputy town clerk, then he or she shall not enjoy tenure until that person has served in the capacity of town clerk for a period of seven (7) years.

(Laws 1968, ch. 174, § 2; Laws 1978, ch. 319, § 2)

Sec. 3. Termination at age sixty-two.

Such tenure so enjoyed by any person appointed or elected town clerk of West Warwick shall cease and terminate and all rights and privileges of tenure enjoyed in connection therewith shall cease and terminate upon the attaining by such town clerk of the age of sixty-two (62) years, and such town clerk shall thereafter continue to serve as town clerk of the Town of West Warwick at the will of the town council of the Town of West Warwick.

(Laws 1968, ch. 174, § 3)

Sec. 4. When act effective; repealer.

This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1968, ch. 174, § 4)

#### ARTICLE 24. MUTUAL ASSISTANCE FIREFIGHTING AGREEMENTS

Sec. 1. Mutual firefighting assistance agreement with adjoining municipalities.

The Town of West Warwick is authorized and empowered to enter into agreements with the Cities of Cranston, Warwick and with the Anthony Fire District and East Greenwich Fire District for mutual firefighting assistance between West Warwick and said cities or districts under such terms as all parties shall deem adequate and reasonable.

(Laws 1970, ch. 296, § 1)

Sec. 2. Appropriation of moneys for furnishing of protection under agreements and payment of costs and expenses.

The qualified electors of the Town of West Warwick at a regular or special financial town meeting assembled, are authorized and empowered to appropriate such sum or sums of money as may be needed or required for furnishing of protection under agreements and for payment of cost and expenses that may occur as a result of performance of these agreements, and the said sums shall be added to and made part of the general appropriation of said department.

(Laws 1970, ch. 296, § 2)

Sec. 3. Firefighting assistance deemed governmental function.

The furnishing by the Town of West Warwick of firefighting assistance pursuant to these agreements shall be deemed for the purpose of any claims against said town arising, therefor, to be in the exercise of a governmental function.

(Laws 1970, ch. 296, § 3)

Sec. 4. When act effective.

This act shall take effect upon its passage.

(Laws 1970, ch. 296, § 4)

## ARTICLE 25. TENURE OF TAX ASSESSOR; BOARD OF ASSESSMENT AND REVIEW

### Sec. 1. Tenure of tax assessor declared.

Notwithstanding the provisions of any general or special law to the contrary the chairman of the board of tax assessors of the Town of West Warwick whether appointed or elected shall enjoy tenure of office with no decrease in pay and shall be removed only for good and sufficient cause.

(Laws 1973, ch. 70, § 1)

### Sec. 2. Prerequisite length of service.

Any person appointed or elected chairman of the board of tax assessors before or after the passage of this act who shall have served a cumulative period of three (3) years, shall enjoy tenure of office with no decrease in pay and shall be removed only for good and sufficient cause.

(Laws 1973, ch. 70, § 2)

### Sec. 3. Termination at age sixty-two.

Such tenure so enjoyed by any person appointed or elected chairman of the board of tax assessors of West Warwick shall cease and terminate and all rights and privileges of tenure enjoyed in connection therewith shall cease and terminate upon the attaining by such chairman of the board of tax assessors of the age of sixty-two (62) years, and such chairman of the board of tax assessors shall thereafter continue to serve as chairman of the board of tax assessors of the Town of West Warwick at the will of the town council of the Town of West Warwick.

(Laws 1973, ch. 70, § 3)

### Sec. 4. Board of assessment review.

Tax assessors shall no longer be elected in the Town of West Warwick. Upon the expiration of the term of office of the two (2) members of the board of tax assessors whose terms expire November 1976 there shall be a board of assessment review.

(a) Appointment and vacancies. There shall be a board of assessment review consisting of three (3) members appointed by the council for a term of three (3) years, no more than two (2) of whom shall be members of the same political party, and all of whom shall be residents of the Town of West Warwick. The members first appointed shall serve for terms of one (1), two (2) and three (3) years respectively. Vacancies shall be filled by the council for the unexpired term. If a member of such board shall cease to be a resident, his office shall thereby become vacant.

(b) Duties.

(1) The board of assessment review shall hear and consider the appeal of any property owner concerning the amount of his assessed valuation as determined by the assessor. The board shall keep an accurate record of its proceedings which shall be available for public inspection.

(2) The town council shall furnish to the board such clerical and other assistance that may from time to time be required.

(Laws 1973, ch. 70, § 4)

### Sec. 5. Correction of assessment.

If it shall appear that the valuation of any property has been erroneously or incorrectly assessed, the board shall have authority to order a correction. Such determination shall be

certified by the board to the assessor whose duty it shall be to make such corrections in the valuation as the board may determine. If the tax roll has been certified by the assessor, he shall transmit the findings of the board to the council, which shall cancel in whole or in part the tax based on such valuation in order to effect a correction.

(Laws 1973, ch. 70, § 5)

Sec. 6. Procedure.

The council shall provide by ordinance for the organization and procedure of the board of assessment review and for the manner of receiving, considering and disposing of appeals.

(Laws 1973, ch. 70, § 6)

Sec. 7. Appeal.

The taking of an appeal to the board of assessment review or any action thereon shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the assessor.

(Laws 1973, ch. 70, § 7)

Sec. 8. Effective date.

This act shall take effect upon its passage.

(Laws 1973, ch. 70, § 8)

## ARTICLE 26. SCHOOL COMMITTEE MEMBERSHIP

Sec. 1. Membership; vacancy.

Notwithstanding the provisions of any general or special law to the contrary, the school committee of the Town of West Warwick shall consist of five (5) members elected at large by the qualified electors of all of said town for terms of four (4) years each. At the election on the Tuesday next after the first Monday in November, 1976, two (2) members of the school committee shall be elected for terms of four (4) years and two (2) members for a term of two (2) years. At the election to be held on the Tuesday next after the first Monday in November, 1978 and biennially thereafter, three (3) members of said school committee shall be elected for terms of four (4) years, and until their respective successors have been elected and qualified. At the election to be held on the Tuesday next after the first Monday in November, 1980, two (2) members of said school committee shall be elected for terms of four (4) years, and until their respective successors have been elected and qualified.

In case of a vacancy by death, removal out of town, resignation, failure to elect by reason of a tie vote or otherwise, neglect or refusal to qualify, or for any other cause, such vacancy shall be filled by the town council until the next regular biennial election, when a member shall be elected for the unexpired term thereof.

(Laws 1975, ch. 137, § 1)

Sec. 2. Term of office.

The term of office of those members of the school committee of the Town of West Warwick, who were elected to said office at the general election held in November, 1974 shall not be affected by this act.

(Laws 1975, ch. 137, § 2)

Sec. 3. Council to appoint two members.

Upon the passage of this act, the town council of the Town of West Warwick shall appoint two (2) members to the school committee whose term shall expire after the election of 1976 and their successors are duly qualified.

(Laws 1975, ch. 137, § 3)

Sec. 4. Effective date.

This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1975, ch. 137, § 4)

#### ARTICLE 27. HOUSING CODE ENFORCEMENT OFFICER; TENURE

Sec. 1. Tenure of housing code enforcement officer declared.

Notwithstanding the provisions of any general or special law to the contrary the minimum housing code enforcement officer of the Town of West Warwick shall enjoy tenure of office with no decrease in pay and shall be removed only for good and sufficient cause.

(Laws 1975, ch. 138, § 1)

Sec. 2. Prerequisite length of service.

Any person appointed before or after the passage of this act who shall have served the cumulative period of three (3) years, shall enjoy tenure of office with no decrease in pay and shall be removed only for good and sufficient cause.

(Laws 1975, ch. 138, § 2)

Sec. 3. Termination of tenure.

Such tenure so enjoyed by any person as minimum housing code enforcement officer of West Warwick shall cease and terminate and all rights and privileges of tenure enjoyed in connection therewith shall cease and terminate upon the attaining by such minimum housing code enforcement officer of the age of sixty-two (62) years, and such minimum housing code enforcement officer shall thereafter continue to serve as minimum housing code enforcement officer of the Town of West Warwick at the will of the town council of the Town of West Warwick.

(Laws 1975, ch. 138, § 3)

Sec. 4. Effective date.

This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1975, ch. 138, § 4)

#### ARTICLE 28. COPIES OF PROPOSED ANNUAL BUDGET FOR FINANCIAL TOWN MEETING

Sec. 1. Clerk to supply copies.

Commencing in the year 1977 and every year thereafter, the town council of the Town of West Warwick shall cause to be published or to be printed and have available for distribution, at least five (5) days prior to the financial town meeting, the proposed budget that the administration will propose at the said financial town meeting. In the event that the publication be by newspaper it shall be printed once in any newspaper of general circulation at least five (5) days prior to said financial town meeting, and in lieu of publication, then in that event by having copies available in the office of the town clerk five (5) full days before said financial town meeting.

(Laws 1976, ch. 175, § 1)

Sec. 2. Compliance required prior to financial meeting.

Notwithstanding any general or special law to the contrary, until the provisions of section 1 hereof are complied with the financial town meeting shall not be held.

(Laws 1976, ch. 175, § 2)

Sec. 3. Effective date.

This act shall take effect upon its passage.

(Laws 1976, ch. 175, § 3)

#### ARTICLE 29. TENURE OF TOWN PLANNER

Sec. 1. Declared.

Notwithstanding the provisions of any general or special law to the contrary, the town planner of the Town of West Warwick shall enjoy tenure of office with no decrease in pay and shall be removed only for good and sufficient cause.

(Laws 1978, ch. 316, § 1)

Sec. 2. Prerequisite length of service.

Any person appointed before or after the passage of this act who shall have served the cumulative period of five (5) years, shall enjoy tenure of office with no decrease in pay and shall be removed only for good and sufficient cause.

(Laws 1978, ch. 316, § 2)

Sec. 3. Termination of tenure.

Such tenure so enjoyed by any person as town planner of the Town of West Warwick shall cease and terminate and all rights and privileges of tenure enjoyed in connection therewith shall cease and terminate upon the attaining by such town planner of the age of sixty-two (62) years, and such town planner shall thereafter continue to serve as town planner of the Town of West Warwick at the will of the town council of the Town of West Warwick.

(Laws 1978, ch. 316, § 3)

Sec. 4. Effective date.

This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1976, ch. 175, § 4)

#### ARTICLE 30. TENURE OF FEDERAL EMPLOYMENT PROGRAM COORDINATOR

Sec. 1. Declared.

Notwithstanding the provisions of any general or special law to the contrary, the federal employment program coordinator of the Town of West Warwick shall enjoy tenure of office with no decrease in pay, and shall be removed only for good and sufficient cause.

(Laws 1978, ch. 318, § 1)

Sec. 2. Prerequisite length of service.

Any person appointed before or after the passage of this act who shall have served the cumulative period of five (5) years, shall enjoy tenure of office with no decrease in pay, and shall be removed only for good and sufficient cause.

(Laws 1978, ch. 318, § 2)

Sec. 3. Termination of tenure.

Such tenure so enjoyed by any person as federal employment program coordinator of the Town of West Warwick shall cease and terminate and all rights and privileges of tenure enjoyed in connection therewith shall cease and terminate upon the attaining by such federal employment program coordinator of the age of sixty-two (62) years, and such federal employment program coordinator shall thereafter continue to serve as federal employment coordinator of the Town of West Warwick at the will of the town council of the Town of West Warwick.

(Laws 1978, ch. 318, § 3)

Sec. 4. Effective date.

This act shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1978, ch. 318, § 4)

#### ARTICLE 31. ELECTION OF TOWN COUNCIL; WARD BOUNDARIES

Sec. 1. Town council--Election of members.

The members of the town council of the Town of West Warwick shall be elected at a general election biennially and shall hold their respective offices for two (2) years beginning on the Tuesday in November next succeeding their election and qualification and until the election and qualification of their respective successors.

(Laws 1980, ch. 258, § 1; Laws 1984, ch. 23, § 1)

Sec. 2. Same--Composition.

The town council of the town of West Warwick shall consist of five (5) members; each member shall be elected from one of the five (5) wards of the town, by the majority of the qualified electors casting ballots in each ward, commencing at the next general election.

(Laws 1980, ch. 258, § 2; Laws 1984, ch. 23, § 2)

Sec. 3. Ward boundaries.

The boundaries of the five (5) wards are as follows:

Ward 1. Beginning at a point at the intersection of Providence Street and the City of Cranston/Town of West Warwick boundary line; thence westerly on said boundary line to Garnet Street; thence southerly on Garnet Street to Phenix Avenue; thence northeasterly on Phenix Avenue to Eagle Street; thence southerly on Eagle Street to Centracchio Street; thence southwesterly on Centracchio Street to Mello Street; thence southerly and easterly on Mello Street to Cleveland Street; thence southerly on Cleveland Street to Wakefield Street; thence westerly on Wakefield Street to Grandview Drive; thence southerly on Grandview Drive to the New York, New Haven and Hartford right-of-way; thence easterly on said right-of-way to the Pawtuxet River; thence northerly, easterly, southeasterly and southwesterly on the Pawtuxet River to Providence Street; thence easterly on Providence Street to New London Avenue at the City of Warwick boundary line; thence easterly and northerly along said boundary line to the point of beginning.

Ward 2. Beginning at a point at the intersection of Garnet Street at the City of Cranston/Town of West Warwick boundary line; thence westerly on said boundary line to the Town of Coventry boundary line; thence southerly on said boundary line to Shippee Avenue; thence easterly on Shippee Avenue to McNiff Street; thence northerly on McNiff Street to Curson Street; thence easterly on Curson Street to Main Street; thence northerly on Main Street to Providence Street; thence northerly on Providence Street to Factory Street; thence easterly on Factory Street to the Pawtuxet River; thence easterly, northerly, westerly, and southerly to the right-of-way of the New York, New Haven and Hartford Railway; thence westerly along said right-way to Grandview Avenue; thence northerly on Grandview Avenue to Wakefield Street; thence easterly on Wakefield Street to Cleveland Street; thence northerly on Cleveland Street to Mello Street; thence westerly and northerly on Mello Street to Centracchio Street; thence easterly on Centracchio Street to Eagle Street; thence northerly on Eagle Street to Phenix Avenue; thence southwesterly on Phenix Avenue to Garnet Street; thence northerly on Garnet Street to the point of beginning.



