

**Town  
of  
North Providence**

COUNTY OF PROVIDENCE  
STATE OF RHODE ISLAND

**CHARTER**

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with amendments through July 23, 2005.**

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**CHARTER  
OF THE  
TOWN  
OF  
NORTH PROVIDENCE**

**AN ACT TO INCORPORATE  
THE TOWN OF NORTH PROVIDENCE**

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 2608 of the public laws, 1950, as amended entitled "An act incorporating the town of North Providence" is hereby amended in its entirety to read as follows:

**ARTICLE 1 BASIC PROVISIONS**

**CHAPTER 1 INCORPORATION**

**1-1-1. Incorporation of Inhabitants.**

The inhabitants of North Providence, within the corporate limits as presently established, or as may hereafter be established in the manner provided by law, shall continue to be a body politic and corporate under the name of the Town of North Providence. They shall continue to have, exercise and enjoy all the rights, immunities, powers, privileges, prerogatives and franchises and shall be subject to all the duties and obligations now pertaining to and incumbent upon the town as a municipal corporation or under the laws of this state. All laws relating to the Town of North Providence, except laws enacted pursuant to the powers reserved to the General Assembly by the constitution of the state, are hereby superseded to the extent they are inconsistent with the provisions of this charter.

**CHAPTER 2 GOVERNMENT**

**1-2-1. Form.**

The municipal government of the town shall be known as the "Mayor-Council Government". All powers of the town are vested in an elected town council hereinafter referred to as the "council" which shall enact local legislation for the municipality and in an elected mayor and shall execute the applicable laws and ordinances, and administer the government of the town as provided herein.

**CHAPTER 3 MUNICIPAL POWERS**

**1-3-1. Powers Authorized.**

The town shall have all the powers now or hereafter granted to it by this charter by any amendments hereto and by the constitution and laws of this state. It shall have complete powers of legislation and administration in relation to its municipal functions together with such powers as may be justly implied in or incident to the powers expressly granted.

The town may acquire real property within or without its corporate limits for any purpose, in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require.

It is empowered to exercise all municipal powers, functions, rights, privileges, immunities, prerogatives and franchises of every name and nature whatsoever. The enumeration of particular powers by this charter shall not be construed to be exclusive. In addition to powers enumerated herein or which may be implied to the exercise of such powers, the town is empowered to exercise all powers which it would be competent for this charter to enumerate specifically.

**1-3-2. Existing Ordinances, Resolutions, Rules and Regulations to Continue in Effect.**

To the extent they are not inconsistent with the provisions of this charter, all laws, ordinances, resolutions, rules and regulations in effect on the effective date of this charter shall continue in effect until superseded by law or they are repealed or amended by the council or by a successor board, commission or other authorized agency of the town.

**1-3-3. Intergovernmental Relations.**

The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the state or any municipality within the state or their authorized agencies, or with the United States or any agency thereof.

## ARTICLE 2 TOWN COUNCIL

### CHAPTER 1 ORGANIZATION AND FUNCTIONS

#### 2-1-1. *Number, Selection, Term.*

The council shall consist of seven (7) members elected from the town, two (2) from each of the three (3) districts, and one (1) member at large. Members of said council shall be elected to serve four (4) year terms, with their terms arranged in such a manner that the members elected with the most votes from each of the three (3) districts in November, 2000, shall serve a four (4) year term. The at large member and the members elected with the second most votes from each of the three (3) districts in November, 2000, shall serve a two (2) year term; their successors shall serve a term of four (4) years, commencing with the November 2002 election. (2000-H-8338 § 1, July 20, 2000)

#### 2-1-2. *Qualifications, Vacancy, Restrictions.*

(a) Members of the council elected by districts shall be qualified electors and residents of the district from which elected, and the member elected at large shall be a qualified elector and resident of the town.

(b) The oath of office shall not be administered to a member-elect nor shall any person continue to serve as a member of the council if he holds any other elected or appointed position with the town, state or federal government or has been convicted of a crime of moral turpitude, except that of notary public, a member of a regional, state or federal advisory, investigatory or regulatory board, commission or similar agency, a member of the National Guard, a military reserve unit or a teacher in a school or college.

(c) No member or member-elect of the council shall be appointed to any other position in the town government, except as acting mayor when a vacancy occurs as provided in section 3-1-7 of this charter, during his term of office or for the term for which he was elected, or for one year after the expiration of his term to a position created in town government during his term of office.

(d) A council member shall be deemed to have vacated his seat on the council due to death, resignation, removal of his residence from the town, acceptance of any position with the state or federal government, other than as permitted in subsection (b) of this section, or has been convicted of a felony or of a crime involving moral turpitude.

#### 2-1-3. *Organization.*

At 1:00 p.m. on the first Sunday following the first day of January after its election, the council shall meet to hold its organizational meeting at which the oath of office shall be administered to the members-elect. Such oath of office shall require the faithful performance of the duties of the office and the support of the constitution and laws of the state and of the United States.

The town clerk or his deputy shall preside over the meeting for the purpose of electing a council president from among the members of the council. The council president shall then become the presiding officer.

A first president pro-tempore shall be elected in the same manner and shall preside at any meeting in which the council president is absent and he/she shall perform the duties of the council president. A second president pro-tempore shall be elected in the same manner and shall preside at any meeting in which both the council president and the first president pro-tempore are absent and he/she shall perform the duties of the council president. (99-S 0223 § 1, February 11, 1999)

#### 2-1-4. *Compensation.*

Beginning with the term that commences in January of 2001, and each year thereafter, all members of the council shall be compensated at an annual salary of eight thousand dollars (\$8,000). Said eight thousand dollars (\$8,000) shall be paid as compensation in lieu of any other benefits received by prior council members with the exclusion of any pension benefit which council members shall continue to receive simultaneously with the eight thousand dollars (\$8,000) annual salary. No council may increase its compensation during its own term of office and may only pass certain resolutions in compliance with applicable state laws. (90-H 4248 § 1, July 9, 1990; 2000-H 8338, July 20, 2000)

#### 2-1-5. *Filling of Vacancies.*

The council shall fill any vacancy among its members by appointment of a person to fill an unexpired term of less than one hundred eighty (180) days. Such person shall be of the same political party and from the same district, if elected from a district, as the council member who held the seat before the vacancy resulted. The council shall, at the earliest date practicable, but not later than five (5) calendar days after the vacancy occurs, request the chairman of the party town committee of the political party of which the person creating the vacancy was a member at the time of his election to submit a list of five (5) names within five (5) calendar days from the date of the request. At the next regular or special meeting, the council shall appoint a council member from such list to fill the vacancy. In the event the chairman of the party town committee shall fail to submit such a list of names within the time herein provided, the council shall appoint a person who is known to be a bona fide member of that party to fill the vacancy on the council. If the member who created the vacancy was not a member of any recognized political party, the council may fill the vacancy as it deems proper.

When one hundred eighty (180) days or more remain in an unexpired term, the council shall, within thirty (30) days after the vacancy occurs, call a special election to fill such vacancy.

#### 2-1-6. *Meetings.*

(b) Special meetings may be held at such other times as the council may deem necessary to transact business of the town. The mayor, council president or four (4) members of the council may call a special meeting provided the person or persons calling such special meeting notify or cause the town clerk to notify all council members by letter delivered by a messenger or by registered or certified mail to the residence of each council member at least forty-eight (48) hours prior to the holding of such meeting stating its place, time, date and purpose. Only such stated business shall be transacted at such meeting unless all members are present and consent to act upon other business.

(c) All regular and special meetings shall be held in the council chamber of the town hall and be open to the public. In the event a regular or special meeting is to be held elsewhere, notice shall be given to the residents of the town by advertising the same in a newspaper of general circulation and circulated within the town at least forty-eight (48) hours prior to the time scheduled for the start of such meeting. Such notice shall state the place, time, date and purpose of the meeting and reason for removal from the council chamber. All meetings of committees of the council shall be open to the public.

(d) An emergency meeting shall be held when called by the mayor, president of the council or four (4) council members by giving each council member notice thereof at his place of residence by telephone, by letter delivered by messenger or by telegram. Such notice shall state the place, time, date and purpose of the meeting. An emergency for which such a meeting may be held shall be one where immediate action is required to preserve and protect the property, public welfare, peace, health or safety of the people in the town and adequate prior action could not have been taken in relation thereto under normal circumstances. The preamble of any resolution or ordinance passed at such meeting shall state the nature of the emergency and such resolution or ordinance or any other action taken at such meeting shall be limited to matters directly relating to the stated emergency.

(e) A quorum of four (4) members shall be necessary before the council may transact any business but a lesser number may adjourn from time to time until a quorum shall be present.

(f) Executive meetings of the council and of committees thereof may be held only for the consideration of personnel matters where publicity relating thereto would not be in the public interest or would be unjustly injurious to the person or persons involved, or matters concerning the purchase or sale of town property wherein advance public information as to final action to be taken thereon would be detrimental to the interests of the town. Prior to holding such executive meeting a vote shall be taken in an open meeting on the matter with at least a general statement as to the subject to be discussed in the closed executive meeting and after the matter is decided, information shall be given as to the nature of the action taken and a vote shall be taken thereon in an open meeting.

## **2-1-7. Powers and Duties.**

Council shall be the legislative body of the town with powers and duties to:

(a) Enact, amend and repeal ordinances or resolutions necessary and proper for the operation of the town government and for the preservation of the public peace, health, safety and welfare if the inhabitants of the town, and to provide for the enforcement of ordinances by providing for appropriate penalties for their violation provided they are not inconsistent with the constitution and laws of the state or of the United States, or with the provisions of this charter;

(b) Adopt, amend and repeal its own rules and regulations;

(c) Vote on all matters in open meeting and the vote shall be taken by a roll call if so requested by any member;

(d) Permit or request department heads to appear before it as may be appropriate;

(e) Permit or request the mayor to appear before it as may be appropriate regarding any matter relating to the administration of the town government;

(f) Permit any person or persons to appear before it provided written notice requesting such appearance is submitted to the town clerk at least seven (7) calendar days prior to such meeting but the council may waive, by a majority vote, the requirement of any notice;

(g) Investigate any department, office, board, commission or other agency, excluding the school department, but not interfere in their normal administrative functions;

(h) Compel attendance by subpoena of witnesses and require them to give testimony under oath and/or to produce records, papers, documents or other evidence to the council, or a properly appointed committee thereof, in any matter under consideration in open meeting, or in a closed meeting as provided in section 2-1-6 (f) of this charter;

(i) Grant, revoke and suspend licenses and permits and to establish fees for the same unless otherwise provided for by the laws of the state or by this charter;

(j) Provide for bonding, establish the amount of bond and require corporate surety on bonds of all department heads and others as required by the laws of the state or as the council shall require by ordinance;

(k) Establish the compensation to be paid to officers, department heads, and all their subordinates and other employees upon recommendation of the personnel board;

(l) Provide for an annual audit, or a special audit, of town financial records; and

(m) Take such other action within the provisions of this charter as may be necessary and appropriate for the economical and efficient operation of the town government, provided, however, that prior to any claims for money being heard by the council or any committee thereof, the claims shall first be referred to the claims committee of the council upon submission of said claim. Prior to recommending payment of such claim, the claims committee, may at its discretion, investigate the need for payment of the claim. The investigation may consist of but not limited to requesting information regarding the legality of the claim. All evidence and data shall accompany any such council recommendation for payment or denial of such claims.

