

EAST GREENWICH FIRE DISTRICT

CHARTER

It is enacted by the General Assembly as follows:

SECTION 1. The entire Town of East Greenwich is hereby incorporated into a district to be called the *East Greenwich Fire District*. Said District may have a common seal, sue and be sued and enjoy the other powers generally incident to corporations.

SECTION 2. The residents of said District, qualified to vote in town affairs on propositions to impose taxes or for the expenditure of money, shall be eligible to vote and act in all meetings of the Corporation.

SECTION 3. The annual meetings of said Corporation shall be held on the third¹ Monday in June.

SECTION 4. Said residents, at each annual meeting and other meetings when vacancies occur, may elect the following officers:

- a) for a one year term, or until the next annual meeting, and until others be chosen in their stead, a Moderator and such other officers and committees at such times and with such duties and powers as the By-laws of the Corporation may prescribe;
- b) five (5) Fire Commissioners who shall also serve as Tax Assessors, each of whom shall serve three (3) year terms. If any such official shall be unable to serve or shall die while in office, the Board of Fire Commissioners shall appoint a successor to serve until the next annual meeting at which time a special election to fill the unexpired term will be in order. At the next annual meeting following passage of this Act, three (3) Fire Commissioners shall be elected, two (2) of whom shall have a three (3) year term and one (1) of whom shall have a two (2) year term. **A member of the Board of Fire Commissioners may be recalled and removed from office by the eligible voters at an annual or special meeting. A recall vote requires a three quarters (3/4) majority of those present to pass. A quorum for a recall vote shall be one hundred (100) eligible voters.**²

¹ Amended from "second" to "third" in 2003.

² Added to Charter in 1997.

SECTION 5. The Board of Fire Commissioners may appoint a Tax Collector, Treasurer and Clerk to serve at the pleasure of the Board. **Nothing contained herein shall preclude the Board of Fire Commissioners from appointing as tax collector a qualified agency or firm or tax collector from another municipality.**³ Said officers' duties and powers shall be as prescribed by the By-Laws of the Corporation. The Board of Fire Commissioners shall be empowered to take charge of and care for the interests of the District in general, unless as otherwise limited by the terms of this Act.

SECTION 6. The Fire Chief, under the direction of the Board of Fire Commissioners, shall have the command of the Fire Department. The Chief shall at all times supervise and keep in repair and ready for instant use all the property of the corporation connected with the Fire Department. The Chief shall take appropriate action to combat all fires within the limits of the said Fire District, and all orders issued by the Chief to any member of the Department shall be promptly obeyed. The Chief shall decide summarily all disputes or questions arising out of matters connected with department personnel who are on duty.

SECTION 7. Each Deputy Chief shall respond as needed to every fire, shall obey all orders of the Fire Chief, and shall at all times assist the Chief in his duties. In case of absence or disability of the Fire Chief, the powers and duties conferred and imposed on the Chief by this Act shall devolve upon and be performed by the Deputy Chiefs, respectively, in the order designated by the Board of Fire Commissioners.

SECTION 8. Said residents, at any of their legal meetings, shall have power to order such taxes, and provide for the assessing and collecting the same, on the taxable property in said District, as they shall deem necessary for the operation of the Fire District. And such taxes so ordered shall be assessed by the assessors of said District on the taxable property therein, according to the last valuation made by the Assessor of the Town of East Greenwich next previous to said assessment, **excluding and disregarding therefrom, however, at the District's option, any reductions in valuation resulting from special ordinance or valuations, PILOT Agreements, stabilization agreements and the like,**⁴ adding, however, any taxable property which may have been omitted by said Town Assessor or afterwards acquired; and in assessing and collecting said taxes, such proceedings shall be had by the officers of said District, as near as may be, as are required to be had by the corresponding officers of towns in assessing and collecting town taxes; and said residents may provide for such deductions from the tax assessed against any person, if paid by an appointed time, or for such penalties by way of

³ Added to Charter in 2007.

⁴ Added to Charter in 2007.

percentage on a tax, if not paid at a time appointed, not exceeding twelve per centum per annum, as they shall deem necessary to insure punctual payment.

SECTION 9. Said residents may hold special meetings, which, as well as the annual meetings, shall be notified in such manner as they shall prescribe; and it shall be the duty of the Clerk to call a special meeting, upon written application signed by one hundred (100) or more such residents; and whenever the subject of ordering a tax is to be acted on, the same shall be mentioned in the notice.

SECTION 10. Said Fire District shall be entitled to all the rights, powers, and privileges conferred upon towns by the provisions of Title 45 of the Rhode Island General Laws, and upon availing itself of said rights, powers, and privileges shall be subject to all the duties and liabilities contained in said Title 45.

SECTION 11. (a) The East Greenwich Fire District is hereby empowered, in addition to authority previously granted, to borrow money and issue from time to time under its corporate name and seal, or a facsimile of such seal, bonds, notes or other evidences of indebtedness (hereinafter called "bonds") for the purpose of (i) purchasing land and erecting a building or buildings thereon for fire purposes, (ii) purchasing fire apparatus, (iii) operating purposes or (iv) payment of the principal of or interest on temporary notes issued under paragraph (c) of this section, and to authorize its Treasurer to issue, with the approval of its Board of Fire Commissioners, such bonds in such amounts, for such time and on such terms as shall be determined by vote at any regular or special meeting of said District; provided, however, that the principal amount of such bonds, including renewals thereof, outstanding at any one time shall in no case exceed the sum of Two Million Dollars (\$2,000,000). The bonds of each issue may be issued in the form of serial bonds or term bonds or a combination thereof and shall be payable, either by the maturity of principal in the case of serial bonds or by mandatory serial redemption in the case of term bonds, in annual installments of principal, the first installment to be not later than three (3) years and the last installment not later than thirty (30) years after the date of the bonds. Sections 5.1 and 5.2 of Chapter 12 of Title 45 of the General Laws shall apply to any such bonds.