Ward 3. Beginning at a point at the intersection of Shippee Avenue and the Town of Coventry/Town of West Warwick boundary line; thence easterly on Shippee Avenue to McNiff Street; thence northerly on McNiff Street to Curson Street; thence easterly on Curson Street to Main Street; thence northerly on Main Street to Providence Street; thence northerly on Providence Street to Factory Street; thence easterly on Factory Street to the Pawtuxet River; thence easterly and northerly on the Pawtuxet River to Providence Street; thence easterly on Providence Street to New London Avenue at the Town of West Warwick/City of Warwick boundary line; thence southerly on said boundary line to Legris Avenue; thence westerly on Legris Avenue to Main Street; thence northerly on Main Street to West Warwick Avenue; thence westerly on West Warwick Avenue to the New York, New Haven and Hartford right-of-way; thence westerly on said right-of-way to the Town of Coventry/Town of West Warwick boundary line; thence northerly on said boundary line to the point of beginning.

Ward 4. Beginning at a point at the intersection of Legris Avenue and Quaker Lane at the City of Warwick/Town of West Warwick boundary line; thence southerly on Quaker Lane to Cowesett Avenue; thence westerly on Cowesett Avenue to Main Street; thence northerly on Main Street to Pulaski Street; thence westerly on Pulaski Street to Roundway Drive; thence southerly on Roundway Drive to the Town of Coventry/Town of West Warwick boundary line; thence northerly on said boundary line to the right-of-way of the New York, New Haven and Hartford Railway; thence easterly on said right-of-way to West Warwick Avenue; thence easterly on West Warwick Avenue to Main Street; thence southerly on Main Street to Legris Avenue; thence easterly on Legris Avenue to the point of beginning.

Ward 5. Beginning at a point at the intersection of Cowesett Avenue and Quaker Lane at the Town of West Warwick/City of Warwick boundary line; thence westerly on Cowesett Avenue to Main Street; thence northerly on Main Street to Pulaski Street; thence westerly on Pulaski Street to Roundway Drive; thence southerly on Roundway Drive to the Town of Coventry/Town of West Warwick boundary line; thence southerly on said boundary line to the Town of East Greenwich/Town of Coventry/Town of West Warwick boundary line; thence easterly along the Town of East Greenwich/Town of West Warwick boundary line to Quaker Lane at the Town of East Greenwich/Town of West Warwick boundary line; thence northerly on Quaker lane to the point of beginning.

(Laws 1980, ch. 258, § 3; Laws 1984, ch. 23, § 3)

## ARTICLE 32. ESCROW FUND FOR REPAIRING DAMAGE TO STREETS, CURBINGS AND SIDEWALKS

### Sec. 1. Authority.

The town council of the town of West Warwick may provide by ordinance for the creation of an escrow fund for the purpose of repairing damage to town streets, curbings and sidewalks. Said escrow fund is to be administered by the town's building inspector, as follows:

- (a) A separate account will be created and entitled "Town of West Warwick, building inspector's escrow fund."
- (b) Every application for a building permit which requires the installation of a foundation will be accompanied by a fee of not more than five hundred dollars (\$500.00). Said fee to be in addition to all other fees required by law. Any fee so collected in accordance with this act shall be placed in the building inspector's escrow fund.

(c) Before a certificate of occupancy may be issued on the above mentioned permit, the building inspector and the commissioner of highways will inspect the roadway, curbing and sidewalk bounding the property covered by the permit, to determine if the recent construction has caused any damage to town owned property.

(d) Should the building inspector and commissioner of highways determine that damage has been caused to town owned property, they shall forthwith issue a statement to the applicant itemizing all damages claimed, including costs to repair said damages.

(e) With the issuance of the certificate of occupancy, the building inspector shall return to the applicant the fee deposited into the escrow fund, less any charges for repairs as outlined in paragraph (d).

(f) Any monies not returned to the applicant shall be transferred forthwith to the town's general fund, and credited to the highway department's account for repairs to roads, curbs and sidewalks.

(g) Upon notification of said transfer, the commissioner of highways shall complete repairs to the damaged town owned property.

(Laws 1981, ch. 45)

### ARTICLE 33. TENURE OF THE TOWN TAX COLLECTOR

#### Sec. 1. Declared.

Notwithstanding the provisions of any general or special law to the contrary, the tax collector of the Town of West Warwick shall enjoy tenure of office with no decrease in pay and shall be removed only for good and sufficient cause.

(Laws 1986, ch. 70, § 1)

#### Sec. 2. Prerequisite length of service.

Any person appointed before or after the passage of this act who shall have served the cumulative period of five (5) years shall enjoy tenure of office with no decrease in pay and shall be removed only for good and sufficient cause.

(Laws 1986, ch. 70, § 2)

#### Sec. 3. Termination of tenure.

Such tenure so enjoyed by any person as tax collector of the Town of West Warwick shall cease and terminate and all rights and privileges of tenure enjoyed in connection therewith shall cease and terminate upon the attaining by such tax collector of the age of sixty-two (62) years, and such tax collector shall thereafter continue to serve as tax collector of the Town of West Warwick at the will of the town council of the Town of West Warwick.

(Laws 1986, ch. 70, § 3)

#### Sec. 4. Effective date.

This act shall take effect upon passage.

(Laws 1986, ch. 70, § 4)

### ARTICLE 34. FILLING OF VACANCIES ON TOWN COUNCIL

#### Sec. 1. Failure of council to act; special election.

Whenever a vacancy shall occur in the town council of the Town of West Warwick and the town council for any reason has failed to fill the vacancy within thirty (30) days after the office became vacant then the town clerk shall call for a special election in the manner provided by law; however, no such special election shall be called where such vacancy occurs with nine (9) months of the next general election.

(Laws 1986, ch. 304, § 1)

Sec. 2. Effective date.

This act shall take effect upon passage.

(Laws 1986, ch. 304, § 1)

ARTICLE 35. BLIND PERSON'S EXEMPTION FROM LOCAL PROPERTY TAXES

Sec. 1. Taxation amendment.

Section 44-3-12 of the General Laws [G.L. 1956, § 44-3-12] in Chapter 44-3 entitled "Property Subject to Taxation" is hereby amended to read as follows:

44-3-12. Blind person's exemption.

(a) The property of each person who has permanent impairment of both eyes of the following status: Central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty (20) degrees in the better eye, shall be exempted from taxation to the amount of six thousand dollars (\$6,000), which exemption shall apply to such property in the municipality where such person resides; and if there is not sufficient property to exhaust such exemption, such person may proclaim the balance in any city or town where he or she may own property; provided, further, that the city or town council of any city or town may by ordinance increase the exemption within the city or town to an amount not to exceed eighteen thousand dollars (\$18,000); and, further provided, however, that such exemption shall not be allowed in favor of any person who is not a legal resident of the state, or unless the person entitled to such exemption shall have presented to the assessors, on or before the last day on which sworn statements may be filed with the assessors for the year for which an exemption is claimed, due evidence that he or she is so entitled, which evidence shall stand so long as his or her legal residence remains unchanged; and provided, further, that the exemption herein provided for, to the extent that it shall apply to any city or town, shall be applied in full to the total value of such person's real and tangible personal property located in such city or town and shall be applied to intangible personal property only to the extent that there is not sufficient real property or tangible personal property to exhaust such exemption. Such exemption shall be in addition to any other exemption provided by law except as provided in Section 44-3-25 [G.L. 1956, § 44-3-25].

(b) In each city or town that has not increased the exemption provided by Subsection 44-3-12(a) [G.L. 1956, § 44-3-12(a)] above the minimum of six thousand dollars (\$6,000), such exemption shall increase automatically each year by the same percentage as the percentage increase in the total amount of taxes levied by such city or town. Such automatic increase shall not apply to cities or towns that have increased the exemption provided by Subsection 44-3-12(a) [G.L. 1956, § 44-3-12(a)] above the minimum of six thousand [dollars] (\$6,000); provided, however, that if the application of such automatic increase to an exemption of six thousand dollars (\$6,000) on a continuous basis from the effective date of this subsection to any subsequent assessment date would result in a higher exemption than the exemption enacted by the city or town council, then the amount provided by the automatic increase shall apply.

(Laws 1987, ch. 44-3, § 1)

Sec. 2. Explanation.

This act would provide an automatic inflation increase in the blind person's property tax exemption.

(Laws 1987, ch. 44-3, § 1)

Sec. 3. Effective date.

The act would take effect with respect to taxes levied on valuations assessed as of December 31, 1987.

(Laws 1987, ch. 44-3, § 1)

#### ARTICLE 36. AN ACT VALIDATING AND RATIFYING THE HOME RULE CHARTER OF THE TOWN OF WEST WARWICK

Sec. 1. Ratification.

In all respects in which the Home Rule Charter of the Town of West Warwick, approved on November 4, 1986, may require ratification, confirmation, validation or enactment by the general assembly, but in no other respects, the provisions of the Home Rule Charter so adopted are hereby ratified, confirmed, validated and enacted. It is the express intention of the general assembly by the passage of this act to give effect to, ratify, confirm, validate and enact those certain provisions of the Home Rule Charter of the town of West Warwick, approved on November 4, 1986, which require ratification, confirmation, validation or enactment; but nothing in this act shall be construed to abrogate or impair the powers now or hereafter granted to towns and cities by Article XXVIII of the amendments to the constitution and other applicable laws of the State of Rhode Island or those rights retained by said town in said Charter.

(Laws 1987, ch. 606, § 1)

Sec. 2. Severability.

If any provision of this act or the application thereof to the Town of West Warwick or to any person or circumstance is held invalid by reason of being deemed in violation of any provision of the constitution of the State of Rhode Island or otherwise, the remainder of this act or the application of such provision to said town or to other persons or circumstances shall not be affected thereby.

(Laws 1987, ch. 606, § 2)

Sec. 3. Effective date.

This act shall take effect upon its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.

(Laws 1987, ch. 606, § 3)

#### ARTICLE 37. ENACTING AN ORDINANCE TO ESTABLISH A JUVENILE HEARING BOARD

Sec. 1. Purpose of ordinance; provisions.

For the purpose of promoting the public health, safety, morals or general welfare, the town council of the Town of West Warwick, shall have the power in accordance with the provisions of this act within the limits of said town, by ordinance, to pass, ordain, establish and amend an ordinance to establish a juvenile hearing board.

Without limiting the generality of the aforementioned, such ordinance may include the following provisions:

(1) Establishment of juvenile hearing board. There is hereby established within the Town of West Warwick a juvenile hearing board with the powers set forth in this ordinance for the purpose of hearing all cases referred to such board by the juvenile division of the police department, with respect to persons resident in the Town of West Warwick, under the age of eighteen (18), who are charged with violating the criminal laws of the State of Rhode Island or the Town of West Warwick.

(2) Referral to juvenile hearing board. Persons who are residents of the Town of West Warwick, who are under the age of eighteen (18) may be referred to the juvenile hearing board, established herein, which shall have concurrent jurisdiction with the family court if the offense is one which, if committed by an adult, would be a misdemeanor; provided, however, that this requirement shall not apply in the case of any person:

(a) Charged with the crime of assault or battery; or

(b) Who shall have been twice previously referred to the juvenile hearing board or have been once previously referred and refused or failed to abide by the sanctions imposed or make the restitution recommended; and/or

(c) Who, at the time of the commission of such juvenile offense, shall be within the custody and control of the family court.

The juvenile division of the West Warwick Police Department may offer referral to the juvenile hearing board [of] any other juvenile offender where, in the opinion of the juvenile division, such referral would be beneficial to the juvenile concerned and the community at large. No referral to the juvenile hearing board shall be made by the juvenile division until such person, together with his legal guardians, shall have in writing waived such person's right to a hearing in the family court with respect to the offense charged, has agreed to guilt, and shall have agreed to abide by the decision of the juvenile hearing board.

(3) Composition of juvenile hearing board. The membership of the juvenile hearing board shall consist of five (5) persons over the age of eighteen (18) years, to be appointed by the town council of the Town of West Warwick, all of whom shall have been a resident for at least three (3) years within the Town of West Warwick, and none of whom shall be attorneys admitted to practice before the supreme court of the State of Rhode Island. The town council shall appoint one (1) member whose term shall expire on December 1, 1989; and, thereafter, until his/her successor is appointed and qualified, two (2) members whose term shall expire on December 1, 1990; and, thereafter, until their successors are appointed and qualified, two (2) members whose terms shall expire on December 1, 1991; and, thereafter, until their successors are appointed and qualified. During the month of November, 1989, and annually thereafter, the town council shall appoint a member to succeed the member or members whose terms will then next expire to serve for a term of three (3) years, commencing on the first day of December, and, thereafter, until their successors are appointed and qualified. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, such vacancy shall be filled in like manner as the original appointment but only for the remainder of the term of the former member. No member of the juvenile hearing board shall be entitled to receive any compensation by reason of his or her service on the board.

(4) Duties of juvenile hearing board. The juvenile hearing board shall hear all cases referred to it by the juvenile division and shall recommend sanctions (other than incarceration), including, but not limited to, fines (up to a maximum of fifty dollars (\$50.00)) and community service and shall direct restitution for any injuries and/or damages, where appropriate, resulting from the commission of such offense. In any such proceeding, the juvenile hearing board, prior to imposing sanctions, shall request the juvenile offender and his/her parents or legal guardians to agree to the sanctions imposed and the amount of restitution and the manner of making the same. In ordering restitution,

the juvenile hearing board shall take into account the juvenile offender's ability to pay and the amount of actual damage caused as a result of the commission of such offense.

(5) Juvenile hearing board meetings. The juvenile hearing board shall meet not less than once each month. It shall give notice of date and time of meetings to the juvenile division and the juvenile offender and his/her parents not less than seven (7) days prior to the date of the hearing. Any juvenile offender may be represented by counsel and present evidence in his/her behalf. A majority of the members of the juvenile hearing board shall constitute a quorum, and its proceedings shall be closed to the public.

The juvenile hearing board shall elect one (1) from its members as its chairman and one (1) as its vice chairman. In the absence of the chairman, the vice chairman shall be the presiding officer. A majority of the members present shall be required to take any action. The juvenile hearing board shall have the power from time to time to draft rules governing its proceedings or to amend or repeal any rules theretofore adopted.

(Laws 1988, ch. 88-54, § 1)

Sec. 2. To whom applicable; effective date; repeal.

This act shall apply to all juveniles alleged to have committed an offense after the date of its enactment and shall take effect and be made a part of the Code of Ordinances, Town of West Warwick, Rhode Island; upon its passage and all ordinances and parts of the Code of Ordinances, Town of West Warwick, Rhode Island, inconsistent herewith are hereby repealed.

(Laws 1988, ch. 88-54, § 2)

#### ARTICLE 38. MUNICIPAL COURT

Sec. 1. General Laws amended.

Section 45-2-26 of the General Laws [G.L. 1956, § 45-2-26] in Chapter 45-2 entitled "General Powers" is hereby amended to read as follows:

45-2-26. Town of West Warwick--Municipal Court.