## **CHAPTER 2 ORDINANCES**

### **2-2-1 Legislative Acts by Ordinance**

- (a) Ordinances and resolutions shall be introduced only in written or typed form.
- (b) Ordinances and resolutions shall be introduced by a council member, council committee, the mayor or on petition of at least twenty-five (25) qualified electors and its title and contents shall be read at such meeting.
- (c) Upon majority vote of the council, a proposed ordinance shall be published by a paid advertisement in a newspaper of general circulation in the town within ten (10) days after its introduction.
- (d) No ordinance other than an emergency ordinance as defined in section 2-1-6(d) of this charter, shall be acted upon at the same regular or special meeting in which it is introduced nor at a subsequent meeting held sooner than fifteen (15) days after its introduction. All ordinances and resolutions including emergency ordinances and resolutions must be accompanied by a fiscal impact note. Any ordinance or resolution that does not incur a monetary outlay does not require a fiscal impact note. A fiscal impact note will be prepared by the finance committee of the town council. The note will be submitted within thirty (30) days of introduction of any such ordinance and/or resolution. The finance committee at its discretion may request from the finance director data or any other pertinent information which will assist the committee in the formation of said fiscal impact note.
- (e) Every ordinance shall be reported at the next regular or special meeting held at least fifteen (15) days after its introduction with a recommendation as to action to be taken thereon. The council may defer action pending further study, but it shall provide that action shall be taken thereon for passage or rejection of the same, and such action shall be taken no later than the second subsequent regular meeting thereafter.
- (f) All ordinances and resolutions, except the annual budget, general codifications and revisions thereof, shall contain only one (1) subject clearly and adequately expressed and titled.
- (g) No ordinance or resolution shall be as amended on passage as to change its original purpose.
- (h) Ordinances for the annual budget and any supplemental appropriations shall be confined to the subject of appropriations.
- (i) The town clerk shall number serially each ordinance upon introduction, and upon passage of the same he shall make them available, together with any amendments thereto, in his office.
- (j) The town clerk shall furnish to each council member and to the mayor within seventy-two (72) hours after its introduction a copy of each ordinance and resolution introduced.
- (k) An emergency ordinance shall relate only to the emergency matter for which the emergency meeting is held and such ordinance may be enacted at the same meeting in which it is introduced.
- (l) No ordinance or resolution shall be passed until after it is read unless a majority of the council members present vote to dispense with the reading in which case only the title need be read along with a statement as to its contents.
- (m) The council or a committee thereof shall hold at least one (1) public hearing on all non-budgetary ordinances, other than emergency ordinances, if at least twenty-five (25) qualified electors submit a petition to the town clerk at least forty-eight (48) hours before the passage of such ordinance to request the public hearing, and in such event action thereon shall be deferred and public notice of the hearing shall be given in a newspaper of general circulation in the town at least one (1) not less than three (3) calendar days prior to the holding of such hearing.
- (n) No ordinance or resolution shall be enacted until and unless the solicitor approves the same as to form and legality.
- (o) Not later than twenty-four (24) hours after its passage, the town clerk shall submit the ordinance or resolution to the mayor.
- (p) Within seven (7) days after its passage, the mayor shall affix his signature to an ordinance or resolution and it shall thereupon, or at some other time fixed therein, become effective or he shall return it to the council through the town clerk within such period stating his objections thereto. Failure to take such action within the period of seven (7) days shall result in automatic approval with the same effect as if the mayor had affixed his signature thereto.
- (q) In the event the mayor returns an ordinance or resolution to the council, action shall be taken thereon at the next regular or special meeting and the veto thereof may be overridden by a vote of no less than a majority plus one (1) of the members of the council and thereupon or at the time fixed therein, it shall become effective.
- (r) No ordinance affecting zoning and/or planning for usage of land or the erection of public works of any kind shall be enacted without first receiving an advisory opinion of the planning board.
- (s) Upon enactment of any ordinance, the town clerk shall give notice to any office, department or other agency charged with the enforcement or with the implementation thereof within twenty-four (24) hours of its final passage.

## **CHAPTER 3 LEGAL COUNSEL**

### **2-3-1. Appointment and Term.**

The Council shall appoint an attorney to serve at its pleasure and shall thereafter appoint his successor.

### **2-3-2. Qualifications.**

The attorney appointed by the council shall be a member in good standing of the Rhode Island Bar; shall have been a practicing attorney for at least five (5) years

The attorney appointed by the council shall be the attorney for and legal advisor to the council; shall submit, when requested to do so by the council or when otherwise necessary, written legal opinions to the council. A copy of all such opinions shall be filed with the town clerk to be kept on file by him as a public record. Said attorney shall also perform such other duties as the council may require or as may be required by the provisions of the charter.

### **2-3-4. Compensation, Fees.**

Compensation of the attorney appointed by the council shall be established by the council.

## **ARTICLE 3 MAYOR**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **3-1-1. Election.**

The mayor shall be elected at a special election to be held on the Tuesday after the first Monday in November of 1973. The Mayor elected in November of 1973 shall be elected for and serve a term from January 1 of 1974 to December 31 of 1976 and thereafter the mayor shall be elected at each second general election for and serve a term of four (4) years commencing on the first day of January of each odd number year, every four (4) years. (90-H 4248 § 2, July 9, 1990)

#### **3-1-2. Oath of Office.**

At 1:00 p.m. on the first Sunday following the first day in January after the election and immediately after the oath of office is administered to members of the council, the oath of office shall be administered to the mayor. (90-H 4248 § 2, July 9, 1990)

#### **3-1-3. Compensation.**

Beginning with the fiscal year commencing on July 1, 2005, a salary of seventy-five thousand dollars (\$75,000) per year shall be paid to the mayor. As part of the mayor's compensation package, the mayor shall contribute five percent (5%) of the working rate of health care as a co-payment for the health care. The mayor shall be compensated for all reasonable and necessary expenses incurred in the performance of his duties provided that, within ten (10) days after he incurs such expenses he submits to the town treasurer vouchers certifying the amount of the expenses and the reason therefor. (97-S 912, May 7, 1997; 2000-H 8338, July 20, 2000; 2005-H 6034, July 23, 2005)

#### **3-1-4. Qualifications.**

The mayor shall be a qualified elector, and shall be a resident of the town.

#### **3-1-5. Other Employment.**

During his term of office, the mayor shall not engage in any other compensated employment. He shall be engaged on a full-time basis in the execution and administration of the town government.

#### **3-1-6. Powers and Duties.**

The mayor shall be the chief executive and administrative head of the town government. He shall have the following powers and duties:

(a) Appoint and remove all officers, heads of departments, division chiefs and such other authorized officers of administration whose appointment is not otherwise provided for under the provisions of this charter and remove any officer or employee as herein provided for or as the council may hereafter provide within the authorization of this charter;

(b) Prepare the annual budget and submit it to the council with his recommendations and be responsible for its administration upon approval by the council;

(c) Advise the council at the end of each quarter in the fiscal year, and at such other times as he may deem appropriate, or as the council may request, as to the then current financial condition of the town, or of a department, and make such recommendations as he may deem appropriate;

(d) Prepare and submit to the council as of the end of each fiscal year a detailed report on the finances and administrative activities of the town for the preceding year;

(e) Perform such other functions and duties as may be authorized by this charter, or as the council may require provided they are not inconsistent with the provisions of this charter to carry out all the administrative functions and services necessary for the efficient operation of the town government;

(f) Serve as the head of one or more offices and/or departments, other than as the solicitor, probate judge or director of finance, but he shall not be entitled to any additional compensation for serving in such other capacity;

(g) Assign to one (1) person the duties of two (2) or more administrative offices within a department when such action is expedient and results in more efficient and economical operation; and

(h) Negotiate with other towns and cities in the state for regional planning, purchasing, and for the operation and maintenance of public works, and other services

### **3-1-7. Vacancy.**

In the event of unexplained absence for a period exceeding thirty (30) days, death, resignation, removal of his residence from the town, or conviction of a felony or of a crime of moral turpitude or engagement in any other paid employment or acceptance of an elected or appointed position in the state or federal government except that of a notary public, a member of a regional, state or federal advisory investigatory or regulatory board, a commission or similar agency, a member of the National Guard, a military reserve unit, shall result in a vacancy in the office of the mayor.

In the event the office of the mayor becomes vacant within one hundred eighty (180) days from the expiration of his term, the council shall appoint a person having the qualifications as set forth in section 3-1-4 of this charter for the unexpired term. If more than one hundred eighty (180) days remain in the unexpired term, the council shall within thirty (30) days of the vacancy, arrange for an election pursuant to sections 4-1-1 and 4-1-2 of this charter to fill such vacancy.

### **3-1-8. Absence or Disability.**

In the event the mayor shall leave the town for a period in excess of twenty-four (24) hours, he shall designate the president of the council or some other qualified person engaged in the service of the town to act for him during his absence, provided such authorization is given in writing to the person so designated and a copy thereof is filed simultaneously with the town clerk. The council president shall be authorized to act as mayor in the event he should fail to provide for any person to act in his absence.

The mayor may provide for a person to act for him in the event he cannot perform the duties of his office, provided the person so designated is the council president or some other qualified person in the service of the town government. If the disability is such that the mayor is unable to designate a person to act for him, then the council president shall assume the duties of the office of the mayor or designate a department head to act in such capacity. The council shall make provision for adequate compensation of the person acting as mayor during the period he acts in such capacity.

## **ARTICLE 4 ELECTIONS**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **4-1-1. Election Laws.**

State laws pertaining to general, special and primary elections which are now in effect, or which may hereafter become effective, shall govern town elections.

#### **4-1-2. General Town Election.**

A general town election shall be held on the Tuesday following the first Monday in November in each even numbered year, except for the office of mayor. (90-H-4248 § 3, July 9, 1990)

### **CHAPTER 2 COUNCIL DISTRICTS**

#### **4-2-1. Establishment of Council Districts.**

Subsequent to the latest Federal Census, the town council shall submit to the general assembly on or before the first Tuesday in March of the year following the completion and findings of the most recent Federal Census, a plan to divide the town into three (3) compact and contiguous districts each containing an equal number of inhabitants as determined by said Federal Census, with the recommendation that the plan be enacted into law and become effective for any election to be held on or after the Tuesday after the first Monday in November of each numbered year. (90-H-4248 § 4, July 9, 1990)

## **ARTICLE 5 FINANCIAL PROVISIONS**

### **CHAPTER 1 FISCAL YEAR**

#### **5-1-1. Establishment and Method of Change.**

The fiscal year shall commence on the first day of July and end on the thirtieth day of June for budgetary and accounting purposes. (90-H 4248 § 5, July 9, 1990)

### **CHAPTER 2 BUDGET**

#### **5-2-1. Preparation.**

equal to the proposed expenditures. Provision shall be made to present in the proposed budget:

- (a) A general summary of principal sources of revenue with amounts anticipated from each source, principal objects of expenditures with the amount to be expended for each object, and a comparison of these figures, in tabular form, with corresponding figures for the current fiscal year;
- (b) A detailed statement of the bonded indebtedness of the town; and
- (c) Proposed ordinances or resolutions relating to the budget.

### **5-2-2. Adoption procedure.**

No later than sixty (60) days prior to the first day of June of each year commencing in 1974, the mayor shall submit to the council his proposed annual budget (including the school department budget, reports, and recommendations relating thereto as submitted by the school committee) together with his own message which shall contain necessary and appropriate recommendations and explanations.

