

TOWN CHARTER

TOWN

OF

CHARLESTOWN



GENERAL CODE

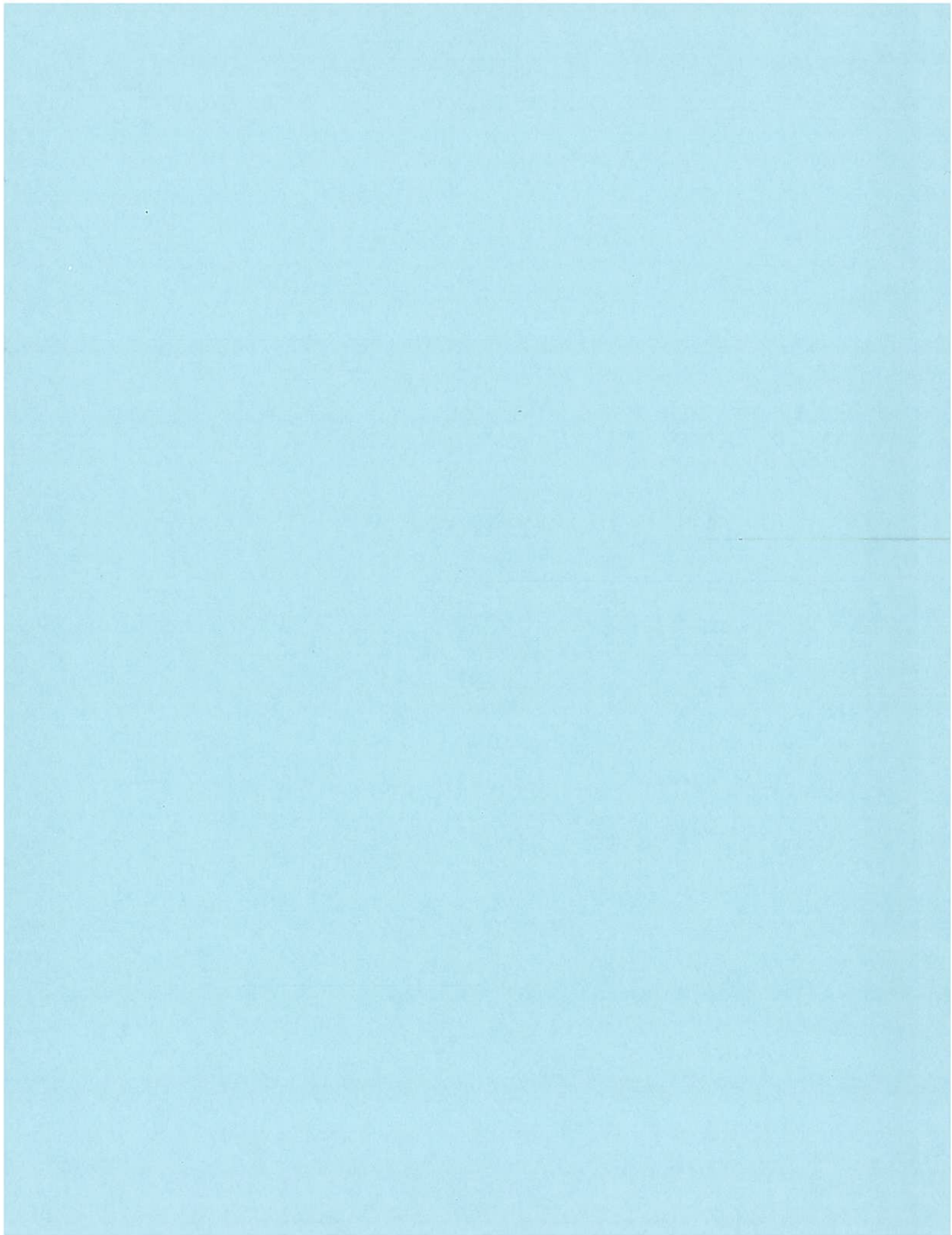
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Consult municipal records for possible amendments adopted thereafter

Codified December 1, 2010



OFFICIALS
OF THE
TOWN OF CHARLESTOWN

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2011

Town Council
GREGORY J. AVEDISIAN
LISA A. DIBELLO
MARJORIE F. FRANK
THOMAS B. GENTZ
DANIEL J. SLATTERY

Town Clerk
JODI P. LaCROIX, CMC

Town Solicitor
PETER D. RUGGIERO

Town Administrator
WILLIAM DILIBERO

CHARTER

Part 5 (Reserved)

ARTICLE XVII (Reserved)

§ C-50. (Reserved)

ARTICLE XVIII Clerk and Deputy Clerk

§ C-51. Appointments.