(a) The town council of the town of West Warwick may establish a municipal court and confer upon the court original jurisdiction, notwithstanding any other provisions of the general laws, to hear and determine causes involving violation of any ordinance, including minimum housing ordinances of the town and any violation of the provisions of chapter 24.3 of this title entitled, The Rhode Island Housing Maintenance and Occupancy Code; provided, however, that any defendant found guilty of any offense, excluding violations of the minimum housing ordinances or chapter 24.3 within the jurisdiction of the court, may within seven (7) days of conviction, file an appeal from the conviction to the superior court and be entitled in the latter court to a trial de novo; and provided, further, however, that any defendant found guilty of any violation of a minimum housing ordinance or of chapter 24.3, may, within seven (7) days of the conviction, file an appeal from the conviction to the third division of the district court and be entitled to a trial de novo in accordance with sections 8-8-3(a)(4) and 8-8-3.2 [G.L. 1956, §§ 8-8-3(a)(4) and 8-8-3.2].

(b) With respect to violations of either municipal ordinances dealing with minimum housing or chapter 24.3 et seq., of this title dealing with housing maintenance and occupancy, the town council may also confer upon the municipal court, in furtherance of the aforesaid jurisdiction, the power to proceed according to equity: (a) to restrain, prevent, enjoin, abate or correct a violation; (b) to order the repair, vacation or demolition

of any dwelling existing in violation; or (c) to otherwise compel compliance with all of the provisions of the ordinances and statutes.

(c) The town council of the town of West Warwick shall be authorized and empowered to appoint a judge of said municipal court. The town council of said town shall be authorized and empowered to enact ordinances governing the personnel, operation and procedure to be followed in the court and to establish a schedule of fees and costs, and to otherwise provide for the operation and management of the court. The municipal court may impose a sentence not to exceed thirty (30) days in jail and impose a fine of not in excess of five hundred dollars (\$500) or both. The court shall be empowered to administer oaths, compel the attendance of witnesses and punish persons for contempt. (Laws 1989, ch. 521, § 1)

#### ARTICLE 39. OFFICIALS EMPOWERED TO JOIN PERSONS IN MARRIAGE

Sec. 1. General Laws amended.

Section 15-3-5 of the General Laws [G.L. 1956, § 15-3-5] in Chapter 15-3 entitled "Solemnization of Marriages" is hereby amended to read as follows:

15-3-5. Officials empowered to join persons in marriage.

Every ordained clergy or elder in good standing, every justice of the supreme court, superior court, family court, or district court, every associate justice, the clerk of the supreme court, every clerk of a superior court, family court, or district court, every former justice of these courts and every former chief clerk of the district court may join persons in marriage in any town in this state; and every justice and every former justice of the municipal courts of the cities of Providence, Pawtucket, Warwick, Cranston, and every justice and every former justice of the municipal court of the town of West Warwick, and of the police court of the town of Johnston may join persons in marriage in any city or town in this state, and wardens of the town of New Shoreham may join persons in marriage in New Shoreham.

(Laws 1990, ch. 139, § 1)

#### ARTICLE 40. SEWER FEES

Sec. 1. Sewer impact fee.

The town council of the town of West Warwick may enact by ordinances a sewer impact fee. Such a fee shall be levied for the cost of any project or projects for the construction, completion, extension, enlargement or improvement of the sewage disposal system. The fee shall be levied upon the owners of property which abut 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 which otherwise may benefit in any manner from any such project or projects.

The town council may provide for such an impact fee based upon a fixed rate, a computation by building square footage or a combination of both methods. Further, the town council may provide for the calculation of the fee for residential properties and commercial/industrial properties by using different methods of [or] formulas, provided that the rate is equitable.

The town council may provide for the payment of such fee in its entirety when levied or in installments. In the event that the town council provides for installment payments, it can require payment in full of the impact fee when a property subject to such fee is sold or otherwise alienated. Such a requirement could exempt involuntary alienations such as by death of a joint property owner or probate of a sole owner's interest.

The town council may provide for the conversion of any existing sewer assessment levied by existing special acts and/or ordinance to an impact fee. Such conversion may provide for credits to any property owner for principal payments made toward any existing assessment.

The town council shall not provide for an impact fee for any property owner who has paid or is paying an existing sewer assessment for land and buildings.

(Laws 1990, ch. 226, § 1)

Sec. 2. Improvement impact fee.

The town council of the town of West Warwick may enact by ordinance an improvement impact fee. Such a fee may be based upon the method of payment described in section 1 for additions to dwellings and buildings subject to an impact fee. Such a fee could also be levied for the completion of dwellings and other buildings and other improvements.

(Laws 1990, ch. 226, § 2)

Sec. 3. Capital improvement fee.

The town council of the town of West Warwick may provide by ordinance for a capital improvement fee. Such a fee may be levied upon all property owners having properties that utilize the existing sewer system or otherwise benefit from the existing sewer system. The town council may levy such a fee based upon a fixed rate, a computation by building square footage or a combination of both methods. Such a fee could be levied for the purpose of defraying costs and expenses incurred for capital improvements to the sewer system.

Such a fee would be payable in a manner stated in section 1.

(Laws 1990, ch. 226, § 3)

Sec. 4. Levy; billing; collection.

In levying any of the fees described in sections 1, 2 and 3, the town council shall provide that the tax collector shall name the owners subject to any fee, describe the property subject to such fee and state the amount of the fee. No error or omission in the name or description shall invalidate the levying of any fee, as long as either the owner or property is substantially identified.

Any such fee may bear interest as determined by the town council and shall constitute a lien upon the respective properties on a parity with the lien for town taxes until paid in full. The collector of taxes shall have the same rights to enforce such liens against the subject properties and to collect such fees and interest from the owners as he has for town taxes.

Property owners shall be billed for such fees in a manner as set forth by the town council. Any person aggrieved by any such fee may within three (3) months of the mailing of such bill file a petition for relief pursuant to R.I.G.L. 44-5-26. The filing of such a petition shall not relieve the property from the lien provided for, but any final judgment reducing a fee shall reduce the amount due accordingly. The remedy provided herein shall be exclusive and no action or proceeding questioning the validity of any such assessment shall be begun after the expiration of said ninety (90) day period.

The town council shall be authorized to correct the levying of any fee and make any necessary abatements and to replace any invalid fee with a valid one.

The town council may provide for the apportionment of any fee in the case of the subdivision of a property subject to any such fee.

(Laws 1990, ch. 226, § 4)



## ARTICLE 41. LEVY AND ASSESSMENT OF LOCAL TAXES

Sec. 1. General Laws amended.

Section 44-5-11 of the General Laws [G.L. 1956, § 44-5-11] in Chapter 44-5 entitled "Levy and Assessment of Local Taxes" is hereby amended to read as follows:

44-5-11. Assessment of valuations--Apportionment of levies.

(a) The assessors in the several towns and cities shall assess all valuation and apportion the levy of all taxes legally ordered under the rules and regulations, not repugnant to law, as the town meetings and city councils, respectively, shall from time to time prescribe; provided, however, that the assessors shall revalue all taxable real estate and implement the revaluation within three (3) years after December 31, 1980 unless a town or city shall have completed and implemented such revaluation within seven (7) years prior to December 31, 1980 and each town or city shall complete and implement a revaluation of all real estate property each tenth (10th) year after its first revaluation is implemented under this section unless an earlier date for revaluation is established; provided further, however, the city of Woonsocket and the town of Cumberland shall have until December 31, 1984 to revalue all taxable real estate and implement the revaluation. Those towns and cities which have both completed and implemented a revaluation within seven (7) years prior to December 31, 1980 shall revalue and implement the revaluation within ten (10) years of the date of the prior revaluation and each and every tenth (10th) year thereafter; provided, however, that the city of Providence shall have until December 31, 1987 to revalue all taxable real estate; provided, however, that the town of West Warwick shall have until December 31, 1993 to revalue all taxable real estate and implement the revaluation.

(b) The assessors of the respective cities and towns shall certify in writing to the department of administration of their proposed schedule of each revaluation and shall further certify in writing to the department when the revaluation is completed. At the completion of the revaluation, the certification shall include a tax rate, based upon the new valuation, which would have provided the same ad valorem revenue for the town or city as is being raised during the current town or city budget year.

(Laws 1991, ch. 18, § 1)

## ARTICLE 42. REAL ESTATE TAXATION

Sec. 1. G.L. 1956, § 44-5-13.2.1 added.

Chapter 44-5 of the General Laws entitled "Levy and Assessment of Local Taxes" is hereby amended by adding thereto the following section:

44-5-13.2.1. Assessment and taxation of new real estate construction in West Warwick.

(A) Completed new construction of real estate, in West Warwick completed after any assessment date shall be liable for the payment of municipal taxes from the date the certificate of occupancy is issued or the date on which such new construction is first used for the purpose for which same was constructed, whichever is earlier, prorated for the assessment year in which the new construction is completed. Said prorated tax shall be computed on the basis of the rate of tax applicable with respect to such property, including the applicable rate of tax in any tax district in which such property is subject to tax following completion of such new construction, on the date such property becomes liable for such prorated tax in accordance with this section.

(B) The building inspector issuing the certificate shall, within ten (10) days after issuing the same, notify, in writing, the assessor of the issuance of the certificate of occupancy.

(C) Not later than ninety (90) days after receipt by the assessor of such notice from the building inspector or from a determination by the assessor that such new construction is being used for the purpose for which same was constructed, the assessor shall determine the increment by which assessment for the completed construction exceeds the assessment on the tax roll for the immediately preceding assessment date. He or she shall prorate such amount from the date of issuance of the certificate of occupancy or the date on which such new construction was first used for the purpose for which same was constructed, as the case may be, to the assessment date immediately following and shall add said increment as so prorated to the tax roll for the immediately preceding assessment date and shall within five (5) days notify the record owner as appearing on such tax roll and tax collector of such additional assessment.

(D) Any person claiming to be aggrieved by the action of the assessor hereunder may appeal the doings of the assessor to the assessment board of review within sixty (60) days from notification of such additional assessment or to superior court as provided.

(E) Upon receipt of such notice from the assessor, the tax collector shall, if such notice is received after the normal billing date, within ten (10) days thereafter mail or hand a bill to the owner based upon an amount prorated by the assessor. Such tax shall be due and payable and collectible as other municipal taxes, and subject to the same liens and processes of collection; provided such tax shall be due and payable in an initial or single installment due and payable not sooner than thirty (30) days after the date such bill is mailed or handed to the owner, and in any remaining, regular installments, as the same are due and payable, and the several installments of a tax so due and payable shall be equal.

(F) Nothing herein shall be deemed to authorize the collection of taxes twice in respect of the land upon which the new construction is located.

(G) This section shall only apply to taxes levied and property assessed in the town of West Warwick.

(Laws 1992, ch. 327, § 1)

Sec. 2. G.L. 1956, § 44-5-13.3 amended.

Section 44-5-13.3 of the General Laws [G.L. 1956, § 44-5-13.3] in Chapter 44-5 entitled "Levy and Assessment of Local Taxes" is hereby amended to read as follows:

44-5-13.3. Reduction in assessed value of real estate upon removal of damaged buildings. Whenever a building is so damaged as to require total reconstruction before it may be used for any purpose related to its use prior to such damage and following which, the owner provides for complete demolition of such building with the material from demolition being removed from the parcel of real property on which the building was situated or used as fill on such parcel for purposes of grading, such parcel shall be assessed for purposes of property tax as of the date such demolition, removal and grading are completed, to the satisfaction of the building inspector and such assessment shall reflect a determination of the assessed value of such parcel, exclusive of the assessment value of the building so damaged, demolished and removed. The adjusted assessment shall be applicable with respect to such parcel from the date demolition, removal and grading are completed, as determined by said building inspector, until the thirty-first (31[st]) day of December next succeeding and the amount of property tax payable with respect to such parcel for the assessment year in which demolition, removal and grading are completed shall be adjusted accordingly in such manner as determined by the

assessor. The preceding shall not be applicable in the event of natural disasters such as, but not limited to, erosion or demolition resulting from floods or hurricanes. This section shall only apply to assessments and taxes in the town of South Kingstown and the town of West Warwick.

(Laws 1992, ch. 327, § 2)

#### ARTICLE 43. FINANCIAL TOWN MEETING

##### Sec. 1. Presentation of budget at all-day referendum.

Notwithstanding the provisions of any general or special act to the contrary, whenever any annual or special financial town meeting for the Town of West Warwick shall adjourn or recess without having adopted a budget or ordering a tax, the town council may by ordinance provide for the presentation of a budget less than or equal to the budget previously presented to the voters at an annual or special financial town meeting, as well as any other warrant items as may be directed by the council, to a meeting of the voters of the town to be held on a date specified in the ordinance, at which meeting all of the voters of the town shall be eligible to vote on the budget by secret ballot.

(Laws 1993, ch. 23, § 1)

##### Sec. 2. Procedure for vote at all-day referendum.

In the event of the passage of the ordinance as set forth in Section 1, the town clerk shall give notice of the time and place of the meeting in a newspaper of general circulation in the town, and shall provide ballot boxes for the purpose of receiving the votes of the voters, and shall cause to be printed ballots containing the following question: "Shall the budget for the Town of West Warwick for the fiscal year 19\_\_\_\_\_ through 19\_\_\_\_\_, be adopted in the total amount of \$\_\_\_\_\_ which would result in an estimated tax increase (decrease) of \$\_\_\_\_\_." The ballot shall also include such additional warrant items for approval of the voters as the town council may deem appropriate. The ballots shall provide for the means of expressing the voters' choice[s] thereon in printed boxes marked "YES" and "NO." The town clerk shall provide for the opening of the polls at 9:00 a.m. and for the closing of the polls at 9:00 p.m. on the date specified, and shall provide proper receptacles for the receipt of the voters' ballots. At the closing of the polls the ballots shall be counted under the supervision of the moderator of the town meeting and the town clerk, in public, and the results of the vote shall be publicly announced and recorded. If a majority of the votes are cast in favor of the budget it shall be valid and effective for the purpose of levying a tax. If a majority of the votes cast are against the budget, or in the event of a tie vote, the budget shall be recorded as defeated. The results of the vote on warrant items shall be treated in like manner.

(Laws 1993, ch. 23, § 2)

##### Sec. 3. Other business not affected.

The presentation of any budget requiring the vote of the voters as set forth in Section 2 shall not in any way restrict or interfere with the other business properly before the meeting. Business may proceed without interruption, and shall be disposed of according to law.

(Laws 1993, ch. 23, § 3)

##### Sec. 4. Retroactive effect.

Upon approval of the question presented in section 5, this act shall be given retroactive effect to May 18, 1993, and all acts or parts of acts inconsistent herewith are hereby repealed.

(Laws 1993, ch. 23, § 4)

Sec. 5. Referendum question.