The council shall hold a public hearing on the proposed budget within twenty (20) days after it is received from the mayor. At least ten (10) days prior to the hearing, the council shall publicize a summary of the proposed budget by an advertisement in a newspaper of general circulation in the town. Such advertisement shall indicate the proposed appropriation for agencies together with anticipated revenues and sources thereof. Two (2) copies of the detailed itemized budget as and when submitted by the mayor to the council shall be available in the office of the town clerk for examination by the public. The hearing shall be held within twenty (20) days after the council receives the proposed budget. No later than five (5) days prior to the hearing, a notice thereof shall be given by an advertisement in a newspaper of general circulation in the town. Said notice shall indicate the place, time, date and purpose of the hearing. Subsequent hearings, if held, shall be held as adjournments of the first hearing.

Within forty-five (45) days after its receipt, the council shall return the proposed budget to the mayor with any additions, deletions or amendments to any item therein. The proposed budget for the school department may be revised only as to the total amount. The mayor shall thereafter have seven (7) days to approve the budget as returned to him by the council or he may veto specific items and return it to the council with his veto and reasons therefor; he may veto the school budget only as to the total amount.

After the council returns the budget to the mayor, it shall be deemed to have been approved by him when he affixes his signature thereto, or after the expiration of seven (7) days if he takes no action thereon.

The council may override a veto only by a vote of at least five-sevenths (5/7) of the council within seven (7) days after it receives the budget from the mayor. The budget will be deemed to have been approved as resubmitted by the mayor for vetoed items not overridden or in accordance with the revisions voted by the council, as the case may be.

In the event the council fails to act upon the proposed budget prior to the start of the fiscal year, the mayor shall be authorized to administer the town government by allocating amounts equivalent to the corresponding month for the previous year to each office, department and agency until such time as the budget is adopted. (90 II 4298 § 5, July 9, 1990)

### **5-2-3. Budgetary Control.**

The Mayor shall no later than ten (10) days prior to the first day of the ensuing fiscal year, submit to each office, department and other agency of the town government the amount to be expended by such office, department or other agency.

Such total amount authorized to be expended shall be broken down for each division within each office, department or agency for each quarter of the fiscal year. A copy of such quarterly allotments shall be submitted contemporaneously to the director of finance and to the council.

Should unforeseen events so necessitate, the mayor may revise the quarterly allotment for any subdivision of an office, department or agency, exclusive of the school department, provided the total quarterly allotment for such office, department or agency is not revised and provided further that the council is notified in writing of the revision within five (5) days after the mayor makes the aforementioned revision. In the event the mayor deems it necessary to make a revision in the total quarterly allotment for any office, department or agency, exclusive of the school department, he shall give to the council, no later than fifteen (15) calendar days before effecting such revisions, the details of the proposed revision together with his reasons therefor. Within ten (10) days after receipt of the proposed revision, the council shall take action to revise, deny or approve the suggested revision and its action thereon shall be final.

The director of finance, or an authorized agent under his direction, shall approve all contracts by certifying that funds are available, or provided for, to meet the financial obligations arising thereunder and shall approve all vouchers for payments relating thereto. Any contract not approved as provided in this section shall be void.

Any earmarked funds not expended and for which no contractual obligation is outstanding shall revert to the general fund.

Supplemental funds may be appropriated by a majority vote of the council for any emergency as defined in section 2-1-6(d) of this charter provided the council agrees at the emergency meeting to take the necessary action at the next regular or special meeting, and it shall take the agreed action at such next meeting, to provide the necessary funds.

### **5-2-4. Audit.**

Prior to the end of each fiscal year, the council shall arrange for an audit to be made as soon as possible after the end of the fiscal year, of all financial records, accounts and other evidences of financial transactions of the town. Such audit shall be made by a certified public accountant or by state auditors.

In the event the council fails to arrange by the first day of the ensuing fiscal year to have the required audit made, the town clerk shall forthwith arrange for the audit by the state to be made as soon as possible.

Upon completion of the annual audit, a copy of the audit report, with any recommendation relative thereto, shall be submitted to the town clerk who shall notify the mayor and council of its receipt. A copy of the audit report shall be kept in the office of the town clerk available as a permanent public record.

or the expenditure of town money in order to participate in such state or federal program.

## **CHAPTER 3 BORROWING**

### **5-3-1. Emergencies.**

The council may, upon recommendation of the mayor authorize the issuance of notes by emergency ordinance or resolution to provide funds for emergencies as defined in section 2-1-6 (d) in the event no other source of funds is available. The amount of any such emergency notes shall be included in the next annual budget and such notes shall be mature and be payable not later than one (1) year from their date.

### **5-3-2. Bonds.**

The town may incur indebtedness by issuing its serial bonds pursuant to this charter for any purpose for which a town is authorized by the general laws, as amended and as the same may be amended, provided that no bonds shall be issued to pay current expenses. 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 ordinance 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 treasurer with the approval of the mayor provided that all bonds shall be payable in annual principal installments, the first such installment to be payable not later than two (2) years and the last such installment to be payable not later than twenty (20) years after the date of such bonds. In the absence of a contrary provision in the ordinance authorizing their issuance, an authorized issue of bonds may be issued at one (1) time or from time to time as two (2) or more separate bond issues, as shall be determined by the treasurer, with the approval of the mayor. All bonds issued pursuant to this section shall be signed by the town treasurer and countersigned by the town clerk and the mayor. No bonds shall be sold for less than par and accrued interest to date of delivery. 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 principal of the first of the bonds to mature. No purchase 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.

### **5-3-3. Bond Anticipation Notes.**

The officers authorized to issue bonds may issue and sell from time to time interest-bearing or discounted temporary notes in anticipation of bonds, the issuance of which has been authorized by ordinance as provided in section 5-3-2. The aggregate principal amount of such temporary notes at any one time outstanding shall not exceed the total principal amount of bonds authorized by such ordinance less the aggregate principal amount of any bonds previously issued pursuant to such ordinance. Temporary notes issued hereunder shall be signed by the town treasurer and countersigned by the town clerk and the mayor and shall be payable within two (2) 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 the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed two (2) years. The period for which bonds may be issued under section 5-3-2 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 the purposes for which the proceeds of the bonds in anticipation of which they are issued may be used.

### **5-3-4. 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 treasurer, with the approval of the mayor 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 treasurer, with the approval of the mayor. Temporary notes issued hereunder shall be signed by the town treasurer and countersigned by the town clerk and the mayor and shall be payable within six (6) months from their respective dates, but any such notes 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 shall not exceed three (3) years. The proceeds derived from the sale of such temporary notes shall be used only for the purposes for which the aid in anticipation of which they are issued may be used.

### **5-3-5. 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 preceding fiscal quarter. 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 and shall become effective upon its approval by the mayor.

### **5-3-6. Execution of Bonds and Notes.**

Any bonds or notes issued by the town may be signed with the manual or facsimile signatures of the officers of the town required to sign the same, provided that at least one (1) signature on each such bond or note shall be a manual signature and the seal on any such bond may be the printed or engraved facsimile of the official seal of the town. Any bonds or notes issued under the provisions of this charter 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.

### **5-3-7. Capital Program.**

agency should be undertaken in the ensuing fiscal year or within at least five (5) fiscal years thereafter. Recommendations for the capital improvement program should include a suggested date for the start and completion, cost and the means of financing such project. The council may, by resolution, require such other additional data as it deems necessary.

The planning board, with the assistance of any other office, department, board, commission or other agency shall review the proposed capital project as to its necessity and desirability, its conformity to the comprehensive plan already adopted and to the sound principles of town planning and its effect on the financial resources of the town.

At least one (1) public hearing on such proposed capital program shall be held by the planning board. Not later than the twentieth day of March of each year, the planning board shall submit to the mayor a capital budget for the ensuing fiscal year and a capital improvement program for at least the next five (5) fiscal years thereafter together with a statement of the reasons therefor. During the interim years in which the fiscal year is in the process of being changed, the planning board shall submit its proposed capital budget to the mayor no later than seventy (70) days prior to the start of the ensuing fiscal year.

When he submits his operating budget, the mayor shall also submit to the council a capital budget for the ensuing fiscal year and a capital improvement program for at least the next five (5) fiscal years thereafter together with his estimates of their cost and recommendations for financing each project. The council may accept, reject or modify the recommended capital projects and take similar action relative to the method of financing them. Upon the adoption of the capital budget, no money shall be expended on, nor may any contract be entered into for, any capital project during the ensuing fiscal year except in accordance with such capital budget unless the council shall by ordinance adopted by vote of at least two-thirds (2/3) of all its members authorize such capital project and provide for the financing thereof by the issuance of bonds or otherwise. When adopted, the capital improvement program shall take effect as part of any comprehensive plan until modified by a future capital budget or capital improvement program.

## **ARTICLE 6 TOWN CLERK**

### **CHAPTER 1 APPOINTMENT AND DUTIES**

#### **6-1-1. Appointment, Term.**

The town council shall appoint a town clerk and a deputy town clerk for an indefinite term. In the absence of, or upon direction of the town clerk, the deputy shall perform the same functions and have the same powers of the town clerk.

#### **6-1-2. Duties.**

The town clerk shall be the clerk of the council, the clerk of the probate court, the recorder of deeds and he may act as clerk of the board of canvassers. It shall be his duty to:

- (a) Make and keep a permanent record of all proceedings of the council and if serving as its clerk, of the board of canvassers;
- (b) Make and keep a permanent record of all matters submitted to and/or adjudicated by the probate court;
- (c) Certify by his signature all actions of the council, board of canvassers and all probate matters;
- (d) Be the custodian of the town seal;
- (e) Be the custodian of all official documents, papers, reports and records of the town not required to be kept by other offices, departments or agencies;
- (f) Direct and supervise the recording of deeds, mortgages, vital statistics and other records and instruments as required by law or ordinance;
- (g) Issue such licenses and permits as may be required by law or ordinances;
- (h) Collect all fees as prescribed by law or ordinance for the issuance of licenses or permits, recording of items, or furnishing copies of any matter in his custody, make daily deposits no later than the next business day of all such fees collected and remit the same to the town treasurer by the end of each month in which collected; and
- (i) Perform such other duties as may be prescribed by this charter, by the council, by the mayor, by the laws of the state, or by ordinance.

## **ARTICLE 7 DEPARTMENT OF FINANCE**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **7-1-1. Organization.**

No later than thirty (30) days after the first Tuesday in January of 1974, the council shall establish a department of finance, the head of which shall be the director of finance.

Such department shall consist of a treasury division, a division of tax collection, a division of assessments and a division of bookkeeping.

establishment or shall have been employed in the field of public or private finance in a position which would qualify him to perform the duties of director of finance.

### **7-1-3. Duties.**

It shall be the responsibility and duty of the director of finance to supervise and coordinate the operations of the divisions within the department, keep or supervise the keeping of all records and other items pertaining to the financial matters necessary in the operation of the town functions, obtain estimates of anticipated income and disbursements for the ensuing fiscal year, and perform such other duties as required by law, ordinance or the provisions of this charter.

## **CHAPTER 2 TREASURY DIVISION**

### **7-2-1. Organization.**

The town treasurer, who shall also be the director of finance, shall serve as the chief of the treasury division.