§ C-52. Qualifications.

ARTICLE XIX Duties of Clerk

§ C-53. Enumeration.

Part 6 Finance

ARTICLE XX Department of Finance

§ C-54. Establishment.

§ C-55. Organization.

ARTICLE XXI Treasurer

§ C-56. Establishment.

§ C-57. Qualifications.

§ C-58. Duties.

ARTICLE XXII Tax Collector

§ C-59. Establishment.

§ C-60. Qualifications.

§ C-61. Powers and duties.

§ C-62. Deposit of funds.

§ C-63. Payment of previous installments before current installments.

ARTICLE XXIII Tax Assessment

§ C-64. Tax Assessor; qualifications.

§ C-65. Duties of Tax Assessor.

§ C-66. Commission of Tax Assessment Review.

§ C-67. Procedures and organization of Commission.

§ C-68. Duties of Commission.

§ C-69. Correction of assessments.

§ C-70. Appeals.

ARTICLE XXIV General Financial Provisions

§ C-71. Fiscal year.

§ C-72. Annual audit.

§ C-73. Borrowing in anticipation of taxes.

§ C-74. Contracts and expenditures in excess of budgets.

§ C-75. General fund appropriations lapse at end of year.

§ C-76. Fees to be paid to Treasurer.

ARTICLE XXV Budgeting

§ C-77. Budget Commission.

§ C-78. Preparation of budget.

§ C-79. Procedures for Commission.

§ C-80. Budget format and content.

§ C-81. Revision and submission of budget by the Council.

§ C-82. Budget Public Hearing.

CHARLESTOWN CODE

§ C-83. Submission of budget to
Financial Referendum.

§ C-84. Certification, filing and
availability of budget.

§ C-85. Control and revision of budget
by Administrator.

ARTICLE XXVI
Financial Referendum

§ C-86. Date, time and purpose.

§ C-87. Notice.

§ C-88. Subjects requiring special
notice.

§ C-89. Special meetings.

§ C-90. Limitation on calling special
meetings.

§ C-91. Petitions for and notice of
propositions.

§ C-92. Powers.

§ C-93. Moderator.

§ C-94. Quorum.

§ C-95. Voting.

§ C-96. Ballot voting.

§ C-97. Certified record of
proceedings is evidence of
actions.

§ C-98. Recessed meetings.

§ C-99. Rejection of budgets.

§ C-100. Setting the tax levy.

§ C-101. (Reserved)

ARTICLE XXVII
Purchasing

§ C-102. Purchasing agent.

§ C-103. Policy.

§ C-104. Procedures.

Part 7
Department of Public Works

ARTICLE XXVIII
Establishment and Organization

§ C-105. Establishment of Department
and Director; organization.

ARTICLE XXIX
Powers and Duties

§ C-106. Department.

§ C-107. Director.

ARTICLE XXX
Engineer

§ C-108. Hiring authorized.

§ C-109. Qualifications.

§ C-110. Duties.

§ C-111. Documents to be public
record.

Part 8
Inspectors

ARTICLE XXXI
Building Inspector/Zoning Official

§ C-112. Establishment.

§ C-113. Deputy Building Inspector.

§ C-114. Qualifications.

ARTICLE XXXII
Function of Building Inspector/Zoning
Official

§ C-115. Powers and duties.

CHARTER

ARTICLE XXXIII
Education Department

- § C-116. Charlestown School Committee.
- § C-117. Charlestown Interim School Committee.
- § C-118. Powers and duties of the Charlestown School Committee.