The provisions of this act shall be presented to the voters of the town of West Warwick for their approval at any special or general election to be held within said town, in the following form:

"Shall a special act for the town of West Warwick providing for an all-day referendum on the budget and on any additional warrant items submitted by the town council, if the financial town meeting adjourns or recesses without approving a budget, be approved?"

(Laws 1993, ch. 23, § 5; Laws 1993, ch. 76, § 1)

#### ARTICLE 44. VETERANS' AND SENIORS' EXEMPTIONS FROM LOCAL PROPERTY TAXES

Sec. 1. General Laws amended.

Sections 44-3-4 and 44-3-13.1 of the General Laws [G.L. 1956, §§ 44-3-4 and 44-13.1] in Chapter 44-3 entitled "Property Subject to Taxation" are hereby amended to read as follows:

44-3-4. Veterans' exemptions.

(a) The property of each person who served in the military or naval service of the United States in the war of the rebellion, the Spanish-American war, the insurrection in the Philippines, the China-relief expedition, or World War I, and the property of each person who served in the military or naval service of the United States in World War II at any time during the period beginning December 7, 1941, and ending on December 31, 1946, and the property of each person who served in the military or naval services of the United States in the Korean conflict at any time during the period beginning June 27, 1950 and ending January 31, 1955, or in the Vietnam conflict at any time during the period beginning December 22, 1961 and ending May 7, 1975, or who actually served in the Grenada or Lebanon conflicts of 1983--1984, and who was honorably discharged therefrom, or who was discharged therefrom under conditions other than dishonorable, or who, if not discharged, served honorably, or of the unmarried widow or widower of such person, shall be exempted from taxation to the amount of one thousand dollars (\$1,000) except in:

Burrillville, where the exemption shall be four thousand dollars (\$4,000);

Cumberland, where the town council may, by ordinance, provide for an exemption of a maximum of seven thousand five hundred dollars (\$7,500);

Cranston, where the exemption shall not exceed three thousand dollars (\$3,000);

Jamestown, where the town council may, by ordinance, provide for an exemption not to exceed three thousand dollars (\$3,000);

Lincoln, where the exemption shall not exceed three thousand dollars (\$3,000), and where the town council may also provide for a real estate tax exemption not to exceed three thousand dollars (\$3,000) for those honorably discharged active duty veterans who served in operation desert storm;

Newport, where the exemption shall be four thousand dollars (\$4,000);

New Shoreham, where the town council may, by ordinance, provide for an exemption of a maximum of fifteen thousand dollars (\$15,000);

North Kingstown, where the exemption shall be three thousand dollars (\$3,000);

North Providence, where the town council may, by ordinance, provide for an exemption of a maximum of five thousand dollars (\$5,000);

Smithfield, where the exemption shall be two thousand dollars (\$2,000); and Warren, where the exemption shall not exceed three thousand five hundred dollars (\$3,500);

Which exemption shall be applied to the property in the municipality where the person resides and if there is not sufficient property to exhaust the exemption, the person may claim the balance in any other city or town where the person may own property; provided, however, that the exemption shall not be allowed in favor of any person who is not a legal resident of the state, or unless the person entitled to the exemption shall have presented to the assessors, on or before the last day on which sworn statements may be filed with the assessors for the year for which exemption is claimed, due evidence that he or she is so entitled which evidence shall stand so long as his or her legal residence remains unchanged; and, provided, further, that the exemption herein provided for to the extent that it shall apply in any city or town, shall be applied in full to the total value of the person's real and tangible person[al] property located in the city or town; and, provided, further, that there shall be an additional exemption from taxation in the amount of one thousand dollars (\$1,000), except in:

Central Falls, where the additional exemption shall be two thousand dollars (\$2,000);

Cranston, where the exemption shall not exceed three thousand dollars (\$3,000);

Cumberland, where the town council may, by ordinance, provide for an exemption of a maximum of fifteen thousand dollars (\$15,000);

Lincoln, where the exemption shall not exceed three thousand dollars (\$3,000);

Newport, where the exemption shall be four thousand dollars (\$4,000);

New Shoreham, where the town council may, by ordinance, provide for exemption of a maximum of fifteen thousand dollars (\$15,000);

North Providence, where the town council may, by ordinance, provide for an exemption of a maximum of five thousand dollars (\$5,000);

Smithfield, where the exemption shall be two thousand dollars (\$2,000); and

Warren, where the exemption shall not exceed seven thousand dollars (\$7,000); of the property of every honorably discharged veteran of World War I or World War II, Korean or Vietnam, Grenada or Lebanon conflicts, who is determined by the veterans' administration of the United States of America to be totally disabled through service-connected disability and who presents to the assessors a certificate from the veterans administration that the person is so totally disabled, which certificate shall remain effectual so long as the total disability continues. Provided, however:

Burrillville may exempt real property of the above named persons in the amount of six thousand dollars (\$6,000);

Cumberland town council may, by ordinance, provide for an exemption of a maximum of fifteen thousand dollars (\$15,000);

Little Compton may, by ordinance, exempt real property of each of the above named persons in the amount of six thousand dollars (\$6,000);

Middletown may exempt the real property of each of the above named persons in the amount of five thousand dollars (\$5,000);

New Shoreham town council may, by ordinance, provide for an exemption of a maximum of fifteen thousand dollars (\$15,000);

North Providence town council may, by ordinance, provide for an exemption of a maximum of five thousand dollars (\$5,000);

Tiverton town council may, by ordinance, exempt real property of each of the above named persons in the amount of five thousand dollars (\$5,000), subject to voters' approval at the financial town meeting; and

West Warwick town council may exempt the real property of each of the above named persons in an amount of up to ten thousand dollars (\$10,000).

There shall be an additional exemption from taxation in the town of Warren where the town council of the town of Warren may by ordinance provide for an exemption not to exceed five thousand two hundred fifty dollars (\$5,250), of the property of every honorably discharged veteran of World War I or World War II, or Vietnam, Grenada or Lebanon conflicts, who is determined by the veterans' administration of the United States of America to be partially disabled through a service connected disability and who presents to the assessors a certificate that he is so partially disabled, which certificate shall remain effectual so long as the partial disability continues. Provided, however, that the:

Barrington town council may exempt real property of each of the above named persons in the amount of three thousand dollars (\$3,000);

Warwick city council may, by ordinance, exempt real property of each of the above named persons in the amount of two thousand dollars (\$2,000);

There shall be an additional exemption from taxation in the town of Lincoln for the property of each person who actually served in the military or naval service of the United States in the Persian Gulf conflict and who was honorably discharged therefrom, or who was discharged therefrom under conditions other than dishonorable, or who, if not discharged, served honorably, or of the unmarried widow or widower of such person, shall be exempted from taxation to the amount of three thousand dollars (\$3,000).

(b) In addition to the exemption provided heretofore, there shall be a ten thousand dollar (\$10,000) exemption from local taxation on real property for any veteran and the unmarried widow or widower of a deceased veteran of the military or naval service of the U.S.A. who shall be determined, under applicable federal law by the veterans administration of the U.S.A., to be totally disabled through service connected disability and who by reason of the disability has received assistance in acquiring "specially adopted housing" under laws administered by the veterans' administration provided, that the real estate is occupied as his or her domicile, by the person and provided further that if the property be designed for occupancy by more than one family then only that value of so much of the house as is occupied by the person as his or her domicile shall be exempted, and provided, further, that satisfactory evidence of receipt of the assistance is furnished to the assessors except in:

Cranston, where the exemption shall not exceed thirty thousand dollars (\$30,000);

Cumberland town council may provide for an exemption not to exceed seven thousand five hundred dollars (\$7,500);

Newport, where the exemption shall be ten thousand dollars (\$10,000) or ten percent (10%) of assessed valuation, whichever is greater;

New Shoreham, where the town council may, by ordinance, provide for an exemption of a maximum of fifteen thousand dollars (\$15,000); and

North Providence town council may, by ordinance, provide for an exemption not to exceed twelve thousand five hundred dollars (\$12,500).

(c) In addition to the exemptions provided heretofore, any veteran of the military or naval service of the U.S.A. who shall be determined, under applicable federal law by the veterans' administration of the U.S.A. to be totally disabled through service connected disability may by ordinance passed in the city or town where the veteran's property is assessed receive a ten thousand dollar (\$10,000) exemption from local taxation on his or her property whether real or personal and if the veteran owns real property may be exempt from taxation by any fire and/or lighting district.

(d) In determining whether or not a person is the widow or widower of a veteran for the purposes of this section, the remarriage of the widow or widower shall not bar the furnishing of the benefits of the section if the remarriage is void, has been terminated by death, or has been annulled or dissolved by a court of competent jurisdiction.

(e) In addition to the exemptions provided heretofore, there may by ordinance passed in the city or town where the person's property is assessed be an additional fifteen thousand dollar (\$15,000) exemption from local taxation on real and personal property for any veteran of military or naval service of the U.S.A. who has been or who shall be classified as, or determined to be, a prisoner-of-war by the veterans' administration of the United States.

(f) Cities and towns granting exemptions under this section shall use the eligibility dates specified in this section.

44-3-13.1. Exemption of persons over the age of 65, West Warwick.

The town council of the town of West Warwick may by ordinance exempt from taxation the real property situated in the town, owned and occupied by any person over the age of sixty-five (65) years, and which exemption shall be in an amount not exceeding ten thousand dollars (\$10,000) of valuation, and which exemption shall be in addition to any and all other exemptions from taxation to which the person may be otherwise entitled. The exemption shall be applied uniformly and without regard to ability to pay, provided, however, that only one such exemption shall be granted to co-tenants, joint tenants, and tenants by the entirety, even though all of the co-tenants, joint tenants, and tenants by the entirety are sixty-five (65) years of age or over. The exemption shall apply to a life tenant who has the obligation for the payment of the tax on the real property.

(Laws 1994, ch. 124, § 1)

## ARTICLE 45. SEWER COMMISSION AND SEWER DISTRICT

### Sec. 1. Definitions.

As used in this chapter, the following words and terms shall have the following meanings unless the context shall indicate another or different meaning:

(a) Bonds and notes as used herein, shall mean and include the bonds, notes, securities, or other obligations or evidence of indebtedness issued by the commission pursuant hereto all of which shall be issued under the name of or known as obligations of the town of West Warwick Sewer Commission and shall be secured solely by the revenues provided herein.

(b) Commission shall be construed to mean the "West Warwick Sewer Commission," as constituted and created by Article XVII of the Home Rule Charter for the town of West Warwick.

(c) District shall mean and include:

(1) The town of West Warwick and those portions of the town of West Greenwich and Coventry currently served by the commission;

(2) Any portions of such municipalities as may by resolution request that such portions be served by the district and which are accepted by the commission as part of the district; and

(3) Any other cities or towns or districts in Rhode Island or portions thereof as may, from time to time, join the district pursuant to agreement with the commission, providing for the acquisition of the sewage disposal system of such city, town or district, or the merger and consolidation of such district into the commission, or the management and operation of the sewage disposal system of such city, town or district by the commission.

(d) Pollutant shall be construed to mean the same as defined in section 46-12-1 of the Rhode Island general laws [G.L. 1956, § 46-12-1].

(e) Person shall include an individual, firm, partnership, association, and private or municipal corporation and federal or state agencies.

(f) Project shall be construed to mean and include the acquisition, ownership, design, operation, maintenance, construction, repair, rehabilitation, extension, improvement, development, sale, lease or disposition of, or the provision of financing for, all or any portion of the sewage disposal system.

(g) Sewage shall be construed to mean the same as "pollutant" as defined in section 46-12-1 of the Rhode Island general laws [G.L. 1956, § 46-12-1].

(h) Sewage disposal system means facilities for the collection, treatment or disposal of sewage, including, but not limited to, any sewage treatment plant, structure, combined sewer overflows, equipment, interceptors, mains, lateral sewers, pumping stations, or other property, real, personal, or mixed, for the treatment, storage, collection, transporting, or disposal of sewage, or any property or system to be used in whole [or] in part for any of the aforesaid purposes, or any other property or system incidental to, or which has to do with, or the end purpose of which is any of the foregoing.

(Laws 1994, ch. 324, § 1)

Sec. 2. District created.

There is hereby created a district to be known as the West Warwick Sewer District. The commission is hereby authorized to acquire all right, title and interest of the town of West Warwick in all sewage disposal systems for such consideration as the commission may determine.

(Laws 1994, ch. 324, § 2)

Sec. 3. General powers.

The commission shall have the following powers, together with all powers incidental thereto or necessary for the performance of those stated in this chapter:

(a) To sue and be sued, complain and defend, in its corporate name.

(b) To have a seal which may be altered at pleasure and to use the seal by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner reproduced.

(c) To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use, and otherwise deal in and with, real or personal property, or any interest therein, wherever situated for the sewage disposal system.

(d) To make and execute agreements of lease, construction contracts, operation contracts, and all other contracts or instruments necessary or convenient in the exercise of the powers and functions of the commission granted by this chapter.

(e) To borrow money for any of its projects and purposes, including the refunding of indebtedness of the town of West Warwick related to the sewage disposal system, and to



issue negotiable bonds, notes, certificates, securities or other obligations or evidence of indebtedness, payable solely from the revenues pledged for their payment, and to fund and refund the same, all as provided in this chapter.

(f) To borrow in anticipation of the receipt of user fees or state or federal funds, as provided in this chapter.

(g) To incur or assume liabilities as the commission may deem appropriate, including, but not limited to, the assumption of indebtedness of the town of West Warwick related to the sewage disposal system.

(h) To invest and reinvest its funds.

(i) To secure the cooperation and assistance of the United States, and any of its agencies, and of agencies of this state and its municipalities in the work of the commission.

(j) To accept grants, donations, drafts, loans of funds, and contributions of money, services, materials, or otherwise from the United States or any of its agencies, from this state and its agencies, or from any other source, and to use or expend those moneys, services, materials, or other contributions in carrying out the purposes of this chapter.

(k) To fix, revise and collect from time to time assessment for the costs of the construction, completion, extension, enlargement or improvement of the sewage disposal system, and user charges for the use of the facilities of or rendered by the commission, such as to provide revenues sufficient at all times to pay, as the same shall become due, the principal and interest on the bonds and notes of the commission, together with the maintenance of proper reserves therefore, in addition to paying the expense of operating and maintaining the properties of the commission, together with proper reserves for depreciation, maintenance, and contingencies and other obligations and indebtedness of the commission.