### **7-2-2. Duties and Powers.**

It shall be the duty of the town treasurer to:

- (a) Establish and maintain an accounting system, in accordance with accepted accounting practices, for each office, department and other agency of the town government;
- (b) Exercise the necessary budgetary control over each office, department and other agency of the town government to keep expenditures within the amounts allotted as will not exceed its appropriations by the end of each quarter or for the fiscal year;
- (c) Be responsible for all disbursements of money;
- (d) Keep a separate account for each item of appropriation contained in the annual budget. Each such account shall show the amount of appropriation therefor, the amounts paid therefrom, the amount of unpaid obligations against the appropriation, and the amount of unencumbered balance;
- (e) Receive all money collected by each office, department or other agency and require reports or items of evidence relating to the receipt of money or of disbursements at such times as he may deem to be proper;
- (f) Prepare and submit a statement to the mayor and to the council prior to its regular monthly meetings which shall show (1) the amounts received and disbursed, in summary form, for each item in the budget for the preceding month as well as for the fiscal year to the end of the preceding month (2) the amount of encumbrances and of credits, in summary form, for each item in the budget for the preceding month as well as for the fiscal year to the end of the preceding month and (3) the unencumbered balance remaining in each appropriation and the anticipated income from each source in the budget;
- (g) Prepare a detailed statement and report, at the earliest date practicable, of all income and expenditures for the fiscal year together with a detailed report of unpaid bills and of money receivable;
- (h) Make deposits of all money as soon as practicable, but no later than the close of the business day following the day on which received. Such deposits shall be made in a bank or banks designated by the council, subject to requirements of law. All interest paid thereon shall be credited to the appropriate account;
- (i) Be the custodian of all investments of the town or for which the town is the fiduciary, keep in a safe place all bonds and notes belonging to the town, take the necessary action for the receipt, delivery, transfer, registration and/or exchange of bonds and notes;
- (j) Obtain bids for authorized notes and bonds to be sold by the town; and
- (k) Perform such other duties and make such rules and regulations which may be necessary and appropriate.

## **CHAPTER 3 DIVISION OF TAX COLLECTION**

### **7-3-1. Organization.**

The chief of the division of tax collection shall be the tax collector.

### **7-3-2. Duties.**

The tax collector shall collect all taxes, assessments and charges on real and personal property. He shall have all the rights, powers and duties prescribed by the laws of the state and by ordinances.

## **CHAPTER 4 DIVISION OF ASSESSMENTS**

### **7-4-1. Organization.**

The tax assessor shall:

- (a) Determine, for purposes of taxation, the value of all taxable real property and personal property;
- (b) Prepare an assessment roll; and
- (c) Prepare a tax roll as required by law, for all property within the town, and all such rolls and other records relating thereto shall be made available as public records as prescribed in section 23-3-1 of this charter.

## **CHAPTER 5 DIVISION OF PURCHASING**

### **7-5-1. Organization and Functions.**

The chief of the division of purchasing shall be the purchasing agent. He shall carry out the purchasing functions as specified in section 20-2-1 of this charter and shall have authority to make any additional rules and regulations relating to purchases which he may deem necessary and appropriate.

The purchasing agent shall make or authorize to be made purchases in or for each office, department and agency. He shall also provide for the storage and distribution of all supplies, materials and equipment purchased.

The purchasing agent shall require at least once each year, at a time designated by him, and at other times as may be advisable, an inventory of all supplies, materials and equipment under the control or in the possession of each office, department or agency. Such inventory reports shall be submitted within five (5) days after they are requested and the purchasing agent or the person he designates shall, at all reasonable times, be permitted to make any examination which the purchasing agent may require. Any person who intentionally fails to cooperate with the purchasing agent as provided herein shall be discharged from his position by the appointing authority.

With the approval of the mayor, the purchasing agent may arrange with the state and other towns and cities for purchases under terms that would be more advantageous than if purchased by the town individually.

## **ARTICLE 8 DEPARTMENT OF PUBLIC SAFETY**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **8-1-1. Organization.**

The mayor shall serve as the director of public safety during his term of office.

Such department shall consist of divisions to be known, respectively, as the police department, the fire department, and the division of inspections. (90-H 4248 § 7, July 9, 1990)

#### **8-1-2. Duties of Director.**

The director shall exercise general supervision over all divisions within the department; provide for the necessary rules and regulations, together with appropriate penalties for the violation thereof, relating to the discipline, and operation of each division; provide for the enforcement of all applicable laws, ordinances, rules and regulations; and take such other action as may be necessary and appropriate for the administration of the department and for the preservation and safety at all time of persons and property.

### **CHAPTER 2 POLICE DEPARTMENT**

#### **8-2-1. Organization and Function.**

The chief of police shall be the commanding officer of the police department. There shall be such other officers of subordinate rank and patrolmen as the council shall establish upon recommendation of the director of public safety. The council may provide for such organization of the police department as it may deem to be necessary and appropriate for its efficient operation.

The police department shall be responsible for the preservation of the public peace, prevention of crime apprehension of criminals, regulation of traffic protection of property and rights of persons, and the enforcement of laws, ordinances and all pertinent rules and regulations made in accordance therewith.

It shall be the duty of the chief of police to have direct supervision over all personnel under his command and to prescribe rules and regulations, as approved by the director of public safety, for the efficient operation and discipline of his department.

The chief of police shall issue such temporary licenses and permits as the council may prescribe and for which it may require the payment of a reasonable fee.

### **8-2-3. Appointment and Tenure.**

The chief of police shall be appointed by the director of public safety to serve a probationary period of one year. Upon the satisfactory completion of the probationary period he shall be retained in office during good behavior until his death, resignation, retirement or removal as provided in section 8-2-4 of this charter.

### **8-2-4. Removal or Suspension of Chief of Police.**

The director of public safety may remove the chief of police for cause provided the procedure prescribed herein is followed. He shall notify the chief of police by written notice that he is to be removed from office at a specified time at which time the removal shall become effective unless he is subsequently reinstated as hereinafter provided. Charges made against the chief of police as reasons for his removal shall be specified in the written notice. Within ten (10) calendar days from the receipt of the notice, the chief of police may submit to the town clerk a written answer to the charges and he may, within the same period of ten (10) days, request a public hearing before the personnel board.

Upon receipt of the request for a hearing, the town clerk shall notify, forthwith the chairman of the personnel board. Within ten (10) days from the receipt by the town clerk of the request, the personnel board shall hold a hearing after giving adequate notice thereof to all parties concerned. Any adjournments of the hearing to obtain additional evidence shall be held at the earliest date possible with adequate notice thereof to be given to all the parties. At all hearings held, the chief of police shall be permitted to be represented by counsel of his choice and to compel the attendance of witnesses and the production of documents for his defense. No later than ten (10) days after the completion of the hearing, the personnel board shall file with the town clerk a written order signed by the majority of the members of the personnel board in which they shall sustain, modify or reverse the order of removal of the chief of police from his office. A signed minority report may be filed with the majority report. Both the majority order and the minority report shall be retained in the office of the town clerk as public records. The order of the majority of the personnel board shall be put into effect within twenty-four (24) hours after it is received by the town clerk but the chief of police shall not be restricted thereby from seeking any further relief as provided by law.

The director of public safety may suspend the chief of police for cause for not more than thirty (30) days in which case the procedure for suspension and for a hearing shall be as provided for removal.

### **8-2-5. Personnel Action Relating to Subordinates.**

All police personnel below the rank of chief of police shall be appointed or promoted by the director of public safety upon the recommendation of the chief of police after satisfactorily having passed an adequate qualifying examination. After having served a probationary period of one (1) year, all such personnel shall hold their respective position during good behavior until vacated by death, resignation, retirement or removed as hereinafter provided. During the probationary year, the director of public safety, upon recommendation of the chief of police, may remove a new appointee with or without cause, and in the case of a promoted member of the division who fails to demonstrate his ability to perform the duties required of the position, he may be returned to the position held at the time of his promotion.

### **8-2-6. Removal or Suspension of Personnel Subordinate to Chief of Police.**

Any member of the police division below the rank of chief of police may be suspended for a period not to exceed thirty (30) days or be removed for cause by the director of public safety upon recommendation of the chief of police by the same procedure as prescribed in section 8-2-4 of this charter for the removal of the chief of police.

## **CHAPTER 3 FIRE DEPARTMENT**

### **8-3-1. Organization and Functions.**

A fire department, as a division of the department of public safety, shall be composed of such offices and employees as the council from time to time shall establish 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 all laws, ordinances and regulations relating to fire prevention and fire safety. (90-H 4248 § 8, July 9, 1990)

### **8-3-2. Appointment and Tenure.**

The fire chief shall be appointed by the director of public safety to serve a probationary period of one (1) year. Upon the satisfactory completion of the probationary period he shall be retained in office during good behavior until his death, resignation, retirement or removal as provided in section 8-2-4 of this charter.

### **8-3-3. Removal or Suspension of Fire Chief.**

The director of public safety may remove the fire chief for cause provided the procedure prescribed herein is followed. He shall notify the fire chief by written notice that he is to be removed from office at a specified time at which time the removal shall become effective unless he is subsequently reinstated as hereinafter provided. Charges made against the fire chief as reasons for his removal shall be specified in the written notice. Within ten (10) calendar days from the receipt of the notice, the fire chief may submit to the town clerk a written answer to the charges and he may, within the same period of ten (10) days request a public hearing before the personnel board.

Upon receipt of the request for a hearing, the town clerk shall notify, forthwith, the chairman of the personnel board. Within ten (10) days from the receipt by the town clerk of the request, the personnel board shall hold a hearing after giving adequate notice thereof to all parties concerned. Any adjournments of the hearing to obtain additional evidence shall be held at the earliest date possible with adequate notice thereof to be given to all the parties. At all hearings held, the fire chief shall be permitted to be represented by counsel of his choice and to compel the attendance of witnesses and the production of documents for his defense. No later than ten (10) days after the completion of the hearing, the personnel board shall file with the town clerk a written order signed by the majority of the members of the personnel board in which they shall sustain, modify or reverse the order of removal of the fire chief from his office. A signed minority report may be filed with the majority report. Both

shall be as provided for removal.

### **8-3-4. Personnel.**

When making its recommendation for appointments and when appointments to the various positions are made within the fire department, preference shall first be given to such persons as have served in the capacity of volunteer firemen for a period of no less than two (2) years by the thirty-first day of December of 1972 provided such prospective appointee meets the minimum requirements which the personnel board shall have established for the position.

The personnel board shall recommend to the council such rules and regulations relating to appointments, promotions and tenure as it may deem appropriate.

The director of public safety shall, within thirty (30) days after the establishment of the fire department, promulgate such other rules and regulations relating to discipline and operation of the department as may be necessary and appropriate. Such rules, to the extent possible, shall be in conformance with provisions in this charter, or with rules, regulations and ordinances as may already be in effect, relating to the police department.

## **CHAPTER 4 DIVISION OF INSPECTIONS**

### **8-4-1. Organization and Functions.**

A division of inspections shall be established consisting of the inspector of buildings, the inspector of plumbing, the inspector of electrical installations and the inspector of minimum housing standards.

The inspector of buildings shall serve as the chief of the division and he shall also serve as the inspector of zoning.

It shall be the duty of the division, pursuant to laws, ordinances, and pertinent rules and regulations relating to matters within the jurisdiction of the division to:

- (a) Issue licenses and permits, numbered serially, and collect appropriate fees therefor and recommend to the council at its February meeting of each year the amounts to be charged for licenses and permits;
- (b) Maintain records for all business transacted;
- (c) Issue orders for compliance with laws, ordinances, rules and regulations pertaining to zoning buildings, plumbing, electrical installations and matters related thereto, with power to recommend institution of civil or criminal proceedings to require the enforcement or to penalize the violation thereof;
- (d) Perform such other inspections pertaining to ground, water and air pollution; fences, trees, smoke and similar matters, with powers of enforcement or application of penalties for violations as the council shall prescribe; and
- (e) Submit to the tax assessor copies of licenses and permits for work authorized which may affect assessment values of property.

### **8-4-2. Qualifications.**

The inspector of buildings shall be an architect, a licensed civil engineer, or he shall have at least five (5) years of experience in the general contracting of building construction by being engaged in such construction.