Part 9
Police Department

ARTICLE XXXIV
Organization; Duties

- § C-119. Composition.
- § C-120. Powers and duties.
- § C-121. Organization; appointment.
- § C-122. through § C-124. (Reserved)

ARTICLE XXXV
Department of Parks and Recreation

- § C-125. Establishment.
- § C-126. Powers and Duties.
- § C-127. through § C-128. (Reserved)

Part 10
Planning

ARTICLE XXXVI
Department of Planning

- § C-129. Establishment.
- § C-130. Duties of the Town Planner.
- § C-131. through § C-135. (Reserved)

ARTICLE XXXVII
(Reserved)

- § C-136. through § C-141. (Reserved)

Part 11
Solicitor

ARTICLE XXXVIII
Establishment and Qualifications

- § C-142. Establishment.
- § C-143. Qualifications.

ARTICLE XXXIX
Powers and Duties

- § C-144. Duties.
- § C-145. Opinions to be public record.
- § C-146. Special powers under state law.

Part 12
Probate Court

ARTICLE XL
Establishment

- § C-147. Establishment; selection and term of Judge of Probate.
- § C-148. Clerk.
- § C-149. Absence of Judge.

ARTICLE XLI
Powers and Duties

- § C-150. Judge to exercise and perform.

Part 13
Officers and Departments

ARTICLE XLII
Animal Control Officer

- § C-151. Establishment and appointment.

CHARLESTOWN CODE

§ C-152. Duties.

**Part 14
Commissions and Boards**

**ARTICLE XLIII
Department of Emergency Management**

**ARTICLE XLIX
Meetings**

§ C-153. Establishment and appointment.

§ C-165. Notice; meetings open to public.

§ C-154. Duties.

**ARTICLE XLIV
Department of Public Assistance**

**ARTICLE L
Conservation Commission**

§ C-155. Establishment and appointment.

§ C-166. Establishment, powers and duties.

§ C-156. Powers and duties.

§ C-167. (Reserved)

**ARTICLE XLV
Wastewater Management Commission**

**ARTICLE LI
Commissions, Board and Committees**

§ C-157. Establishment; organization and appointment.

§ C-168. All commissions, boards and committees.

§ C-158. (Reserved)

§ C-169. Powers of commissions, boards, committees created by Council resolution.

**ARTICLE XLVI
Moderator**

**ARTICLE LII
Building Commission**

§ C-159. Establishment, election and qualifications.

§ C-170. Appointment of Commission.

§ C-160. Vacancies.

§ C-171. Duties of the Commission.

§ C-161. Powers and duties.

**ARTICLE XLVII
Sergeant**

**ARTICLE LIII
Planning Commission**

§ C-162. Establishment and appointment.

§ C-172. Establishment and organization; compensation.

§ C-163. Powers and duties.

§ C-173. Meetings, quorum and rules.

§ C-174. Powers and duties.

**ARTICLE XLVIII
Additional Officers**

§ C-175. Planning coordination.

§ C-164. Establishment; appointment and duties.

CHARTER

ARTICLE LIV Senior Citizens Commission

§ C-176. Establishment and appointment.

§ C-177. Duties.

ARTICLE LV Zoning Board of Review

§ C-178. Establishment, appointments and vacancies.

§ C-179. Powers and duties.

Part 15 General Personnel Provisions

ARTICLE LVI Personnel System; Bonding

§ C-179.1. Establishment of system.

§ C-180. Bond may be required.

ARTICLE LVII Compensation

§ C-181. Administrator.

§ C-182. Officers and employees other than Administrator.

§ C-183. through § C-184. (Reserved)

ARTICLE LVIII Dual Office Holding

§ C-185. Restrictions.

ARTICLE LIX Ethics/Personal Financial Interest

§ C-186. Rules.

ARTICLE LX Removal From Elected Office

§ C-187. Cause, Authority and Procedure.

ARTICLE LXI Residence of Officers

§ C-188. Elected officials and members of boards and commissions.

Part 16 General Provisions

ARTICLE LXII Voter Qualifications, Public Records and Word Usage

§ C-189. Qualifications for voters.

§ C-190. Public records.

§ C-191. Word usage.