(l) To establish a sewage pretreatment program, and to require as a condition, to the grant or reissuance of any approval, license, or permit required under the program, that the person applying for the approval, license, or permit, pay to the commission a reasonable fee based on the cost of reviewing and acting upon the application and based on the costs of implementing the program. In addition, where violations of the provisions of chapter 15 of the West Warwick Code of Ordinances, or of any permit, rule, regulation, or order issued pursuant thereto have occurred, the violator shall reimburse the commission for the actual costs of implementing and enforcing the terms of the permit, rule, regulation, or order as a condition to the grant or reissuance of any approval, license, or permit.

(m) To acquire or contract to acquire, from any person, the federal government or the state, or any agency of either the federal government or state, by grant, purchase, lease, gift, condemnation, or otherwise, or to obtain options for the acquisition of any property, real or personal, improved or unimproved, and interests in land less than the fee thereof for the sewage disposal system; and to own, hold, clear, improve, develop, and rehabilitate, and to sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber the property for the purposes of carrying out the provisions and intent of this chapter for such consideration as the commission shall determine.

(n) To elect or appoint officers and agents of the commission, and to define their duties and fix their compensation, including authority to employ attorneys, accountants,

architectural, and engineering consultants, and such other employees or agents as the commission shall deem necessary in its judgment.

- (o) To make and alter bylaws, not inconsistent with this chapter, for the administration and regulation of the affairs of the commission, and the bylaws may contain provisions indemnifying any person who is or was a member of the commission.
  - (p) To make provision for management of its projects.
  - (q) To prepare or cause to be prepared plans, specifications, designs, and estimates of costs of construction, reconstruction, rehabilitations, improvements, alteration, or repair of its projects, and to modify the same.
  - (r) To issue orders of general or specific applicability to carry out the purposes of its projects.
  - (s) To have and exercise all powers necessary or convenient to effect its purposes.
  - (t) To impose administrative penalties in accordance with the provisions of chapter 15 of the West Warwick Code of Ordinances.
  - (u) To secure certain payments on its revenue bonds and notes, in whole or in part, by insurance or by letters or lines of credit or other credit facilities.
  - (v) To enter into intermunicipal agreements for any lawful corporate purpose necessary or desirable to effect the purposes of this chapter.
  - (w) To enter into intergovernmental agreements with the town of West Warwick for any lawful corporate purpose necessary or desirable to effect the purposes of this chapter.
- (Laws 1994, ch. 324, § 3)

#### Sec. 4. Power to acquire land.

For any purposes of this chapter, the commission may, at any time and from time to time, take by eminent domain or acquire by purchase or otherwise, such land, water rights, easements, and other property or interests in property, public and private, for the sewage disposal system, as it may determine necessary or desirable for the purposes of this chapter.

(Laws 1994, ch. 324, § 4)

#### Sec. 5. Interests in land taken.

Any taking under this chapter may be in fee or otherwise, perpetual in duration or for a limited period of time, as the commission shall determine and set forth in the order of taking.

(Laws 1994, ch. 324, § 5)

#### Sec. 6. Eminent domain procedure.

The commission shall exercise its power of eminent domain by the methods prescribed by chapter 7 of title 24 of the Rhode Island general laws [G.L. 1956, § 24-7-1 et seq.].

(Laws 1994, ch. 324, § 6)

#### Sec. 7. Notes issued in anticipation of receipts of state or federal funds.

The principal and interest of all notes of the commission issued in anticipation of the receipts of state or federal funds shall be payable no later than the fourth anniversary of the date of issue thereof, and shall be payable from state or federal funds either legally available to the commission or appropriated for that purpose.

(Laws 1994, ch. 324, § 7)

#### Sec. 8. Bonds and notes of the commission.

- (a) The commission shall have the power and is hereby authorized to issue, from time to time, its negotiable bonds and notes in one or more series in such principal amounts as

in the opinion of the commission shall be necessary to provide sufficient funds for achieving its purposes, including the payment of interest on bonds and notes of the commission to the extent permitted by law, the establishment of reserve funds as may be necessary for its purposes, including, but not limited to, debt service reserve funds, insurance reserve funds, and replacement reserve funds, and the making of all other expenditures of the commission incident to and necessary or convenient to carrying out its corporate purposes and powers.

(b) The bonds and notes may be executed and delivered by the commission at any time, from time to time, may be in such form and denominations and of such tenor and maturities, and may be in bearer or registered form, as to principal and interest or as to principal alone, all as the commission, in its sole discretion, may determine.

(c) Bonds may be payable in such installments, and at such times not exceeding forty (40) years from the date thereof, as shall be determined by the commission.

(d) Except as provided in section 7 of this chapter with respect to notes issued in anticipation of receipts of state or federal funds and notes issued in anticipation of receipt of user fees, notes may be payable in such installments and at such times not exceeding five (5) years from the date of the original issue of such notes, as shall be determined by the commission.

(e) Bonds and notes may be payable at such places, whether within or without the state of Rhode Island, may bear interest at such rate or rates payable at such time or times and at such place or places evidenced in such manner, and may contain such provisions not inconsistent herewith, all as shall be provided in the proceedings of the commission under which they shall be authorized to be issued.

(f) There may be retained, by provision made in the proceedings under which any bonds or notes of the commission are authorized to be issued, an option to redeem all or any part thereof at such prices and upon such notice, and on such further terms and conditions, as shall be set forth on the record of the proceedings and on the face of the bonds and notes.

(g) Any bonds or notes of the commission may be sold, from time to time, at such prices, at public or private sale, and in such manner as shall be determined by the commission, and the commission shall pay all expenses, premiums, and commissions that it shall deem necessary or advantageous in connection with the issuance and sale thereof.

(h) Moneys of the commission, including proceeds from the sale of bonds or notes, and revenues, receipts, and income from any of its projects, may be invested and reinvested in such obligations, securities, and other investments consistent with this chapter, and to the extent permitted by the general laws of the state of Rhode Island, and/or as shall be specified in the resolutions under which the bonds or notes are authorized.

(i) Issuance by the commission of one or more series of bonds or notes for one or more purposes shall not preclude it from issuing other bonds or notes, but the proceedings whereunder any subsequent bonds or notes may be issued shall recognize and protect a prior pledge or mortgage made for a prior issue of bonds or notes, unless in the proceedings authorizing the prior issue, the right is reserved to issue subsequent bonds or notes on a parity with the prior issue.

(j) The commission is authorized to issue bonds or notes for the purpose of refunding its bonds or notes then outstanding, including the payment of any redemption premium

thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase or maturity, of the bonds or notes, and, if deemed advisable by the commission, for the additional purpose of paying all or part of the cost of acquiring, financing, extending, operating, maintaining, constructing, reconstructing, rehabilitating, developing, planning, or improving any project. The commission is further authorized to refund outstanding bonds or notes of the Town of West Warwick related to the sewage disposal system, if deemed beneficial by the Town, as evidenced by a resolution of the West Warwick town council to that effect. The proceeds of bonds or notes issued for the purpose of refunding outstanding bonds or notes may be applied, in the discretion of the commission, to the purchase, retirement at maturity, or redemption of the outstanding bonds or notes either on their earliest or a subsequent redemption date, and may, pending an application, be placed in escrow. Any escrowed proceeds may be invested and reinvested in obligations of the United States of America, and, to the extent permitted by the proceedings authorizing the issuance of the bonds to be refunded, in obligations guaranteed by the United States, or in certificates of deposit or time deposits secured or guaranteed by the state of Rhode Island or the United States, or an instrumentality of either, maturity at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest, and redemption premium, if any of the outstanding bonds or notes to be so refunded. To the extent permitted by applicable laws, the interest, income, and profits, if any, earned or realized on any investment may also be applied to the payment of the outstanding bonds or notes to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of the proceeds and interest, income, and profits, if any, earned or realized on the investments thereof, may be returned to the commission for its use. The portion of the proceeds of bonds or notes issued for the additional purpose of paying all or part of the cost of acquiring, financing, extending, operating, maintaining, constructing, reconstructing, rehabilitating, developing, planning, or improving any project, may be invested and reinvested in such obligations, securities, and other investments consistent herewith as shall be specified in the resolutions under which the bonds or notes are authorized. To the extent permitted by applicable laws, the interest, income, and profits, if any, earned or realized on the investments may be applied to the payment of all parts of the costs or may be used by the commission otherwise in furtherance of its purposes.

(k) The members, the officers of the commission and other persons executing the bonds or notes shall not be subject to personal liability or accountability by reasons of the issuance thereof.

(l) Bonds or notes may be issued under the provisions of this section without obtaining the consent of any department, division, commission, board, body, bureau, or agency of the state of Rhode Island, and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions, or things which are specifically required by this section and by the provision of the resolution authorizing the issuance of the bonds or notes or the trust agreement or indenture securing the bonds or notes.

(m) The commission, subject to such agreements with noteholders or bondholders as may then be in force, shall have the power, out of any funds available therefor, to purchase bonds or notes of the commission, which shall thereupon be canceled, at a price not exceeding:

(1) If the bonds or notes are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date, or

(2) If the bonds or notes are not then redeemable, the redemption price applicable on the earliest date that the bonds or notes become subject to redemption, plus the interest that would have accrued to such date.

(n) Whether or not the bonds and notes are of such form and character as to be negotiable instruments under the terms of the Rhode Island Uniform Commercial Code, the bonds and notes are hereby made negotiable instruments within the meaning of and for all the purposes of the Rhode Island Uniform Commercial Code.

(o) If an [any] member or officer of the commission whose signature appears on the bonds, notes, or coupons shall cease to be a member or officer before the delivery of the bonds or notes, the signature shall, nevertheless, be valid and sufficient for all purposes, the same as if the member or officer had remained in office until the delivery.

(Laws 1994, ch. 324, § 8)

#### Sec. 9. Security for bonds or notes.

(a) The principal of, premium, if any, and interest on any bonds or notes issued by the commission may be secured by the full faith and credit of the commission and may be payable solely out of the revenues, earnings, and receipts of the commission or such other property pledged for payment.

(b) The resolution, under which the bonds or notes are authorized to be issued and any such mortgage, lease, sales agreement, or loan agreement, or other instrument may contain agreements and provisions respecting the maintenance of the facilities covered thereby, the fixing and collection of rents, payments or repayments, or other revenues, therefrom including moneys received in repayment of loans, and interest thereon, the creation and maintenance of special funds from such rents or other revenues, and the rights and remedies available in the event of default, all as the commission shall deem advisable.

(c) The revenues derived from the project or projects or portion or portions thereof, in connection with which the bonds or notes shall have been issued, may be pledged as provided in the resolution, trust agreement or indenture. The pledge shall be valid and binding from the time when the pledge is made; the revenues, or other moneys so pledged, and thereafter, received by the commission, shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether the parties have notice thereof. Neither the resolution nor any trust agreement, nor any indenture by which a pledge is created need be filed or recorded except in the records of the commission. The use and disposition of revenues shall be subject to the provisions of the resolution authorizing the issuance of the bonds or the trust agreement or indenture.

(d) Each pledge, agreement, mortgage, or other instrument made for the benefit or security of any of the bonds or notes of the commission shall continue in effect until the principal of and interest on the bonds or notes for the benefit of which the same was made shall have been fully paid, or until provision shall have been made for the payment in the manner provided in the resolutions under which the bonds or notes were authorized.

(e) The commission may provide, in any proceedings under which bonds or notes may be authorized, that any project or part thereof may be constructed, reconstructed, rehabilitated, or improved by the commission, and may also provide in proceedings for the time and manner of and requisitions for disbursements to be made for the cost of such construction, and for all such certificates and approvals of construction and disbursements as the commission shall deem necessary and provide for in proceedings.

(f) Any resolution under which bonds or notes of the commission are authorized to be issued (and any trust agreement or indenture established thereby) may contain provisions for vesting in a trustee or trustees such properties, rights, powers, and duties in trust as the commission may determine, including any or all of the rights, powers, and duties of the trustee appointed by the holders of any issue of bonds or notes pursuant hereto, in which event the provisions hereof authorizing the appointment of a trustee by holders of bonds or notes shall not apply.

(Laws 1994, ch. 324, § 9)

#### Sec. 10. Trust funds.

All moneys received pursuant to the issuance of bonds or notes or as revenues, receipts or income, shall be trust funds if such is provided for in the proceedings under which the bonds or notes are authorized. Any officer with whom, or any bank or trust company with which, moneys shall be deposited as trustee hereof shall hold and apply the same for the purposes thereof, subject to the applicable provisions of this chapter, the proceedings authorizing the bonds or notes, and the trust agreement securing the bonds or notes, if any.

(Laws 1994, ch. 324, § 10)

#### Sec. 11. Exemption of the commission's bonds and notes from taxation.

Bonds and notes of the commission, and the income (including any gain from sale or exchange) therefrom, shall at all times be free from taxation of every kind of the state of Rhode Island and the municipalities and all political subdivisions thereof.

(Laws 1994, ch. 324, § 11)

#### Sec. 12. Bonds and note as legal investments.

The notes and bonds of the commission are hereby made securities in which all public officers, state agencies, public corporations, and bodies of this state, and all municipalities and municipal subdivisions, all insurance companies and associations, and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan association, building and loan associations, investment companies and other persons carrying on a banking business, administrators, guardians, executors, trustee and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state of Rhode Island, may properly and legally invest funds, including capital, in their control or belonging to them.

(Laws 1994, ch. 324, § 12)

#### Sec. 13. Agreement of the state of Rhode Island.

The state of Rhode Island does hereby pledge to and agree with the holders of any bonds or notes issued hereunder, that the state will not limit or alter the rights hereby vested in the commission to fulfill the terms of any agreements made with the holders until the bonds or notes, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or

proceeding by or on behalf of the holders, are fully met and discharged. The commission is authorized to include this pledge and agreement of the state in any agreement with the holders of the bonds or notes.

(Laws 1994, ch. 324, § 13)

Sec. 14. Credit of the state of Rhode Island.

Obligations issued under the provisions hereof shall not constitute a debt, liability, or obligation of the state or of any political subdivision thereof, other than the commission, or a pledge of the faith and credit of the state or any political subdivision, other than the commission, but shall be payable solely from the revenues or assets of the commission. Each obligation issued pursuant thereto shall contain on the face thereof a statement to the effect that the commission shall not be obligated to pay the obligation or interest thereon except from revenues or assets pledged therefor, and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof, other than the commission, is pledged to the payment of the principal of or the interest on the obligation.

(Laws 1994, ch. 324, § 14)

Sec. 15. Remedies of bondholders and noteholders.

(a) In the event that the commission shall default in the payment of principal of or interest on any revenue bonds or revenue notes, issued pursuant to the provisions hereof, after the bonds or notes shall become due, whether at maturity or upon call for redemption, and the default shall continue for a period of thirty (30) days, or in the event that the commission shall fail or refuse to comply with the provisions of this chapter, or shall default in any agreement made with the holders of an issue of revenue bonds or revenue notes of the commission, the holders of twenty-five percent (25%) of the aggregate principal amount of the revenue bonds or revenue notes of the issue then outstanding, by instrument or instruments filed in the office of the secretary of state and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds or notes for the purposes herein provided.