The inspector of plumbing shall have at least two (2) years of experience as a licensed plumber.

The inspector of electrical installations shall have at least two (2) years as a licensed electrician.

The inspector of minimum housing standards shall have sufficient experience in the construction of buildings as will be deemed to qualify him for the performance of his duties.

### **8-4-3. Appointment, Term.**

The director of public safety shall appoint for an indefinite term all inspectors in the division of inspections. To the extent that they are qualified for performance of the duties, the director shall combine the positions of two (2) or more inspectors or provide for their employment on a part-time basis if their services are not required on a full-time basis.

## **ARTICLE 9 DEPARTMENT OF PUBLIC SERVICES**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **9-1-1. Organizations and Functions.**

The department of public services shall consist of the division of public works and maintenance, sanitation, recreation and parks. (90-H 4248 § 9, July 9, 1990)

The chief of the division of sanitation shall be responsible for the construction and maintenance of all town sanitation facilities. He shall be known as the director of sanitation. The director of sanitation shall plan, construct and perform maintenance on all sanitation facilities including but not limited to the town dump, water supply, sewers and disposal of all waste.

The director of sanitation shall have the authority to request and he shall have the cooperation of the director of public works, director of parks, and director of recreation for such sanitation construction and maintenance work.

## **CHAPTER 3 DIVISION OF PUBLIC WORKS AND MAINTENANCE**

### **9-3-1. Organization.**

The chief of the division of public works and maintenance shall be in charge of the division, but he shall perform his duties under the general supervision of the director of the department of public services. The chief of the division shall be known as the director of public works.

### **9-3-2. Qualifications.**

The director of public works shall have at least two (2) years of supervisory experience in the construction of highways or buildings, in the field of public works administration, or shall otherwise be qualified for the performance of the duties of his office.

### **9-3-3. Powers and Duties.**

The director of public works shall:

- (a) Perform such duties and have such powers as may be conferred on him by laws and ordinances;
- (b) Be responsible for the functions and services of the town relating to streets, sidewalks, street lighting, public parking lots, bridges and such other public works activities as may be required by law or ordinance;
- (c) Furnish and/or supervise the protection, maintenance and janitorial services in all public buildings and grounds owned or occupied by any office, department or other agency of the town but the cost of such services and of heating, air conditioning, lighting, water and janitorial services shall be charged to the appropriate agency; the use of the services of the division shall be optional with the school committee, but if such services are used, the cost thereof shall be charged to the amount appropriated to the school committee; and
- (d) Plan, construct and perform such maintenance work in all public parks of the town as may be provided for by the town council by a separate appropriation for park purposes.

Records shall be kept to reflect accurately the time spent by personnel of the division and the value of all materials furnished in connection with work performed in parks and for other offices and departments so the proper account may be charged therefor. No funds appropriated for park construction and maintenance shall be used for other purposes.

## **CHAPTER 4 DIVISION OF RECREATION**

### **9-4-1. Organization and Function.**

The chief of the division of recreation shall be responsible for planning, conducting and supervision all recreational activities sponsored by the town. He shall be known as the director of recreation.

The director of recreation shall also utilize, with the approval of the superintendent of schools or of the school committee, the buildings and grounds of the school department for appropriate recreational activities.

## **CHAPTER 5 DIVISION OF PARKS**

### **9-5-1. Organization and Function.**

The chief of the division of parks shall be responsible for the construction and maintenance of all town parks. He shall be known as the director of parks. The director of parks shall plan, construct and perform such maintenance work in all public parks of the town as may be provided by the town council by a separate appropriation for park purposes.

The director of parks shall have the authority to request and he shall have the cooperation of the director of public works, director of sanitation, and director of recreation for such construction and maintenance work in public works and other recreational areas owned or controlled by the town within the limitations of the appropriation for parks, as may be appropriate for recreational activities.

### **10-1-1. Appointment of Judge, Term, Powers and Duties.**

At the first regular meeting in January of 1974, the council shall appoint a judge of probate to serve an indefinite term and shall thereafter appoint his successor when a vacancy occurs. He shall have such powers and duties as prescribed by law.

### **10-1-2. Qualifications.**

The judge of probate shall have at least five (5) years of experience in the general practice of law in the state and be a qualified elector and resident in the town at the time of his appointment.

### **10-1-3. Clerk of Probate Court.**

The town clerk or his deputy shall serve as the clerk of the probate court but he shall receive no additional compensation therefor.

### **10-1-4. Acting Judge of Probate.**

The council may appoint the town solicitor and the assistant town solicitor(s) or the municipal court judges(s) to serve as the acting judge of probate in the event said judge of probate is unable to serve on any day the court is scheduled to be in session, but the town solicitor, the assistant town solicitor and municipal court judge shall not receive any additional compensation. The clerk of probate shall make an entry in the records of the court stating the reason for having the acting judge preside at the session of the court. All acts of the acting judge shall have the same force and effect as would be the case if they were adjudged by the judge of probate. (90-H 4248 § 10, July 9, 1990)

### **10-1-5. Compensation, Fees.**

Compensation of the judge of probate shall be established by the council. A record shall be kept by the clerk of probate of all fees and other money collected by the probate court and they shall be remitted to the town treasurer as provided in section 24-5-1.

## **ARTICLE 11 TOWN SOLICITOR**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **11-1-1. Appointment and Term.**

The mayor shall appoint a town solicitor. An assistant town solicitor may be appointed if the duties of the office so warrant.

#### **11-1-2. Qualifications.**

The town solicitor shall have at least five (5) years of experience in the general practice of law in the state and be a qualified elector resident in the town.

#### **11-1-3. Compensation.**

The town solicitor and the assistant town solicitor shall receive such compensation as the council may establish.

#### **11-1-4. Duties.**

The town solicitor shall be:

- (a) The attorney for the town and legal advisor to the mayor and all other offices, departments and agencies of the town for which no other attorney is provided;
- (b) Appear for and protect the rights of the town in all actions, suits or proceedings, civil or criminal, brought by or against it, or for or against any of its officers, departments or other agencies;
- (c) Examine or prepare all ordinances, resolutions, rules and regulations, and the forms of all invitations for bids, contracts, and other legal documents before they are sent out by any office, department or agency of the town;
- (d) Submit, when requested to do so or otherwise necessary, written legal opinions to the mayor, council, offices, departments or other agencies of the town. A copy of all such opinions shall be filed with the town clerk to be kept on file by him as a public record; and
- (e) Perform such other duties as the mayor or council may require or as may be required by the provisions of this charter. The assistant town solicitor shall serve under the direction of the town solicitor.

## **ARTICLE 12 OTHER OFFICES AND DEPARTMENTS**

### **12-1-1. Organization and Function.**

The mayor shall appoint a director of public welfare to be the head of the department of public welfare. He shall perform such functions and services relating to public welfare and he shall administer all welfare laws of the state or federal government, the administration of which is delegated to the town or to the director of public welfare.

## **CHAPTER 2 HEALTH COORDINATOR**

### **12-2-1. Organization and Function.**

The mayor shall appoint the head of a department or the chief of a division to serve as health coordinator. He shall be responsible for those areas of health which are not the responsibility of the state or federal government and he shall serve as the liaison between the town and state and federal authorities who are concerned with public health services.

## **CHAPTER 3 TOWN SERGEANT AND CONSTABLES**

### **12-3-1. Appointment, Term, Duties.**

The council shall appoint a town sergeant and such number of constables as deemed necessary to serve an indefinite term. They shall have all the powers, privileges and immunities of their office, and shall perform all the duties as prescribed by the laws of the state or by ordinance.

## **CHAPTER 4 AUCTIONEERS**

### **12-4-1. Appointment, Term, Duties.**

The town council shall appoint at least two (2) auctioneers for a term expiring no more than thirty (30) days after the expiration of the term of the council which made the appointments. Auctioneers shall have such powers and duties as are now or may hereafter be vested in them by law or ordinance. They shall be entitled to no compensation other than fees which are authorized by law or ordinance.

## **CHAPTER 5 GENERAL PROVISIONS RELATING TO OFFICES AND DEPARTMENTS**

### **12-5-1. General.**

The council may provide for such other offices and/or departments or make such changes within the established offices and departments, consistent with the provisions of this chapter, as may be necessary and appropriate from time to time for the economical and efficient operation of the town government, but it shall not abolish any office or department as provided by this charter unless its services are no longer necessary.

Unless such authority is specifically given to the mayor or is otherwise provided by the provisions of this charter, the council shall, upon recommendation of the personnel board, have the power to establish the compensation and qualifications for all officers, department heads, division chiefs and for such other employee necessary to perform the required services and duties of the town government. (90-H 4248 § 11, July 9, 1990)

### **12-5-2. Work by Outside Contractors.**

No work normally performed by or assigned to an office, department or other agency of the town shall be performed by outside contractors unless so recommended by the mayor and approved by the council provided such approval may be given therefor only if the mayor can show to the council that the work involved can be performed more efficiently and economically by the contractor or involves an uncontrollable temporary overflow of work.

## **CHAPTER 6 SALVATORE MANCINI CENTER ON AGING**

### **12-6-1. Inclusion of Employees in Town Health Coverage.**

The full time employees of the Salvatore Mancini Center on Aging shall be considered employees of the Town of North Providence for the sole purpose of taking part in the town's health insurance plan. (00-S 3028 § 1, July 18, 2000)

## **ARTICLE 13 PERSONNEL**

A personnel board is hereby established consisting of three (3) members to be appointed by the council with terms commencing on the first day of April of 1974 for terms of two (2), four (4) and six (6) years and each for a term of six (6) years thereafter.

No later than the first day of November of 1974 and from time to time thereafter as the council may direct, the personnel board shall submit to the council a classification plan and pay plan. At the direction of the council, the personnel board shall make studies of the categories and number of employees below the status of division chief needed in the service of the town and to make reports thereon together with recommendations based on its findings.

The personnel board shall take no action on personnel matters within the jurisdiction of the school committee.

The personnel board shall arrange for and administer examinations for appointments to positions and for promotions within the classified service. Lists of eligibles shall be maintained for each classification from which the names of the top three (3) shall be certified by the personnel board to the appointing authority for appointments or promotions. The personnel board shall also act as an appeal board on all matters relating to personnel with power to require appropriate remedial action.

Not later than the first day of July of 1974, the personnel board shall recommend such rules and regulations as may be necessary for the operation of a civil service system. One or more hearings shall be held thereon by the personnel board. No later than the first day of November of 1974 the council shall adopt by ordinance the recommended rules and regulations for the operation of civil service system.

### **13-1-2. Employees Excluded.**

The following shall be excluded from the provisions of any civil service classification system:

- (a) All elected officials;
  - (b) All heads of departments and chiefs of division;
  - (c) All members of board and commissions;
  - (d) Volunteer firemen;
  - (e) Auctioneers, constables, reserve police;
  - (f) All employees of the school department;
  - (g) All persons employed by contractors performing work under terms of a contract;
  - (h) Temporary employees;
  - (i) Persons employed for emergencies as defined in section 2-1-6(d) of this charter.
  - (j) All legal counsel and judges;
  - (k) All those employed as independent contractors with the town.
- (90-H 4248 § 12, July 9, 1990)

### **13-1-3. Compensation of Board.**

The council shall provide for the compensation of the members of the personnel board.

## **CHAPTER 2 RESERVED**

(Repealed by 90-H 4248 § 14, July 9, 1990)

## **ARTICLE 14 BOARD OF CANVASSERS**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **14-1-1. Organization, Term, Appointment, Function.**

The town council shall appoint the three (3) members of the board of canvassers for terms of six (6) years pursuant to the laws of the state.