(b) The bonds shall be signed by the District Treasurer and by the manual or facsimile signature of the chairman of the Board of Fire Commissioners and shall be sold at not less than par and accrued interest. Unless otherwise determined in the vote of the District authorizing the same, the manner of sale, denominations, maturities, interest rates and other terms, conditions and details of such bonds may be fixed by the proceedings of the Board of Fire Commissioners authorizing the issue or by separate vote of the Board of Fire Commissioners or, to the extent provisions for these matters are not so made, they may be fixed by the officers authorized to sign the bonds. Interest coupons, if any, shall bear the facsimile signature of the District Treasurer. The

proceeds derived from the sale of the bonds shall be delivered to the District Treasurer and such proceeds exclusive of premiums and accrued interest shall be expended for the purposes provided in paragraph (a) of this section. No purchaser of any bonds or notes under this section shall be in any way responsible for the proper application of the proceeds derived from the sale thereof.

(c) If said Fire District shall authorize the issuance of bonds under paragraph (a) of this section, the Board of Fire Commissioners of said District may by resolution authorize the issuance from time to time of interest bearing or discounted notes in anticipation of the issue of such bonds or in anticipation of the receipt of federal or state aid for the purposes for which such bonds are to be issued. The amount of original notes issued in anticipation of bonds may not exceed the amount of bonds which may be issued under paragraph (a) of this section and the amount of original notes issued in anticipation of federal or state aid may not exceed the amount of available federal or state aid as estimated by the District Treasurer. Temporary notes issued under this paragraph shall be signed by the District Treasurer and by the Chairman of the Board of Fire Commissioners and shall be payable within three (3) years from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes hereunder, provided the period from the date of an original note to the maturity of any note issued to renew or pay the same or the interest thereon shall not exceed three years.

(d) In addition to the bonds and notes authorized in paragraphs (a) and (c) of this section, said Fire District is hereby empowered to borrow from time to time in each financial year in anticipation of the receipt of the proceeds of the annual tax due or to become due in said financial year upon the ratable property within said Fire District, and in anticipation of the receipt of the then uncollected proceeds of the annual tax for the next preceding financial year, an amount which, together with any money borrowed in anticipation of taxes in any prior year which may remain unpaid, shall not exceed eighty per cent (80%) of the tax levy of the next preceding financial year, the money to be borrowed to be used and expended for the payment of the current liabilities and expenses of the Fire District, and to authorize its Treasurer to issue, with the approval of the Board of Fire Commissioners, its interest bearing or discounted notes therefor. Notes issued pursuant to this paragraph shall be signed by the District Treasurer and the Chairman of the Board of Fire Commissioners and shall be made payable not later than one (1) year from their dates, but may be renewed or paid by the issue of new notes payable not later than one (1) year from the date of the original notes so renewed or paid. Said Fire District shall assess and levy a tax in each financial year.

(e) Any proceeds of bonds or notes issued hereunder or of any applicable federal or state assistance, pending their expenditure, may be deposited or invested by the District Treasurer in demand deposits, time deposits or savings deposits in banks which

are members of the Federal Deposit Insurance Corporation or in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof as may be provided in any other applicable law of the State of Rhode Island.

(f) All bonds and notes issued under this Act and the debts evidenced thereby shall be obligatory on the District in the same manner and to the same extent as other debts lawfully contracted by it. The District shall annually appropriate a sum sufficient to pay the principal and interest coming due within the year on bonds and notes issued hereunder to the extent that moneys therefore are not otherwise provided. If such sum is not appropriated, it shall nevertheless be added to the annual tax levy. In order to provide such sum in each year and notwithstanding any provision of law to the contrary, all taxable property in the District shall be subject to ad valorem taxation by the District without limitation as to rate or amount.

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

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

SECTION 12. Said residents shall have power to enact By-Laws prescribing the duties of all officers of the corporation, and such as they shall deem necessary and expedient for carrying out the provisions of this Act, including establishing procedures for the approval of the District's budget, and also for the protection of all apparatus and property of the Corporation.

SECTION 13. The real and personal property of said East Greenwich Fire District shall be exempt from taxation for state, town, and school purposes.

SECTION 14. Should the Board of Fire Commissioners propose that the General Assembly amend this Charter, it shall first publish notice of said proposed amendments in two (2) successive issues of a local newspaper or any other Rhode Island newspaper of general circulation within the Town of East Greenwich. Said notice shall include the text of any proposed amendments to this Charter. Prior to submission of said Charter amendments to the General Assembly, the Board of Fire Commissioners shall conduct a public hearing and consider the views of any District taxpayer expressed at said hearing for or against said amendments.

SECTION 15. This Act shall take the place of and be substituted for the original Charter of the District passed at the February Session of the General Assembly in 1797, as the same has been amended from time to time; except that, all prior acts of the General Assembly authorizing bond issues of the District shall remain in full force and effect.

SECTION 16. This Act shall take effect from and after its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.