(b) The trustee may, and upon written request of the holders of twenty-five percent (25%) of the aggregate principal amount of the bonds or notes then outstanding shall, in his or her or its own name:

(1) Enforce all rights of the bondholders or noteholders, including the right to require the commission to collect rent, interest, repayments, and payments on the leases, mortgages, loan agreements, and sales agreements held by it to carry out any agreement as to, or pledge or, the rent, interest repayments, and payments, and to require the commission to carry out any other agreements with the holders of the bonds or notes and to perform its duties under this chapter;

(2) Enforce all rights of the bondholders or noteholders, so as to carry out any contract as to, or pledge of, revenues, and to require the commission to carry out and perform the terms of any contract with the holders of its bonds or notes or its duties under this chapter;

(3) Bring suit upon all or any part of the bonds or notes;

(4) By action or suit, require the commission to account as if it were the trustee of an express trust for the holders of the bonds or notes;

(5) By action or suit, enjoying any acts or things which may be unlawful or in violation of the rights of the holders of the bonds or notes;

(6) Declare all the bonds or notes due and payable and, if all defaults shall be made good, then, with the consent of the holders of twenty-five [percent] (25%) of the aggregate principal amount of the bonds or notes then outstanding, to annul the declaration and its consequences.

(d) [(7)] The trustee shall, in addition to the foregoing, have and possess all the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders or note holders in the enforcement and protection of their rights.

(Laws 1994, ch. 324, § 15)

Sec. 16. Other statutes and ordinances.

Nothing herein contained shall restrict or limit the powers of the commission arising under any laws of this state, or any charter or ordinances of any municipality, except if the powers are expressly contrary to the provisions of this chapter. All powers granted to the Town Council pursuant to Chapter 2005 of the Public Laws of 1920, are hereby transferred to the Sewer Commission. This chapter shall be construed to provide a complete additional alternative method for doing the things authorized hereby, and shall be regarded as supplemental and in addition to the power conferred by other laws. The issuance of all bonds, notes, and other obligations of the commission, under the provisions hereof, need not comply with the requirements of any other statute applicable to the issue of the bonds, notes, and other obligations. No proceedings or notice of approval shall be required for the issuance of any bonds, notes, or other obligations, or any instrument of security therefor except as herein provided.

(Laws 1994, ch. 324, § 16)

Sec. 17. Inconsistent provisions.

Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, charter, or ordinance, general, special or local, the provisions of this chapter shall be controlling.

(Laws 1994, ch. 324, § 17)

Sec. 18. Severability.

The provisions of this chapter are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions.

(Laws 1994, ch. 324, § 18)

Sec. 19. Effective date.

This act shall take effect upon its approval by the people of the town of West Warwick at the next general or special election.

(Laws 1994, ch. 324, § 19)

Sec. 20. Referendum.

The question of the approval of this act shall be submitted to the electors of the town at a general or special election to be held on a date designated by the town council. The question shall be submitted in substantially the following form:

"Shall an act, passed at the January, 1994 session of the general assembly, entitled, 'An Act Relating to West Warwick Sewer Commission and Authorizing the West Warwick Sewer Commission to Issue Revenue Bonds and Notes' be approved?"

The warning for the election shall contain the question to be submitted. The question to be submitted may be submitted to the electors with, and/or placed on the same ballot



with, any other bond question which is being submitted to the electors of the town for approval. From the time the election is warned and until it is held, it shall be the duty of the town clerk to keep a copy of the act available at his office for public inspection, but the validity of the election shall not be affected by this requirement or by the requirements of section[s] 17-5-5 and 17-5-6 of the general laws [G.L. 1956, §§ 17-5-5 and 17-5-6]. The polling place or places shall be designated by the local board (as defined in section 17-1-2 [G.L. 1956, § 17-1-2] of the general laws) and the local board shall forthwith after the election notify the secretary of state of the result of the vote upon the question submitted. To the extent of any inconsistency between this act and the town charter, this act shall prevail.

(Laws 1994, ch. 324, § 20)

#### ARTICLE 46. HOME RULE CHARTER AMENDMENTS

##### Sec. 1. Amendments ratified.

In all respects in which the amendments to the Home Rule Charter of the town of West Warwick, which amendments were adopted and approved by the electors of the town of West Warwick on February 8, 1994, may require ratification, confirmation, validation or enactment by the general assembly, but in no other respects, the provisions of said amendments to the Home Rule Charter of the town of West Warwick are hereby ratified, confirmed, validated and enacted. It is the express intention of the general assembly, by the passage of this act, to give effect to, ratify, conform, validate and enact those provisions of the said amendments to the Home Rule Charter of the town of West Warwick which require ratification, confirmation, validation or enactment and by the passage of this act, the legislature does hereby ratify, confirm, validate and enact said provisions, but nothing in this act shall be construed to abrogate or impair the powers now or hereafter granted to towns by the Home Rule amendment and other applicable laws of the State of Rhode Island or those rights retained by said town of West Warwick in its Home Rule Charter.

(Laws 1994, ch. 364, § 1)

#### TABLE OF SPECIAL ACTS NOT COMPILED

The following table contains a listing, in chronological order, of special acts relating to West Warwick which are not set out in the preceding compilation. The reason for their omission is briefly stated in the right-hand column.

##### TABLE INSET:

Year	Chapter	Subject	Reason Omitted
1913	1013	Hours for polls	Covered G.L. 1956
1914	1155	Bonds authorized	Not general
	1156	Caucuses	Covered G.L. 1956, Ch. 17-15
1915	1329	Elections	Superseded 1916, Ch. 1448
1916	1448	Elections	Superseded G.L. 1956, § 45-4-1
1921	2023	Hours for polls	Covered G.L. 1956
	2150	Building & zoning	Superseded G.L. 1956, § 23-27-1
	2151	Building & zoning	Superseded G.L. 1956, § 23-27-1

	2152	Bonds authorized	Not general	
1922	2296	Fire districts	Superseded 1933, Ch. 2077	
1926	918	Bonds authorized	Not general	
1930	1526	Representation in legislature	In G.L. 1956	
1932	2006	Bonds authorized	Not general	
1934	2184	Traffic fines	Superseded G.L. 1956, § 12-14-1	
1938	2583	Laundries	Covered G.L. 1956, § 5-16-5	
1940	969	Highway condemnation	Superseded G.L. 1956, Ch. 24-1	
1941	1112	Terminate sewer comm.	Superseded 1969, Ch. 196	
1944	1427	Hours for polls	Covered G.L. 1956	
	1509	Establish boundary comm.	Commission terminated	
1945	1569	Water authority	Repealed 1946, Ch. 1740	
1948	2008	Transfer fire dist. assets	Not prospective	
1949	2227	Charter	Not ratified	
	2347	Correct 1949, Ch. 2227	Not ratified	
	2401	Validate contract	Authority expired	
1950	2436	Conveyance authorized	Not prospective	
1951	2697	Amend 1940, Ch. 969	Superseded G.L. 1956, Ch. 24-1	
1952	3005	Amend 1940, Ch. 969	Superseded G.L. 1956, Ch. 24-1	
1954	3328	Voting at meetings	Repealed 1956, Ch. 3650	
1955	3867	Charter	Not ratified	
1956	3629	Voting procedures at financial town meetings	Repealed G.L. 1971, Ch. 74	
	3640	Bonds authorized	Not general	
	3650	Repeal 1954, Ch. 3328	Not prospective	
	S358	Validate property purchase	Not general	
1957	H1261	Authorize conveyance	Not general	
	1	Bonds authorized		
	46	Authorize conveyance	Not general	
1958	125	Moderator of financial town meetings	Repealed G.L. 1971, Ch. 74	
1959	84	Amend bond authorization	Not general	
1960	198	County medical examiners	Not affecting town gov't.	
1962	59	Bonds authorized	Not general	
1964	237	Budget commission	Not ratified	
1965	10	Tax exemption	Repealed 1965, Ch. 129	
	122	Amend 1958, Ch. 125	Superseded G.L. 1971, Ch. 74	
1966	103	Property acquisition authorized	Not general	
1967	41	Moderators & clerks	In G.L. 1956, § 17-11-7	
	47	Amend 1956, Ch. 3629	Superseded G.L. 1971, Ch. 74	
	62	Bonds authorized	Not general	
	109	Bonds authorized	Not general	
1968	30	Bonds authorized	Not general	
1969	92	Bonds authorized	Not general	
	103	Bonds authorized	Not general	
1971	74	Charter	Not ratified	
	75	Bonds authorized	Not general	

1984	316	Bonds authorized	Not general
1989	86	Bonds authorized	Not general
1989	105	Appropriating money	Not general
1990	11	Bonds authorized	Not general
1990	14	Bonds authorized	Not general
1990	28	Authorizes land acquisition	Not general
1993	19	Bonds authorized	Not general
1993	138	Appropriations	Not general

SPECIAL ACTS COMPARATIVE TABLE  
TABLE INSET:

Year	Chapter	Section	SectionPart II	
Article				
1913	1012	1--25	1	1--25
1915	1326	1	1	13
			1	19
1920	2004	1	1	13
	2005	1--19	2	1--19
1921	2148	1	I	20--22
	2149	1	1	13
1923	2420	1	3	1
		2		2
		3		3
		4		4
		5		5
1925	745	1	1	23--25
1926	919	1--6	4	1--6
1927	1124	1, 2	5	1, 2
1933	2065	1--9	6	1--9
		11		11
	2077	1	7	1
		2		2
		2 1/2		2 1/2
		3--10		3--10
1934	2169	1	2	4
1942	1183	1	2	4
1944	1426	1	8	1
		2	8	2
1946	1688	1	7	4
1947	1967	1	7	6
1949	2179	1	7	2 1/2
	2180	1	3	2 1/2
	2407	1--3	9	1--3
1951	2687	1--4	10	1--4

	2710	1--5	11	1--5	
1952	2892	1	12	1	
		2		2	
	2925	1	2	4	
1953	3051	1--7	13	1--7	
1954	3320	1	3	2 1/2	
1956	3269	1--5	14	1--5	
	3698	1--3	15	1--3	
1958	62	1	16	1	
		2		2	
	125	1--5	17	1--5	
	137	1	18	1	
		2		2	
	210	1, 2	19	1, 2	
1963	42	1, 2	20	1, 2	
1965	122	1	17	1	
	129	1--3	21	1--3	
1966	10		Rpld	6	10
	34	1--7	22	1--7	
	237	1	3	2 1/2	
1967	47	1	14	1	
		2		3	
1968	174	1--4	23	1--4	
	226	1	6	8	
1969	107	1	2	1--19	
	196	1	2	1--19	
1970	296	1--4	24	1--4	
1972	107	1	2	19	
1972	255	1	21(note)		
1973	37	1	2	20	
	70	1--8	25	1--8	
1975	137	1--4	26	1--4	
	138	1--4	27	1--4	
1976	90		2	9	
1976	175	1--3	28	1--3	
1977	161	1	2	9	
		2	2	19	
1978	314	1	6	8(note)	
	316	1--4	29	1--4	
	318	1--4	30	1--4	
	319	1	23	1, 2	
	336	1	2	9	
1979	82	1--11, 13		2	31--42
1980	151	1--11	2	31--41	
1980	258	1--3	31	1--3	
1981	45		32	1	

1981	47		21	1, 4
1983	10	1	2	21
1984	23	1--3	31	1--3
1984	38	1	21	1
1984	140	1, 2	Rpld	20 1, 2
1986	70	1--4	33	1--4
1986	260	1, 2	12	1--2[11]
1986	304	1, 2	34	1, 2
1987	44-3	1	35	1--3
1987	606	1--3	36	1--3
1988	88-54	1, 2	37	1, 2
1989	521	1	38	1
1990	139	1	39	1
1990	26	1--4	40	1--4
1991	18	1	41	1
1992	327	1, 2	41	1, 2
1993	23	1--5	42	1--5
1993	76	1	43	5
1994	118	1	2	1
1994	124	1	44	1
1994	324	1--20	45	1--20
1994	364	1	46	1

PART III CODE OF ORDINANCES

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. Designation, citation of Code.

Sec. 1-2. Rules of construction.

Sec. 1-3. Catchlines of sections.

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Sec. 1-5. Severability of parts of Code.

Sec. 1-6. Amendments to Code.

Sec. 1-7. Ordinances to be numbered consecutively.

Sec. 1-8. Publication of ordinances.

Sec. 1-9. Altering Code.

Sec. 1-10. General penalty; continuing violations.

Sec. 1-11. Prosecution where same act unlawful under different provisions.

Sec. 1-1. Designation, citation of Code.

The ordinances embraced in this and in the following chapters shall be designated and cited as the "Code of Ordinances, Town of West Warwick, Rhode Island."

Sec. 1-2. Rules of construction.

In the construction of this Code and of all ordinances hereafter enacted, the following interpretations shall be placed on the words and phrases hereinafter mentioned, unless such construction or interpretation shall be manifestly inconsistent with the evident intent of the town council or repugnant to the context or to the evident purport of any ordinance:

Computation of time. The time in which an act is to be done shall be computed by excluding the first and including the last day; and if the last day be Sunday or a legal holiday, that shall be excluded.

State law references: Similar provisions, G.L. 1956, § 43-3-13.

Corporate limits, corporation limits. Whenever the words "corporate limits," "corporation limits" or "town limits" are used they shall mean the legal boundary of the Town of West Warwick.

Council. The words "the council" shall mean the town council of the Town of West Warwick.

County. The words "the county" or "this county" shall mean the County of Kent in the State of Rhode Island.

Delegation of authority. Whenever a provision appears requiring the head of a department or other officer of the town to do some act or to make certain inspections, it is to be construed to authorize the head of the department or other officer of the town, as the case may be, to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

State law references: Similar provisions, G.L. 1956, § 43-3-3.

Interpretation. In the interpretation and application of any provision of this Code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

State law references: Similar provisions, G.L. 1956, § 43-3-5.

Keeper, proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs and partnerships, whether acting by themselves or through a servant, agent or employee.

Month. The word "month" shall mean a calendar month.

State law references: Similar provisions, G.L. 1956, § 43-3-12.

Name of officer. Whenever the name of an officer is given it shall be construed as though the words "of the Town of West Warwick" were added.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

State law references: Similar provisions, G.L. 1956, § 43-3-4.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

State law references: Similar provisions, G.L. 1956, § 43-3-11.

Or, and. "Or" may be read "and," and "and" may be read "or," if the sense requires it.