Powers and duties of the board of canvassers shall be as provided by law.

Members of the existing board shall continue to serve until their term expires.

The council shall provide for compensation of the members of the board of canvassers.

## CHAPTER 1 GENERAL PROVISIONS

### **15-1-1. Organization, Term, Appointment.**

The mayor shall appoint with the consent of the town council, a planning board of seven (7) members, on the first Tuesday of January of each year one (1) member shall be appointed for a term of seven (7) years, and the board shall select its officers pursuant to state law. Present members shall continue to serve until their term expires except that terms of two (2) of the three (3) members whose terms are to expire on December 31, 1977 shall be extended so that the term of only one (1) member shall expire each year.

### **15-1-2. Meetings.**

At least one (1) regular meeting shall be held each month. All meetings shall be open to the public.

### **15-1-3. Powers and Duties.**

The planning board shall have such powers and duties as are prescribed by law and ordinance, and shall have the power to adopt and amend rules and regulations governing the platting and subdivision of land within the town in accordance with laws and ordinances.

The planning board shall:

- (a) Advise and assist the mayor and council in the formulation and development of a capital improvement program for a period of at least the subsequent five (5) fiscal years with necessary and appropriate revisions from year to year;
- (b) Advise and make recommendations to the council and to the zoning board on zoning matters; and
- (c) Perform such other duties as may be required by law or ordinance.

### **15-1-4. Compensation of Board.**

The council may provide for the compensation of the members of the planning board.

## **ARTICLE 16 ZONING AND PLATTING BOARD OF REVIEW**

## CHAPTER 1 GENERAL PROVISIONS

### **16-1-1. Organization, Term, Appointment.**

The town council shall appoint a zoning and platting board of review of five (5) members and one (1) alternate member as provided by law. Members of the board shall be appointed for terms of five (5) years at the expiration of the terms of those now holding office. At the January meeting of each year, the board shall elect a chairman and a clerk from among its members to serve for the ensuing year.

### **16-1-2. Meeting.**

At least one (1) regular meeting shall be held each month. All meetings shall be open to the public.

### **16-1-3. Powers and Duties.**

The board shall have all powers and duties as now or as may hereafter be conferred upon it by laws and ordinances. The chairman or, in his absence, the acting chairman may administer oaths, issue subpoenas to witnesses to attend and to testify at hearings and to require the production of records and other evidence. All decisions of the board on zoning matters shall be in writing, a copy of such decisions shall be filed with the inspector of zoning and one with the town clerk. A copy of all decisions on platting matters shall be filed with the chairman of the planning board and one copy shall be filed with the town clerk.

### **16-1-4. Compensation of Board.**

The council may provide for the compensation of the members of the zoning and platting board of review.

## **ARTICLE 17 BOARD OF TAX ASSESSMENT REVIEW**

## CHAPTER 1 GENERAL PROVISIONS

At the January meeting of each year, the board shall elect a chairman and a clerk from among its members to serve for the ensuing year. (2004-H 8303, June 11, 2004)

### **17-1-2. Appeals from Assessments, Procedure.**

Any property owner may request a hearing, and he shall be heard, on matters relating to assessed valuation of his property, as assessed by the tax assessor. At all such hearings, the board shall require the presence of the tax assessor to explain the basis of his valuations, but he shall have no vote. The board shall keep an accurate record of all its proceedings which shall be available to the public for inspection.

The board shall meet on the first business day of the month 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 all appeals. Appeals shall be made in writing and be received by the board not later than the time of its first meeting, provided, that the board may waive such requirements for good cause. No appeals shall be considered by the board unless the tax levied on the valuation from which appeal is taken, or such portion thereof is due and payable, shall have been paid under protest.

The board shall have the power to determine the correct valuation of any property it determines to have been incorrectly or inequitably assessed. The director of finance shall thereafter be authorized to make any proper refund to the property owner to which he may be entitled. All actions on appeal shall be in accordance with ordinances consistent herewith and in accordance with law.

### **17-1-3. Court Review.**

No taxpayer who takes an appeal to the board of tax assessment review shall prejudice any of his rights to review by a court of competent jurisdiction.

### **17-1-4. Compensation.**

The council shall provide for the compensation of members of the board of tax assessment review.

## **ARTICLE 18 BOARD OF TRUSTEES OF PUBLIC LIBRARIES**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **18-1-1. Organization, Term, Appointment, Functions.**

Not later than the first Tuesday of February of 1974, the council shall appoint five (5) members to the board of trustees of public libraries for terms of one (1), two (2), three (3), four (4) and five (5) years; their successors shall be appointed for terms of five (5) years thereafter. Said board shall have all the powers and duties as may be provided by law or ordinance and it shall succeed the existing board of trustees of public libraries and assume all of the powers and duties of any board of a public library within the town, except such as the school committee may have.

The board of trustees of public libraries shall cooperate with the school committee in the establishment and maintenance of libraries in public schools within the town.

The board shall hold its organizational meeting on the first Monday of March of 1974 at which time it shall provide for its own rules and regulations and holding of meetings, provides that it shall hold at least one (1) meeting in each three (3) calendar months.

## **ARTICLE 19 ADVISORY COMMITTEE ON PARKS AND RECREATION**

### **CHAPTER 1 GENERAL PROVISIONS**

#### **19-1-1. Organization, Term, Appointment, Function.**

On the first Tuesday of February of 1974, the council shall appoint the advisory committee on parks and recreation which shall consist of one (1) member of the council, one (1) member of the school committee and one (1) member of the planning board who shall be appointed for terms of two (2) years upon recommendation of the council, school committee and planning board respectively. The same procedure shall be followed thereafter in each odd-numbered year. On the same day, the council shall appoint for terms of one (1) and two (2) years, two (2) qualified electors of the town known to be interested in the development of parks and of recreational programs and facilities; thereafter appointments of their successors shall be for terms of two (2) years. Vacancies shall be filled in the same manner as used to make the appointment for the full term.

The director of recreation shall arrange for the first meeting biannually. At least one (1) meeting shall be held in each three (3) calendar months. The board shall determine the time and place of each meeting and may adopt its own rules and regulations.

The board shall advise the director of recreation on matters of the budget as pertain to parks and recreation, capital improvements in parks and on all recreational programs and facilities.

## CHAPTER 1 GENERAL PROVISIONS

### 20-1-1. *Organization, Appointment, Term.*

The purchasing board shall consist of five (5) members, three (3) of whom shall be appointed by the council for terms of six (6) years. In addition to such three (3) members, the mayor and the director of finance shall also serve as members during their own term in office.

Members appointed to the board shall be persons who have knowledge of purchasing practices as would be necessary to carry out their functions in accordance with section 20-2-1 and 20-2-2 of this article. (90-H 4248 § 15, July 9, 1990)

## CHAPTER 2 PURCHASES

### 20-2-1. *Procedure.*

All purchases of a value totaling over two thousand five hundred dollars (\$2,500.00) shall be made only by bids except that this procedure shall not be enforced for purchases required in connection with an emergency as defined in section 2-1-6(d) of this charter:

All purchases of a value between five hundred dollars (\$500.00) and two thousand five hundred dollars (\$2,500.00) shall be made by obtaining written or telephone quotations from at least three (3) suppliers of the item. A record of all such purchases and quotations shall be retained by the purchasing agent. In the event there are available less than three (3) suppliers of the item, such lesser number of suppliers may be requested to quote prices.

Purchases of items with a value of less than five hundred dollars (\$500.00) shall be authorized to be made by the purchasing agent.

All items which are essentially a unit, are made normally on a recurring basis or which can be purchased more economically in larger quantity, shall be purchased in such a quantity as the purchasing agent may direct for the greatest economical advantage to the town. Purchases shall not be fractionalized to circumvent the intent of this section. The purchasing board may declare void any purchase it deems to have been made in such a manner as to intentionally defeat the intent of this section and the person making the purchase may be held personally liable for any resulting loss or other damages to the town.

In order to operate as a central purchasing agency or to otherwise make purchases more economically, the purchasing agent may require each office, department or other agency to submit at specified times, a list of items and of their quantity as may be needed within designated periods. (90-H 4248 § 16, July 9, 1990)

### 20-2-2. *Powers and Duties.*

The purchasing board shall have the power and duty to:

- (a) Review all purchases and records of purchases;
- (b) Establish policies pertaining to purchases not otherwise provided for by the provisions of this charter;
- (c) Require that all purchase orders be approved by the person in charge of the office, department or agency by affixing his signature to the purchase order;
- (d) Arrange for bids on all purchases in excess of two thousand five hundred dollars (\$2,500.00), give proper notice for all bids, open and award bids to the lowest responsible bidder at public meetings;
- (e) Hear and decide complaints and appeals in open meetings from all vendors and bidders who claim unfair practices relative to purchases or bids;
- (f) Reject any and all bids which do not meet the required specifications and arrange for the submission of new bids;
- (g) Obtain from the town solicitor approval as to the legality of all matters pertaining to the bids and certification from the treasurer as to availability of funds for the proposed bid;
- (h) Require performance bonds where appropriate;
- (i) Consult with any office, department or agency, including the school committee, as to the need of items, standards to be established, and other related matters to initiate and maintain a central purchasing system;
- (j) Consult with any office, department or other agency, including the school committee, on all matters relating to purchases;
- (k) Hold at least one (1) meeting per month; and
- (l) Take such other action pertaining to purchases within the provisions of this charter as may be necessary and appropriate.

Decisions of the purchasing board shall be final in all matters relating to purchases.  
(90-H 4248 § 16, July 9, 1990)

### 20-2-3. *Compensation.*

The council shall provide for the compensation of the public members of the purchasing board.

## CHAPTER 1 GENERAL PROVISIONS

### **21-1-1. Appointment, Compensation, Term.**

Unless other provisions are made therefor by the provisions of this charter by law or by ordinance in compliance with such law, members of all boards and commissions shall be appointed by the council to serve without compensation for a stated term commencing at a specified time, or if no time is specified, then as of the date of appointment, and they shall serve for their term and until their successor is appointed and qualified.

In addition to those for which provision is made by this charter, the council may, by ordinance, provide for such other boards and commissions and all matters related thereto as it deems appropriate for the operation of the town government, but no compensation shall be paid to such of its members unless required by law.

### **21-1-2. Qualifications.**

All members of boards and commissions shall be qualified electors and residents of the town.

### **21-1-3. Failure to Attend Meetings.**

Failure of a member of any board or commission to attend three (3) consecutive regular sessions shall result in a vacancy of his membership thereon. After receiving written notification from the clerk of the board or commission of the absences, the appointing authority shall fill such vacancy for the unexpired portion of his term by the appointment of a person of the same political party, in the same manner, and with the same qualifications, if any are so required, provided that if such absent member had satisfactory reason for such absences and gave written notice thereof to the chairman or clerk of the board or commission, his membership shall not be declared vacant until after absences from three (3) additional consecutive meetings whether or not satisfactory reasons are given therefor.

### **21-1-4. Minority Representation.**

All boards and commissions shall include among their number at least one (1) member of the minority party and if a board or commission is composed of seven (7) or more members it shall include at least two (2) members of the minority party selected from among a list of five (5) persons for each position as submitted by the chairman of the minority political town committee.