ARTICLE LXIII Payments Received

§ C-192. Payment to Treasurer.

ARTICLE LXIV Validity

§ C-193. Severability.

ARTICLE LXV Publication

§ C-194. Printing of Charter, charge for copies.

ARTICLE LXVI Availability of Public Documents

§ C-195. Placement in public libraries.

Part 17
Inauguration; Succession and
Amendment of Charter

ARTICLE LXVII
Inauguration of Charter Government

- § C-196. Effective date.
- § C-197. Transfer of existing appropriations.
- § C-198. Ordinances to implement Charter.
- § C-199. Continuation of laws.
- § C-200. Continuation of ordinances.
- § C-201. Continuation of tax obligation.
- § C-202. Effect on pending actions and proceedings.

ARTICLE LXVIII
Succession of Government

- § C-203. Continuation of agencies and offices.
- § C-204. Abolition of agencies.
- § C-205. Continuation of personnel.
- § C-206. Transfer of records and property between agencies.
- § C-207. Continuation of contracts and obligations.

ARTICLE LXIX
Amendments

- § C-208. Manner of amendment.
- § C-209. Form of ballot.

Appendix A, Public Laws

[HISTORY: Adopted by the Electors of the Town of Charlestown 11-4-1980. Amendments noted where applicable.]

GENERAL REFERENCES

Charter Revision Advisory Committee — See Ch. 6.
 Town Council — See Ch. 15.

Ordinances — See Ch. 34.
 Public hearings — See Ch. 51.

PREAMBLE

We the people of the Town of Charlestown, in order to secure for ourselves the right of self-government in all local matters, pursuant to the provisions of the

Constitution of the State of Rhode Island and Providence Plantations, do adopt and establish this Charter.

Part 1
Establishment of Town; Effect of Charter

ARTICLE I
Incorporation

§ C-1. Continuation of town.

The inhabitants of the Town of Charlestown, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of "Town of Charlestown." As such they

shall continue to have, exercise and enjoy all the rights, immunities, powers, privileges and franchises and shall be subject to all the duties and obligations, now incumbent on or appertaining to the town as a municipal corporation or by virtue of the laws of this state so far as they shall not be altered by this Charter or amendments hereof.

ARTICLE II

Council-Administrator Government

§ C-2. Establishment.

- A. The municipal government established by this Charter shall be known as a "Council-Administrator Government."
- (1) Pursuant to this Charter and subject only to the limitations imposed by the State Constitution, all powers of the town, except those vested in the Financial Referendum, shall be vested in an elected Town Council (the "Council"). The Council shall determine policies, enact the laws and appoint the Town Administrator. **[Amended 11-2-2010]**
- (2) The Administrator shall execute the laws and administer the government of the town under the authority of the Council.
- B. The effective date of this Charter and the form of government it provides shall be as stated in Article LXVII, Inauguration of Charter Government. **[Amended 11-5-1996]**

ARTICLE III

Powers of Town

§ C-3. General powers.

The town shall have all the powers now or hereafter granted to towns by the home rule and other provisions of the Constitution and General Laws of this state. The town shall have all such additional powers as have been granted or hereafter may be granted to the town by the laws of the state and shall have complete powers of legislation and administration in relation to its municipal functions together with all powers fairly implied in or incident to the powers expressly granted. The town shall have the power to enact ordinances and to make rules and regulations necessary and proper for carrying into execution its powers. Such ordinances may be made enforceable by the imposition of fines, forfeitures and penalties.

§ C-4. Manner of granting franchises.

Public franchises shall be granted only in accordance with the laws now or hereafter in effect on such grants.

§ C-5. Additional powers.

Except as prohibited by the Constitution of this state or restricted by this Charter, the town shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

§ C-6. Enumeration of powers not exclusive.

The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town shall have and may exercise all powers which, under the Constitution of this state, it would be competent for this Charter specifically to enumerate.

§ C-7. Manner of exercising powers.

All powers of the town shall be exercised in the manner prescribed by this Charter, or if the manner not be prescribed, then in such manner as may be prescribed by ordinance.

ARTICLE IV
Effect of Charter

§ C-8. State law.