Owner. The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

Person. The word "person" shall include a corporation, firm, partnership, association, organization, club, society, body corporate or politic, or any other group acting as a unit, as well as a natural person.

State law references: Similar provisions, G.L. 1956, § 43-3-6.

Personal property. The term "personal property" shall include every species of property except real property, as herein described.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

State law references: Similar provisions, G.L. 1956, § 43-3-16.

Premises. Whenever the word "premises" is used it shall mean place or places.

President. Whenever the word "president" is used it shall mean the president of the town council.

Property. The word "property" shall include real and personal property.

Public place. The term "public place" shall include, without limitation, any park, cemetery, school yard or open space adjacent thereto, and all beaches, canals or other waterways, and any public street or way.

Real property. The term "real property" shall include lands, tenements and hereditaments and rights thereto and interests therein.

State law references: Similar provisions, G.L. 1956, § 43-3-10.

Residence. The term "residence" shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another, the place where such person sleeps shall be deemed his residence.

Seal. Whenever the word "seal" is used it shall mean the town or corporate seal.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the vertical curbline or edge of pavement or edge of travelled way and the adjacent property line, intended for the use of pedestrians, excluding parkways; such portion or "sidewalk" is sometimes designated and known as the pavement "border" area.

Signature, subscription. The "signature" or "subscription" of a person shall include a mark when the person cannot write.

State. The words "the state" shall be construed to mean the State of Rhode Island.

Streets, highways, ways. The words "streets," "highways" and "ways" when used in an ordinance, shall be construed as including public boulevards, avenues, courts, lanes, alleys, squares, drives, roads, corners and sidewalks.

Tenant. The word "tenant" or "occupant" applied to a building or land shall include any person holding a written or oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The words "the town" shall mean the Town of West Warwick in the County of Kent and the State of Rhode Island.

Week. The word "week" shall be construed to mean seven days.

Written, in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

State law references: Similar provisions, G.L. 1956, § 43-3-16.

Year. The word "year" shall mean a calendar year.

State law references: Similar provisions, G.L. 1956, § 43-3-12.

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section, and unless otherwise expressly so provided, shall not be deemed or taken to be titles of such sections, or as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. Effect of repeal of ordinance.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

State law references: Similar provisions, G.L. 1956, §§ 43-3-22--43-3-24.

Sec. 1-5. Severability of parts of Code.

It is hereby declared to be the intention of the town council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Code, since the same would have been enacted by the town council without the incorporation in this Code of any such unconstitutional phrase, clause, sentence, paragraph or section.

Sec. 1-6. Amendments to Code.

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein, or in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission thereof from reprinted pages affected thereby, and the subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are readopted as a new code of ordinances by the town council.

(b) Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of the Code in substantially the following language: "That section \_\_\_\_\_ of the Code of Ordinances, Town of West Warwick, Rhode Island, is hereby amended to read as follows: (set out new provisions in full)."

(c) In the event a new section not heretofore existing in the Code is to be added, the following language may be used: "That the Code of Ordinances, Town of West Warwick,



Rhode Island, is hereby amended by adding a section (or article, chapter or other designation, as the case may be), to be numbered \_\_\_\_\_ which reads as follows: (set out new provisions in full)."

(d) In lieu of the foregoing paragraph, when the town council desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the Code, which the town council desires to incorporate into the Code, a provision in substantially the following language may be made a part of the ordinance: "It is the intention of the town council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of Ordinances, Town of West Warwick, Rhode Island, and the sections of this ordinance may be renumbered to accomplish such intention."

(e) All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter or other number, as the case may be.

Sec. 1-7. Ordinances to be numbered consecutively.

The town clerk shall number all ordinances consecutively in the order of their adoption from the number of the latest chapter of town ordinances.

(Ord. of 3-29-27, § 2)

State law references: Similar provisions, numbering of laws, G.L. 1956, § 43-2-1.

Sec. 1-8. Publication of ordinances.

In addition to the procedures as defined and set forth in section 409 of the town Charter, the town council ordains that at the time of the advertising of public hearings pursuant to section 409(C) of the town Charter, the town clerk shall also publish in a newspaper of general circulation in the town a notice summarizing the subject matter of all proposed ordinances to be heard at such public hearing. This publication shall be in addition to the posting of the ordinance in its entirety at town hall.

(Ord. of 10-5-93, § 1-1)

Editor's note: An ordinance adopted Oct. 5, 1993, did not specifically amend this Code; hence, inclusion of § 1-1 of said ordinance as § 1-8 herein was at the editor's discretion.

Sec. 1-9. Altering Code.

It shall be unlawful for any person in the town to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of West Warwick to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-10 hereof.

Sec. 1-10. General penalty; continuing violations.

Whenever in this Code or in any ordinance or resolution of the town an act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance or resolution shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 30 days. Each day any violation of this Code or of any such ordinance or resolution shall continue shall constitute a separate offense.

(Ord. of 1-31-68, § 1; Ord. of 10-9-74, § 1; Res. of 3-3-87)

State law references: Limitation on penalties, G.L. 1956, § 45-6-2.

Sec. 1-11. Prosecution where same act unlawful under different provisions.  
In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinance of the town, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

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#### ARTICLE I. IN GENERAL

- Sec. 2-1. Use of town hall and council chamber.  
The town hall and council chamber shall be used for town purposes, and for no other purpose whatsoever, unless specially ordered by the town council.  
(Comp. Ords. ch. 27, § 1)
- Sec. 2-2. Compliance with P.C. 1935, ch. 219.

The director of public welfare, the town treasurer, and all other officers of the town are hereby authorized, empowered and directed to comply with the provisions of chapter 2191 of the Public Laws of the State of Rhode Island, approved April 18, 1935.

(Ord. of 6-25-35, § 1)

Sec. 2-3. Playgrounds, recreation placed under playground and recreation department. Playgrounds and the recreation program for the town are hereby placed under the direction of the playground and recreation department.

(Res. of 5-10-49)

Sec. 2-4. Indemnification of public officials.

(a) The town council hereby specifically indemnifies the hereinafter named elected and appointed public officials of the Town of West Warwick from all loss, costs, expense and damage, including legal fees and court costs, if any, arising out of any claim, action, compromise, settlement or judgment by reason of any intentional tort; or by reason of any alleged judgment by reason of any alleged error or misstatement or act or omission or neglect or violation of the rights of any person under any federal or state law, including misfeasance, malfeasance or nonfeasance; or any act, omission or neglect contrary to any federal or state law which imposes personal liability on any such employee, official or member, if such employee, official or member, at the time of such intentional tort or act, omission or neglect, was acting within the scope of his or her official duties or employment.

(b) The council hereby specifically excludes from such indemnification any employee or official covered by this section from any misstatement, error, act, omission or neglect, if the same results from willful, wanton or malicious conduct on the part of such covered official. It shall be the sole province of the council to decide whether said acts are covered or omitted under this section. Covered under this section are payment or counsel fees or other expenses incurred in connection with the conduct of such defense, including payment of the judgment thereon or any settlement or compromise thereof.

(c) The public officials and/or employees covered by this section are as follows: All members of the town council, town manager, town treasurer, tax collector, town planner, solicitor, assistant town solicitors, federal coordinator/personnel director, department heads for the water pollution control facility and public works department, building inspector electrical inspector, tax assessor, town clerk, deputy town clerk, minimum housing inspector, recreation director, fire chief, police chief, and all members of the West Warwick School Committee.

(d) In the event that public officials and/or employees covered by this section are sued in any civil proceedings arising out of or related to the actions performed in the course of their service to or employment with the Town of West Warwick. The town shall defend such individual(s) against the civil claim and pay any judgment and costs resulting therefrom. The town shall have the right to deny a defense or pay such judgment if it is finally determined that such individual(s) acted outside the scope of his or her service or employment.

(Ord. of 9-2-86; Ord. of 1-2-96; Res. No. 96-04, 1-2-96; Ord. No. 2003-10, 8-5-03)

Editor's note: Nonamendatory ordinance of September 2, 1986 (Res. No. 86-528), has been included herein as § 2-4 at the discretion of the editor.

State law references: Indemnification of public officials, employees, G.L. 1956, § 45-15-16, as amended.

Sec. 2-5. Residency.

No person shall be eligible for appointment to any or remain on any board or committee or public office unless said person is a resident and elector of the town; provided, however, that the town council may by resolution waive this requirement as the circumstances so require.

(Res. of 3-1-88)

Editor's note: A resolution of March 1, 1988 (No. 88-126), added § 2-30, which section has been redesignated by the editor as § 2-5 in order to conform to Code format.

Sec. 2-6. Records retention schedule.

(a) The town council herewith formally adopts for usage by the town and all its municipal departments, department heads and town officials, the records retention schedule as promulgated by the Rhode Island Local Government Records Program of the State Archives, a division of the office of the secretary of state, State of Rhode Island, together with any subsequent updates as may be issued by the office of the secretary of state.

(b) As of the effective date of this section, the Town of West Warwick, its municipal departments, department heads and town officials shall comply with the records retention schedule and its directives regarding the retention and destruction of town and city council records. A copy of said records retention schedule and all updates shall be maintained by the town clerk for the Town of West Warwick, with copies distributed to all municipal departments, department heads and town officials.

(Ord. of 10-5-93, §§ 1-1, 1-2)

Editor's note: An ordinance adopted Oct. 5, 1993, did not specifically amend this Code; hence, inclusion of §§ 1-1 and 1-2 of said ordinance as § 2-6(a) and (b) herein was at the editor's discretion.

Sec. 2-7. Procedures for termination or removal of town employees.

(a) Definitions. For the purposes of this section, the following terms, phrases and words and their derivations shall have the meanings given herein:

Employee. All officials and employees of the town appointed by the mayor and confirmed by the town council, including but not limited to all department head positions.

Employer. Town of West Warwick, by and through its town council (sometimes referred to as "town council" or "employer").

(b) Procedures. An employee, as herein defined, may be terminated or removed from office for cause. Pursuant to the terms of section 916 of the West Warwick town Charter, the town council herewith establishes the following procedures for such termination/removal:

(1) The mayor may request the removal of an employee upon written request to the town council, with a copy filed with the town clerk. Said written request shall set forth the reason for the proposed removal.

(2) A copy of the written request shall be mailed to the employee by the clerk by certified mail, return receipt requested at the home address of the employee.

(3) Pursuant to section 916 of the Town Charter, a public hearing shall be scheduled relating to the request for removal, which hearing shall be held no earlier than 20 days nor later than 30 days after the filing of the written request. Notice of such meeting shall be given to the employee at the time of the mailing of the written request.

(4) The employee or his or her counsel may, within ten days of receipt of the written request, respond in writing to the town council with a copy to the clerk. The employee's response, if any, shall be mailed by certified mail, return receipt requested.

(5) During the course of the public hearing the employee shall have the right to respond to the reasons stated for removal and to be represented by counsel.

(6) After a public hearing, the town council, by a majority vote in the affirmative, may adopt a resolution of removal, which removal shall become effective immediately.

(7) This public hearing is subject to Rhode Island G.L. 1956, § 42-46-1 et seq., open meetings.

(Ord. of 10-5-93, §§ 1-1, 1-2)

Editor's note: An ordinance adopted October 5, 1993, did not specifically amend this Code; hence, inclusion of §§ 1-1 and 1-2 of said ordinance as § 2-7(a) and (b) herein was at the editor's discretion.

Secs. 2-8--2-15. Reserved.

## ARTICLE II. CAPITAL IMPROVEMENTS\*

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\*Editor's note: An ordinance of January 11, 1972, did not expressly amend this Code; hence, inclusion of §§ 1--6 herein as Art. II, §§ 2-16--2-21, was at the discretion of the editors. The substantive provisions of said ordinance are set out as enacted; however, "ordinance" was changed to "article" and §§ 7 and 8, separability and effective date provisions, were omitted from codification.

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### Sec. 2-16. Definition.

For the purposes of this article, a capital improvement project shall be defined as the type of project or acquisition which fits within one or more of the following categories:

- (a) Acquisition or lease of land.
- (b) Construction of new buildings or facilities, including engineering, design and other preconstruction costs.
- (c) Improvements or additions to existing buildings or facilities, not including annual replacements or items of routine maintenance and repair.
- (d) Purchase of major items of equipment under the following conditions:
  - (1) The equipment shall have an anticipated life of two years or more.
  - (2) The cost of the equipment shall be in excess of \$2,000.00.

(Ord. of 1-11-72, § 1)

### Sec. 2-17. Participating town agencies and officials.

Not later than November 1 of each year, the following town agencies and officials shall submit requests for capital improvement projects to the West Warwick Planning Board:

- (a) Board of canvassers.
- (b) Building and zoning department.
- (c) Director of welfare.
- (d) Fire department.
- (e) Highway and sanitation and garbage.
- (f) Housing authority.
- (g) Police department.
- (h) Housing authority.



- (i) Redevelopment agency.
- (j) School commission.
- (k) Tax assessor.
- (l) Tax collector.
- (m) Town clerk.
- (n) Town council.
- (o) Town engineer.
- (p) Town solicitor's department.
- (q) Town treasurer.
- (r) Trustees of West Warwick Library System.
- (s) Any other town agency, official or department having need for capital acquisitions as defined by section 2-16 of this article.

(Ord. of 1-11-72, § 2)

Sec. 2-18. Procedure for submitting requests.

Requests for capital improvement projects shall be submitted on forms supplied by the West Warwick Planning Board in accordance with instructions contained in the "Capital Improvement Manual" to be supplied to each participating agency, department and official by the planning board. Each request shall be reviewed by the planning board in the light of current development plans and programs of the Town of West Warwick.

(Ord. of 1-11-72, § 3)

Sec. 2-19. Project priority.

In evaluating requests and recommending a capital improvement program, the West Warwick Planning Board shall base its recommendations on the following major criteria and others that may be considered essential to the general welfare of the community:

- (a) Protection of life.
- (b) Maintenance of public health.
- (c) Protection of property.
- (d) Conservation of resources.
- (e) Provision of necessary public services.
- (f) Replacement or improvement of obsolete facilities.
- (g) Reduction of operating costs.
- (h) Public comfort and convenience.

(Ord. of 1-11-72, § 4)

Sec. 2-20. Financial aspects.

The West Warwick Planning Board, in consultation with the town treasurer and town council, shall review the requests with respect to the financial resources of the town and shall prepare a schedule showing the effect of requested projects upon the current annual budget and the future debt and debt service charges for the town.

(Ord. of 1-11-72, § 5)

Sec. 2-21. Presentation to the town council.

Not later than January 1 of each year, the West Warwick Planning Board shall forward to the town council and make public a recommended capital budget and capital improvement program for the following six-year period. The first year of this six-year program shall be designated as the capital budget. The town council shall consider this recommended program in assembling the budget for presentation to the annual financial town meeting.