### **21-1-5. Organization and Records.**

At its organization meeting each board and commission shall elect a chairman and a clerk from among its members who shall serve until the succeeding organizational meeting and each board and commission shall keep a record of its proceedings. A copy of all proceedings and a copy of any report prepared and submitted to the mayor or to the council by any board or commission shall also be submitted to the office of the town clerk where it shall remain as a permanent public record. (90-H 4248 § 17, July 9, 1990)

### **21-1-6. Promulgation of Rules.**

Before any board, commission or other agency promulgates any rules or regulations other than those relating to their internal operation or discipline, notice shall be given to the public by publication in a newspaper of general circulation in the town at least five (5) days prior to a hearing and a hearing shall be held thereon by the board, commission or other agency. Such rules and regulations shall then be recommended to the council which shall enact them by ordinance, with any appropriate modifications, to make them effective.

## ARTICLE 22 SCHOOLS

## CHAPTER 1 ORGANIZATION AND ADMINISTRATION

### **22-1-1. Organization, Election, Term.**

The school committee shall continue as presently constituted with seven (7) members whose terms shall be for four (4) years. One (1) member shall be elected at large and one (1) of the two (2) members from each of the three (3) districts shall be elected at the general election held in each even-numbered year as provided in sections 4-1-1 and 4-1-2 of this charter and as otherwise provided by law.

At the first regular meeting in each odd-numbered year the committee shall prescribe its own rules and elect its officers. At least one (1) regular meeting shall be held each month.

### **22-1-2. Qualifications.**

The member elected at large shall be a qualified elector and resident in the town for at least six (6) months and members elected by districts shall be qualified electors and residents in their districts for at least six (6) months prior to the date of election.

No member of the school committee shall hold any other elected or appointed position in the service of the town for which he receives compensation except that of fireman, policeman or teacher.

#### **22-1-4. Vacancies.**

The council shall fill vacancies pursuant to law.

#### **22-1-5. Powers and Duties.**

The school committee shall have all the powers and duties as prescribed by law for the supervision and administration of schools.

At least seventy (70) days prior to the first day of June of each year commencing in 1974, the school committee shall submit to the mayor a budget setting forth the ensuing fiscal year. A report containing necessary explanations of the estimates together with appropriate recommendations, shall accompany such budget.

The mayor and council shall consider such estimates, and approve appropriations, as to total amount only. The school committee shall have the sole power to allocate the total amount appropriated for the school department.

#### **22-1-6. Personnel Matters.**

Except as may be provided by law, the school committee, upon recommendation of the superintendent of schools, shall have the power to appoint and remove all school employees.

Neither the school committee, nor any individual member, except for the purpose of an authorized inquiry, shall deal publicly or privately with any employee of the school department on matters of administration other than through the superintendent of schools.

#### **22-1-7. Purchasing.**

The school committee shall make all purchases of instructional materials, supplies and equipment but it may request the purchasing agent and/or the purchasing board to act in its behalf for other purchases provided that such purchases shall be charged to the appropriation for the operation of the school department.

#### **22-1-8. Buildings and Grounds.**

At the request of the school committee, the department of public services shall provide the necessary personnel, equipment and supplies for the maintenance and care of its buildings and grounds provided that the expenses for such service and materials are charged to the appropriation for the operation of the school department.

### **ARTICLE 23 MISCELLANEOUS**

#### **CHAPTER 1 PERSONNEL**

##### **23-1-1. Compensation of Employees.**

All persons employed by the town on the basis of an annual salary, whether elected or appointed, shall be paid on a pro-rated basis for the period during which they actually rendered services to the town together with any accumulated fringe benefits to which they may be entitled.

##### **23-1-2. Expenses of Employees.**

No person employed in the town government in any capacity shall incur, nor shall he claim reimbursement for, any expenses in the performance of his duties unless they are necessary and proper. The town treasurer shall reimburse an employee for expenses incurred in connection with the performance of his duties only if the employee submits to him a voucher which itemizes the expenses for which claim is made for payment and certifies as to the accuracy of the expenses incurred and the amount thereof, and provided that the responsible authority who authorized the expenditure certifies as to the necessity for incurring such expense.

No person employed in the town government shall be paid for expenses in the performance of his duties on the basis of a regular periodic or other fixed expense allowance, except as otherwise provided in this charter. (90-H 4248 § 18, July 9, 1990)

##### **23-1-3. Employment Conditions.**

All persons in the employ of the town government who are compensated therefor shall be required to engage in the actual work required of their position during the time schedule or required for the adequate performance of their duties.

No person employed on a full-time basis may engage in other gainful employment during his regularly scheduled house of work. Persons employed on a part-time basis shall devote such time to the performance of their duties as may be scheduled or required by the officer or department head who is responsible for the supervision of such person.

#### **CHAPTER 2 CODE OF ORDINANCES**

made available to the public in the office of the town clerk at such nominal cost as the council may establish.

The council shall further provide that the town solicitor compile, as a supplement to the decennial codification, the ordinances and resolutions passed in the preceding fiscal year.

## **CHAPTER 3 PUBLIC RECORDS**

### **23-3-1. Publicity of Records.**

(a) Unless and as otherwise provided in this charter or by law, all records reports, documents and accounts of each office, department, board, commission or other agency of the town shall be made available during normal business hours or at other reasonable times; at the location where such times are kept, for examination and for transcribing information therefrom, by any person or by the representative of any news media, under such reasonable regulations as the council may establish. Copies of the same shall be furnished at a reasonable cost to parties requesting them.

(b) Copies of all rules and regulations of any board, commission or other agency, except those which relate only to their internal operations or discipline, shall be made available as provided in subsection (a) of this section.

(c) Notwithstanding other provisions of this section, no record, report or document pertaining to personnel matters, purchase of real estate by the town, or to academic performance of students, shall be made available to the public if disclosure of information contained therein would tend to defeat the lawful purpose which it is intended to serve.

In the event of any dispute as to the application of the expectations contained in the subsection (c) of this section, the final administrative decision relative to disclosure of information contained in the item involved shall be made by the superintendent of schools in matters within the jurisdiction of the school department, by the council in matters under its jurisdiction, or by the mayor in all other cases, but no party seeking the information shall be deprived of his right to appeal to a court of competent jurisdiction.

(d) Any person who inspects any public record may make a copy thereof or he may request a copy thereof be furnished to him at his expense. In the event any person is denied the right to inspect, copy or to receive a copy thereof, he may appeal to the mayor, for appropriate remedial action.

### **23-3-2. Safeguarding of Records.**

All existing land records and records relating thereto, together with such other records as the council may designate, shall be microfilmed in duplicate within five (5) years from the effective date of this charter. One (1) set of such microfilmed records shall remain in the office of the town clerk and the second set is to be retained in another depository designated by the council for safekeeping. The same procedure shall be followed at such intervals of not over three (3) years as the council may prescribe for duplication and preservation of said records which are recorded after the effective date of this charter. Existing records shall be preserved by the town clerk.

## **CHAPTER 4 BONDING**

### **23-4-1. Requirement and Amount.**

All officers, employees and other persons who have possession or control over funds belonging to the town and who are required by law or by ordinance to give bond for the faithful performance of their duties shall give bond in such amount, with corporate surety if so required, as prescribed by law or ordinance.

Except as may be provided otherwise by law or by the provisions of this charter, the town shall pay the premiums on such bonds.

## **CHAPTER 5 REPRESENTATION BY COUNSEL**

### **23-5-1. Right to Representation.**

All persons appearing before the council, an office, department board, commission or other agency of the town government, shall have the right to be represented by counsel of his own selection in any matter and at all times.

## **CHAPTER 6 DEFINITIONS**

### **23-6-1. Meaning as Used in Charter.**

For purposes of this charter the following terms shall have the meaning hereafter indicated:

- (a) "Minority party" shall have the same meaning as provided by laws relating to elections and election procedures.
- (b) "Agency" shall mean any body represented by a person or persons acting for the town, whether elected or appointed, not otherwise included in the term of

- (e) Every word implying the masculine gender only shall be construed to extend to and include females as well as males.

## **ARTICLE 24 PROHIBITIONS**

### **CHAPTER 1 MATTERS RELATING TO EMPLOYEES**

#### **24-1-1. Political Activities.**

(a) No employee of the town shall solicit, receive, pay or engage in any act related thereto, of money or any other item of value on behalf of any candidate for public office or on behalf of a political party or engage in any other activity to promote or assist the candidacy of any person during his working hours.

(b) No person in the classified service in the employ of the town government shall require or demand any contribution from any other person of money or other thing value for any political or personal purpose.

#### **24-1-2. Acts or Omissions for Personal Benefit.**

No person in the employ of the town government in any capacity shall solicit or accept any compensation, or gratuity in any form for any action or omission of an act in the course of his employment in the town government.

#### **24-1-3. Use of Town Equipment.**

No person in the employ of the town government shall use or permit the use of town equipment for any private purpose. This section shall not be construed to prevent the fire department or other agencies of the town to take action necessary to preserve life and property, and to promote public health and safety.

The town council may contribute such sums as it deems appropriate to privately chartered organizations or nonprofit corporations for such purposes as the following:

- (a) Fire protection and fire prevention services;
- (b) Promotion of public health and nursing services in the town;
- (c) Libraries and library services;
- (d) Veterans organizations deemed worthy; and
- (e) Other organizations or purposes deemed worthy.

#### **24-1-4. Restrictions on Elected Officials.**

The mayor and members of the council, except as may be provided otherwise by the provisions of this charter, shall not engage in any business transactions with the town for at least six (6) months after the expiration of their term of office or after they otherwise may terminate their term of office.

#### **24-1-5. Contractual Relations.**

No elected or paid appointed employee or paid member of a board, commission or other agency of the town, except a member of a volunteer fire company, shall directly or indirectly make any contract with town, other than for his own services, nor shall he receive any commission, discount, bonus, gift, contribution or award or share in any profits from any transaction under any contract with the town.

#### **24-1-6. Dual Office.**

(a) The mayor, a department head, division chief or other employee may, within the limitations of the provisions of this charter, hold two (2) or more paid positions in the administrative service of the town government provided he is paid only for the position paying the highest compensation, but no such person may serve simultaneously as a member of a board, commission or other agency of the town government unless otherwise provided herein.

(b) No employee of the town shall hold more than one (1) position in the town government except as provided in subsection (a) of this section.

#### **24-1-7. Discriminatory Practices.**

In making appointments to any paid or unpaid position in the service of the town, or in other personnel matters related thereto, there shall be no discrimination, or political affiliation.

The personnel board shall hear all complaints relating to discriminatory practices included in this section in accordance with rules and regulations to be established and with appropriate remedies to be prescribed therefor as enacted by the council.

Neither the mayor nor members of the council, school committee, purchasing board or other agency of the town government shall participate in the discussion of, nor vote on, any matter in which they may have a financial interest or which involves a financial transaction with any business entity in which he, his spouse, child, person married to his child, or parent has an ownership of five (5%) percent or more.

## **CHAPTER 3 COUNCIL INTERFERENCE IN TOWN ADMINISTRATION**

### **24-3-1. Prohibition.**

No member of the council, nor any committee of the council, shall interfere with the administration of any office or department, but this section shall not be construed to prevent the council, or any committee thereof, from conducting an investigation into the operation or practices of any office, department or other agency.

## **CHAPTER 4 ACTIONS BY CITIZENS TO ENFORCE CHARTER PROVISIONS**

### **24-4-1. Action Pertaining to Mayor and Council.**

Ten (10%) percent of eligible voters of the town who have reason to believe the mayor or a member of the council has ceased to meet the qualifications for his office as established by provisions of this charter may file a petition with the town clerk setting forth the reason for such belief. The town clerk shall notify the president of the council thereof upon its receipt or as soon thereafter as possible. At the next regular or special meeting but no sooner than three (3) calendar days after the town clerk receives such petition, the council shall act upon such petition by arranging for and holding a public hearing thereon in the manner provided for in section 2-2-2 (m) of this charter for the passage of ordinances but the council shall not require that twenty-five (25) electors petition for such hearing as required in the aforementioned section.