(Ord. of 1-1-72, § 6)

Secs. 2-22--2-24. Reserved.

### ARTICLE III. FINANCES

#### DIVISION 1. GENERALLY

Sec. 2-25. Acceptance and administration of private funds.

(a) Organizations and/or individuals desiring to donate funds designated for municipal and school functions or activities may do so by delivering such funds to the town finance director. Such organizations or individuals shall also provide the town finance director with written instructions as to their intent regarding the disbursement of said funds.

(b) The town finance director, upon written approval of the mayor, is authorized to accept said funds and administer said funds in accordance with the instructions of the donors.

(Ord. of 1-7-92, §§ 1, 2)

Secs. 2-26--2-30. Reserved.

#### DIVISION 2. PURCHASING AND BIDDING\*

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\*Editor's note: Nonamendatory ordinance of March 16, 1989 (No. 89-2), was codified herein by the editor as art. III, §§ 2-31--2-67. Subsequently, §§ 2-31--2-67 were redesignated as div. 2 of art. III, at the discretion of the editor.

Charter references: Competitive bidding, § 706.

Cross references: Town solicitor's department to participate in capital improvements, § 2-17(p).

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Sec. 2-31. Short title.

The provisions of this division shall be known as the "Purchasing Ordinance of the Town of West Warwick, Rhode Island."

(Ord. of 3-16-89, § 1)

Sec. 2-32. Purposes of division.

The purposes of this division are to prescribe the manner in which the town shall control the purchase of materials, supplies, equipment and certain contractual services of the town and to maintain a high ethical standard of all officers and employees of the town in connection therewith.

(Ord. of 3-16-89, § 2)

Sec. 2-33. Definitions.

For the purposes of this division, the following terms, phrases and words and their derivations shall have the meanings given herein:

Contractual services shall mean and include maintenance service, contracts relating to office and general equipment and the leasing of office equipment, vehicles and other equipment; and the repair and maintenance of automotive, office and other equipment, and the rental of automotive, office and general equipment. The term "services" shall not include professional services which are unique in their nature and are not subject to competition.

Shall is always mandatory and not merely directory.

Supplies shall mean and include all supplies, materials, equipment and contractual services.

Using agency means any department, division, agency, commission, board, committee, authority or other unit in the town government using supplies or procuring contractual services as provided for in this article.

(Ord. of 3-16-89, § 3)

Sec. 2-34. Purchasing agent, generally.

(a) There shall be within the department of finance a purchasing agent who shall be the finance director or someone appointed by him in accord with applicable personnel rules and regulations. He shall perform all duties required by law and such other duties as may be assigned and shall have the powers and duties prescribed by this article.

(b) The purchasing agent shall perform the duties specified in this article in connection with the purchase of or contract for all supplies, materials, equipment and contractual services, as required by any department, office or agency of the town, when duly authorized in accordance with purchasing procedures as prescribed by this article and such rules and regulations as may be adopted for the internal management and operation of the purchasing division.

(Ord. of 3-16-89, § 4)

Sec. 2-35. Rules and regulations.

(a) The purchasing agent shall establish and amend, with the approval of the mayor, when necessary, all rules and regulations authorized by this article and any others necessary to its operation not in conflict herewith.

(b) The purchasing agent is hereby authorized and directed to adopt such written regulations and procedures as may be necessary for the implementation of this article. Such regulations and procedures shall become effective when approved in writing by the mayor and the town council. Copies of the regulations shall be on file in the office of the purchasing agent and also shall be made available for public inspection during normal business hours.

(Ord. of 3-16-89, § 5)

Sec. 2-36. Unauthorized purchases.

It shall be unlawful for any town officers or employees to order the purchase of materials, supplies, equipment and contractual services, or make any contract within the preview of this article, other than through or with the approval of the purchasing agent; and any purchase, order or contract made contrary to the provisions hereof shall not be approved and the town shall not be bound thereby.

(Ord. of 3-16-89, § 6)

Sec. 2-37. Subdividing purchase of contract to avoid article requirements.

No contract or purchase shall be subdivided to avoid the requirements of this article.

(Ord. of 3-16-89, § 7)

Sec. 2-38. Procurement at least expense to town.

The purchasing agent shall keep informed of the current highest quality in supplies, fixed charges and other services and contractual services at the least expense to the town.

(Ord. of 3-16-89, § 8)

Sec. 2-39. Encouragement of competition.

The purchasing agent shall discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.

(Ord. of 3-16-89, § 9)

Sec. 2-40. Purchasing agent's duties--To keep informed on current trends, etc.

The purchasing agent is to keep informed on current developments in the field of purchasing, prices, market conditions and new products and secure for the town benefits conducted in the field of purchasing by other governmental jurisdiction, national ethical societies, trade associations having national recognition and by private businesses and organizations.

(Ord. of 3-16-89, § 10)

Sec. 2-41. Same--Purchasing manual.

The purchasing agent may prescribe and maintain a standard purchasing manual for all using agencies.

(Ord. of 3-16-89, § 11)

Sec. 2-42. Same--Forms.

The purchasing agent may prescribe and maintain such forms as he shall find reasonably necessary to the operation of this article.

(Ord. of 3-16-89, § 12)

Sec. 2-43. Same--Standard nomenclature.

The purchasing agent may prepare and adopt a standard purchasing nomenclature for using agencies and suppliers.

(Ord. of 3-16-89, § 13)

Sec. 2-44. Same--Vendor's catalog file.

The purchasing agent may prepare, adopt and maintain a vendor's catalog file. Such catalog shall be filed according to materials and shall contain descriptions of vendor's commodities, prices and discounts.

(Ord. of 3-16-89, § 14)

Sec. 2-45. Same--Bulk purchases.

The purchasing agent shall exploit the possibilities of buying in bulk so as to take full advantage of discounts.

(Ord. of 3-16-89, § 15)

Sec. 2-46. Same--Tax exemptions.

The purchasing agent shall act so as to procure for the town all tax exemptions to which it is entitled.

(Ord. of 3-16-89, § 16)

Sec. 2-47. Same--Cooperation with using agencies.

The purchasing agent shall cooperate with using agencies so as to secure for the town the maximum efficiency in budgeting and accounting.

(Ord. of 3-16-89, § 17)

Sec. 2-48. Filing of requisitions or estimates of requirements by using agencies.

(a) All using agencies, either by or with the authorization of the head of the department under which the using agency operates, shall file with the purchasing agent detailed requisitions or estimates of their requirements in supplies, equipment and contractual services in such manner, at such time and for such future period as the purchasing agent shall prescribe.

(b) A using agency shall not be prevented from filing, in the same manner with the purchasing agent at any time, a requisition or estimate for any supplies and contractual services, the need for which was not foreseen when the detailed estimates were filed.

(Ord. of 3-16-89, § 18)

Sec. 2-49. Competitive bidding, generally.

(a) Except in the case of contracts for consultants retained to perform town services not able to be performed by a town employee, before the town makes any purchase of, or contract for, supplies, materials, equipment and contractual services or work to be performed in excess of the minimum amount as stated in section 706 of the town Charter, opportunity shall be given for competitive bidding after public notice as hereinafter described. No such transaction which is essentially a unit shall be defined into a series of orders for the purpose of circumventing the requirement of this section for competitive bidding.

(b) All such purchases or contracts for more than said minimum amount shall be awarded to the lowest responsible bidder, except that the purchasing agent may be directed by the council to reject any and all bids and then to readvertise for bids.

(Ord. of 3-16-89, § 19)

Sec. 2-50. Notice inviting bids.

(a) Notice inviting bids shall be published at least once in a newspaper having general circulation in the town and at least five working days preceding the last day set for the receipt of proposals.

(b) The newspaper notice required herein shall include a general description of the articles to be purchased or sold and shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

(Ord. of 3-16-89, § 20)

Sec. 2-51. Solicitation of bids from bidders' list.

The purchasing agent shall solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "bidders' list, " which the purchasing agent shall maintain, by sending them a copy of the newspaper notice provided for in section 2-50 or such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

(Ord. of 3-16-89, § 21)

Sec. 2-52. Bid deposits.

When specified by the town council, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to a return of surety where the purchasing agent has required such. A successful bidder shall forfeit any surety required by the town council upon failure on his part to enter into a contract within ten days after the award.

(Ord. of 3-16-89, § 22)

Sec. 2-53. Sealing and identification of bids.

Bids shall be submitted sealed to the purchasing agent and shall be identified as bids on the outside of the envelope.

(Ord. of 3-16-89, § 23)

Sec. 2-54. Opening of bids.

Bids shall be opened in public at the time and place stated in the public notices, and the opening shall be witnessed.

(Ord. of 3-16-89, § 24)

Sec. 2-55. Bid tabulation.

A tabulation of all bids received shall be made and shall be available for public inspection.

(Ord. of 3-16-89, § 25)

Sec. 2-56. Rejection of bids and readvertising.

(a) The town council, in the case of bids above the minimum amount, shall have the authority to reject any and all such bids.

(b) If the lowest and best bid exceeds the budgeted amount, and the town council does not make additional funds available, then the appropriate authority who initiated such bidding shall have the power to readvertise for bidding after making sufficient changes in the project plan to bring the cost within the limit of money available.

(Ord. of 3-16-89, § 26)

Sec. 2-57. Disqualification of bidders.

The purchasing agent shall have the authority to declare vendors who default their quotations irresponsible bidders and to disqualify them from receiving any business from the town for a stated period of time.

(Ord. of 3-16-89, § 27)

Sec. 2-58. Waiver of irregularities in bids.

The town council shall have the authority to waive any and all irregularities in formal bids above the minimum amount. The purchasing agent, with the approval of the mayor, shall have the authority to waive any and all irregularities in bids or purchases below the minimum amount.

(Ord. of 3-16-89, § 28)

Sec. 2-59. Award of contract, generally.

All contracts shall be awarded to the lowest and best bidder. In addition to price, there shall be considered the following:

- (1) The ability, capacity and skill of the bidder to perform the contract.
- (2) Whether the bidder can perform the contract within the time specified without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and the efficiency of the bidder.
- (4) The quality of performance of previous contracts.
- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract.
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
- (7) The quality, availability and adaptability of the suppliers or contractual services to the particular use required.
- (8) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.
- (9) The number and scope of conditions attached to the bid.

(Ord. of 3-16-89, § 29)

Sec. 2-60. Preference for local bidders.

Bids, specifications and other factors being equal, in awarding contracts and making purchases, preference shall be given to the bidder whose place of business is located in the town.

(Ord. of 3-16-89, § 30)

Sec. 2-61. Required statement when award given to other than low bidder.

When an award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent, typed on the tabulation sheet, which must be signed by the purchasing agent, and filed with the other papers relating to the transaction.

(Ord. of 3-16-89, § 31)

Sec. 2-62. Tie bids.

Award of all tie bids under the minimum amount, as stated in section 706 of the town Charter, shall be made by the purchasing agent with the approval of the mayor. All tie bids in excess of said minimum amount shall be awarded by the mayor with the approval of the council.

(Ord. of 3-16-89, § 32)

Sec. 2-63. Standardization, cooperative purchasing and governmental contracts.

(a) Where standardization is determined to be desirable by the purchasing agent, the purchase of materials, supplies and equipment and certain contractual services may be negotiated with the written approval of the mayor.

(b) The purchasing agent shall have the authority to join with other units of government in cooperative purchasing ventures where the best interest of the town is served thereby, and the same is in accordance with the town and state law.

(c) The bidding requirements of this article shall not apply to established State of Rhode Island contracts or Federal General Services Administration contracts.

(Ord. of 3-16-89, § 33)

Sec. 2-64. Performance and payment bonds.

A contractor or vendor shall provide a corporate surety bond from a surety company authorized to do business in Rhode Island to guarantee the full and faithful performance of his contract obligations and the payment of labor and material expended pursuant to the contract whenever and in such amounts as is deemed necessary by the town council. All such bonds shall be approved as to form by the town solicitor.

(Ord. of 3-16-89, § 34)

Sec. 2-65. Inspection and testing of deliveries and samples.

(a) The purchasing agent or an authorized town employee shall inspect or supervise the inspection, or cause to be inspected, all deliveries of supplies, equipment or contractual services to determine their conformance with the specifications set forth in the order or contract.

(b) The purchasing agent shall have the authority to authorize using agencies having the staff and facilities for adequate inspection to inspect all deliveries made to such using agencies under rules and regulations which the purchasing agent shall prescribe.

(c) The purchasing agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the purchasing agent shall have the authority to make use of laboratory facilities of any agency of the town or of any outside laboratory, as deemed necessary within the restrictions of this article, the town Charter and state laws.

(Ord. of 3-16-89, § 35)

Sec. 2-66. Surplus stock.

(a) All using agencies shall submit to the purchasing agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete or scrapped.

(b) The purchasing agent shall have the authority to transfer surplus stock to other using agencies.

(c) The purchasing agent, subject to town council approval, shall have the authority to sell all supplies and equipment which have become unsuitable for public use or to exchange the same for or trade in the same on new supplies and equipment. Sales under this section shall be made to the highest responsible bidder and be in conformance with competitive conditions.

(Ord. of 3-16-89, § 36)

Sec. 2-67. Storerooms.

(a) The purchasing agent shall control and supervise storerooms and shall administer the same.

(b) Requisitions from supplies in a storeroom shall be credited by the purchasing agent to the storeroom's revolving fund by a charge against the appropriation of the agency.

(c) The purchasing agent shall maintain a perpetual inventory record of all materials, supplies or equipment stored in the storeroom.

(Ord. of 3-16-89, § 37)

Secs. 2-68--2-80. Reserved.

#### ARTICLE IV. MUNICIPAL LAND TRUST\*

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\*Editor's note: An ordinance adopted February 3, 1994, amended this art. IV to read as herein set out. Formerly, art. IV consisted of §§ 2-81--2-86, which pertained to municipal land trust and derived from §§ 2--7 of an ordinance adopted August 1, 1989.

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Sec. 2-81. Established; purpose.

There is hereby established the Town of West Warwick Land Trust (hereinafter called the "trust"), public instrumentality. The trust shall act as a review and advisory commission relative to the acquisition of land by gift or by purchase by the Town of West Warwick. The trust shall also have the authority, through town council authorization, to acquire, hold and manage any real property and interest therein including development rights situated in the town consisting of open, residential, agricultural, recreational, historical or littoral property, including existing and future wellfields and aquifer recharge areas, fresh and saltwater marshes, and adjoining uplands, barrier beaches, wildlife habitats, land and buildings providing access to or views of the ocean, harbors, and ponds, land or bicycling and hiking paths and for future public recreational use, and land for agricultu