No later than five (5) days after the close of such hearing the council shall file a decision and report on its findings with the town clerk as public record. If the person accused is found to lack the qualifications for his office as provided by this charter, his position shall be declared vacant and the council shall take necessary and appropriate action relative to filling the position of the mayor or council member involved. Nothing in the section shall preclude an appeal of the decision of the council to a court of competent jurisdiction.

## **CHAPTER 5 COLLECTION OF MONEY**

### **24-5-1. Ownership and Procedure.**

All fees, tuitions, penalties and other payments received by any office, department, board, commission, or other agency, except those received by auctioneers and constables, belong to the town and shall be deposited to the account of the general fund no later than the next business day following the day on which received, and an accounting will be made to the town treasurer by the last day of the month in which received. A receipt shall be given to all person making payments to the town as indicated herein. All receipts shall be prepared in triplicate and numbered serially with one (1) copy to be given to the person making such payment, one (1) copy to be retained by the agency receiving the money, and one (1) copy to be submitted to the treasurer with the money when it is turned in.

## **CHAPTER 6 VIOLATION OF CHARTER PROVISIONS**

### **24-6-1. Penalties.**

(a) A violation of the provisions contained in sections 20-2-1, 23-1-2, 23-1-3, 24-1-1 through 24-1-6, 24-2-1 and 24-3-1 shall be a misdemeanor punishable by a fine of not more than five hundred (\$500.) dollars or by imprisonment for not more than one (1) year, or both.

(b) The appointing authority shall remove the violator, forthwith, from his position and shall recommend to the solicitor that appropriate legal action be taken against such person in a court of competent jurisdiction. Within five (5) days of his removal, an employee within the classified system may request a hearing by the personnel board in accordance with its prescribed rules and regulations.

(c) In the event the appointing authority fails, within five (5) days of the occurrence of the violation, or of his being apprised thereof, to remove an employee who knowingly committed the violation, any qualified elector in the town may file with the town clerk a written petition for removal of such employee. The petition shall state the name of the violator, the nature of the violation, the date of its occurrence and other material facts relating thereto. Within twenty-four (24) hours of its receipt, the town clerk shall notify the chairman or clerk of the personnel board of the filing of the petition. The personnel board shall, within five (5) days of the filing of the petition with the town clerk, give notice by registered or certified mail to the accused employee together with a copy of the petition, that a hearing shall be held thereon at a specified time and place. The hearing shall be open to the public, unless the accused person requests in writing that the hearing be closed and it shall be held no sooner than five (5) days nor later than ten (10) days after the mailing of the notice to the accused employee's home. Within two (2) days after the completion of its hearing, the personnel board shall submit its decision and recommendation in writing to the appointing authority, the town clerk and the town treasurer. If the accused employee is found to have knowingly violated any provision of the charter as listed under subsection (a) of this section, the appointing authority shall remove him from his position, forthwith, and the town treasurer shall withhold any further payments to such person. Should the appointing authority fail to remove the employee, any qualified elector may seek enforcement of his removal by appropriate action in a court of competent jurisdiction.

(d) The council shall direct the solicitor to take action necessary to recover any loss or damages suffered by the town as a result of the violation and to have the person or persons involved punished for the misdemeanor as provided under subsection (a) of this section.

# ARTICLE 25 INAUGURATION OF CHARTER GOVERNMENT

## CHAPTER 1 GENERAL PROVISIONS

### **25-1-1. Effect of Charter on Agencies.**

All offices, departments, boards, commissions and other agencies in existence prior to the adoption of this charter shall continue to function until their successors are appointed or elected and assume office unless they are abolished or they are otherwise provided for or replaced by the provisions of this charter. (90-H 4248 § 19, July 9, 1990)

### **25-1-2. Retention of Personnel.**

All persons below the grade of chief of a division or its equivalent, who are employed on a regular full-time basis shall continue to retain such positions subject to Article 13 of this charter. Persons holding other elected or appointed positions shall continue to hold their position and to perform the duties required of them until action may be taken as provided by the provisions of this charter for their replacement or for such other action as may be appropriate. (90-H 4248 § 19, July 9, 1990)

### **25-1-3. Existing Laws, Ordinances, Obligations and Pending Actions.**

All taxes, assessments, fines and other obligations due to the town shall remain due and payable to the same extent and under the same terms and conditions as were in effect prior to the effective date of this charter.

All contracts, leases, franchises and other obligations entered into by the town or for its benefit prior to the effective date of this charter shall continue in full force and effect.

No action or proceeding, civil or criminal, which may be pending on the effective date of this charter, brought by or against the town or any agency thereof, shall be affected or abated.

### **25-1-4. Transfer of Records and Property.**

Any office, department or other agency, the powers and duties of which are assigned by or in accordance with the provisions of this charter to another office, department or other agency, shall transfer and deliver thereto all its records, property and equipment. The mayor shall resolve any dispute regarding such transfer and delivery.

### **25-1-5. Adoption and Effective Dates.**

For the purposes of nominating and electing the elective officers of the town government and of the school committee, this charter shall be deemed to have been adopted upon approval by a majority of the electors of the Town of North Providence who vote at a special election held in accordance with the laws of the state.

The effective date of this charter shall be the first day of January 1974.

### **25-1-6. Implementation.**

Upon the adoption of this charter and consistent with its terms, the council shall enact all ordinances, resolutions, rules and regulations necessary to implement its provisions.

### **25-1-7. Transfer of Appropriation.**

Upon the adoption of this charter the council shall be authorized to take such action as may be necessary and appropriate regarding existing appropriations for the operation of the town government on and after the effective date of this charter for the remainder of the current fiscal year.

### **25-1-8. Partial Invalidity.**

A holding by a court of competent jurisdiction that a section or part of a section is invalid shall not affect the validity of the remainder of this charter.

### **25-1-9. Specific Provisions Prevail.**

To the extent that a provision in this charter may conflict with any provision expressed in general terms, the specific provision shall prevail.

### **25-1-10. Distribution of Charter.**

A copy of this charter shall be filed with the town clerk as a permanent record.

The council shall provide for the printing, publication, and distribution of this charter, with a sufficient quantity available to the public in the office of the town clerk as

## **CHAPTER 1 GENERAL PROVISIONS**

### **26-1-1. Municipal Court Created.**

The town council of the Town of North Providence may, by ordinance, create a municipal court in the Town of North Providence, consisting of one (1) judge who shall be chosen by the mayor with a confirmation of a majority vote of the town council and all the jurisdiction, power, and authority of said court shall be vested in said judge.

### **26-1-2. Qualifications.**

Any judge nominated and appointed to said court shall be required to be a member in good standing of the bar of the State of Rhode Island at least five (5) years prior to his or her appointment and be a qualified elector and resident of the Town of North Providence.

### **26-1-3. Seal, Oaths.**

The municipal court shall have a seal which shall contain such words and device as the court shall adopt. Any judge shall have power to administer oaths and affirmations, compel the attendance of witnesses, punish persons for contempt and impose fines and other penalties as provided by the ordinance, by-laws and regulations of the Town of North Providence.

### **26-1-4. Judge, Nomination, Terms.**

The mayor shall nominate in the month of January at the beginning of his or her term and the council shall act upon this nomination by the regular meeting of the town council in the succeeding February. The term of any municipal court judge shall coincide with that of the mayor.

### **26-1-5. Permanent Vacancies.**

In case there be a vacancy in the office of a judge from any cause, the mayor shall appoint some person to fill said vacancy for the balance of the unexpired term in accordance with section 26-1-2 herein.

### **26-1-6. Compensation, Fees.**

The compensation of the judge of the municipal court shall be established by the town council. Records shall be kept by the clerk of the municipal court of all fees and money collected by the municipal court and shall then be remitted to the town treasurer.

### **26-1-7. Appointment of an Associate Judge.**

The mayor, in his discretion, shall have the power to appoint an associate municipal court justice to serve for a term not to exceed one (1) year.

### **26-1-8. Clerical Assistance.**

There shall be a clerical assistant to the municipal court who shall be a resident of the town. The duties shall be recording, copying, indexing and attending to the duties and files of the court.

### **26-1-9. Location.**

The municipal court shall be in the council chambers of the North Providence town hall or at such other locations as any judge shall designate. The court shall be in session at said times that any judge shall appoint.

### **26-1-10. Jurisdiction.**

The municipal court shall have original jurisdiction of all offenses and violations against the ordinances, bylaws, rules and regulations of the Town of North Providence. The proceedings in all cases in said court shall be commenced by complaint and warrant, and all said fines, penalties, pecuniary forfeitures, forfeitures of personal property, punishments and imprisonments may be prosecuted for, recovered and imposed on complaint and warrant before said court, and on appeal therefrom to the Providence county superior court for a trial de novo. Said appeal to be filed within five (5) days after any conviction.

### **26-1-11. Costs.**

Costs taxed by the said municipal court shall be the same as those taxed by district courts, and the payment of the costs shall be a part of the sentence to the extent they would be in the district court.

### **26-1-12. Autonomy.**

The affairs of the municipal court shall not be subject to supervision by the mayor, town council or other town agency or official.

Sec. 3. Section 2 and this section of this act shall take effect upon their passage, and the remainder of the act shall be in force and effect on January 1, 1974 and the town clerk of the Town of North Providence shall notify the secretary of state that the qualified electors of the Town of North Providence have voted to accept this as provided in section 2 hereof and thereupon all acts and parts of acts inconsistent herewith shall stand repealed.

Sec. 4. Notwithstanding the provisions of section 3 hereof, the town council upon notification by the secretary of state of the approval of this act pursuant to section 2 hereof, shall forthwith provide for an election of a town mayor. Said election shall be held during the month of November 1975 and shall provide for the election of a town mayor for a term beginning on the first day of January 1974 to the thirty-first day of December 1976; all other elected officials as provided herein shall hold and continue in their respective office, and shall thereafter be elected biannually at the regular election held during the month of November pursuant to the election laws of the state of Rhode Island.

## **APPENDIX A Charter Amendments**

### **Town of North Providence**

Public Laws 1950, Chapter 2608 incorporated the Town of North Providence and was amended in its entirety in General Assembly Session A.D. January 1973.

#### **Additional Amendments to Charter**

<b>Bill No.</b>	<b>Date Approved</b>	<b>Disposition in Charter</b>
90-H 4248	7-9-90	Amends §§ 2-1-4, 3-1-1, 3-1-2, 4-1-2, 4-2-1, 5-1-1, 5-2-2, 8-1-1, 8-3-1, 9-1-1, 10-1-4, 12-5-1, 13-1-2, 13-1-4, 20-1-1, 20-2-1, 20-2-2, 21-1-5, 23-1-2, 25-1-1, 25-1-2, repeals Ch. 13, Article 2
97-S 912	5-7-97	§ 3-1-1
99-S 0223	2-11-99	§ 2-1-3
00-S 3028	7-18-00	§ 12-6-1
00-H 8338	7-20-00	§§ 2-1-1, 2-1-4, 3-1-3
04-H 8303	6-11-04	§ 17-1-1
05-H 6034	7-23-05	§ 3-1-3

<sup>4</sup>**Editor's Note:** An act of the State of Rhode Island & c. in General Assembly, January Session A.D. 1973 to incorporate the Town of North Providence was approved by the qualified electors of the Town of North Providence in a special election. Amendments are noted where applicable.