The laws of the state not inconsistent with this Charter, except those superseded by or declared inoperative by ordinance or resolution of the Council, shall have the force and effect of ordinances of the town.

§ C-9. Conflict between town and state law.

In the event of conflict between any town ordinance or resolution and any law of the state except a law enacted in conformity with the powers reserved to the General Assembly by the Constitution of the state, provisions of the town ordinance or resolution shall prevail and control.

§ C-10. Existing town legislation. ¹

Except insofar as they are inconsistent with this Charter, all the ordinances, resolutions, rules and regulations heretofore made by the Council, or any board or commission, shall continue in effect until superseded by action of said Council, board or commission.

§ C-11. Inconsistent laws. ²

1. Editor's Note: For related provisions, see § C-200.

2. Editor's Note: For related provisions, see § C-199.

All laws relating to the Town of Charlestown are hereby superseded to the extent that they are inconsistent with the provisions of this Charter, except such laws as are enacted in accordance with the powers reserved to the General Assembly by the Constitution of the state.

§ C-12. Specific Charter provisions to prevail.

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms, the specific provision shall prevail.

ARTICLE V

Real and Personal Property Held By Town

§ C-13. Means of acquisition. [Amended 11-5-2002]

- A. The town may acquire real and personal property within or without its corporate limits in fee simple or any lesser interest or estate, by purchase or lease, by condemnation for public use or by gift or devise, and may hold and manage the same; and may also take, hold and manage the same in trust for any non-religious charitable use.
- B. Acquisition of real estate for a purchase price in excess of Fifty Thousand Dollars (\$50,000) shall be approved by voters at a Budget Public Hearing/Financial Referendum, unless purchased with funds, in part, provided by government and/or non-profit agencies, or with previously approved bond funds or if acquired by grant, gift or bequest. [Amended 11-7-2006]

§ C-14. Manner of conveying real estate or changing use. [Amended 11-7-2006]

The town, by ordinance enacted by the council specifying at least generally the terms, conditions, manner of sale, lease or change in use, and describing at least generally the particular property to be sold, leased, conveyed or have its use changed, may from time to time sell, lease, convey or use for any other public or municipal purpose or purposes, or for any purpose whatsoever (subject to approval by vote of any Budget Public Hearing after special mention has been made and notice given of the proposal in the warrant issued for the warning of that meeting), any real estate or interests therein owned by the town which have been purchased, acquired, used or dedicated in any manner for municipal or other public purposes, whenever, in the opinion of the Council and the Budget Public Hearing, said real estate or interests therein have become unsuitable or have ceased to be used for such purposes. In the same manner the town may sell, lease or convey any real estate or interests therein held in its proprietary capacity and not dedicated or devoted to public use.

§ C-15. Manner of conveying personal property or changing use. [Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-7-2006]

By like ordinance of the Council but without vote of the Budget Public Hearing, the town may authorize the sale, lease, change in use or other disposition by the Administrator or any officer or department, of personal property whether used for municipal or other public purposes or held in its proprietary capacity.

§ C-16. Granting use of property; regulations for use. [Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-7-2006; 11-2-2010]

The Council by ordinance or by general or special rule may from time to time authorize, or grant any elected or appointed official, commission, committee or board of the town power to authorize, such incidental use of the real and personal property of the town for conventions, tournaments, performances, meetings and other business, social and recreational events as has been granted in the past or may hereafter be desirable, and as may reasonably contribute to the public use, service or welfare of the people, and which the Council or other town body finds will not interfere with any essential business or function of the government for which that property may be held. The Council, or designated official or other town body under authority of the Council, may from time to time grant or retain priorities in use for inhabitants of the town or for certain organizations or public uses, may establish rules and regulations and fix charges for the various use and users or, subject to any expenses being within an appropriation of the Financial Referendum, may omit the charge for such use; provided, however, that no use shall be granted for purely private purposes without charge.

§ C-17. Property held for charitable purposes. [Amended 11-5-1996]

Property held by the town for charitable uses shall be held, administered and disposed of in the name of and on behalf of the town, by the body now or hereafter entrusted with said administration, or if none is specified, then by the Council, in accordance with the terms of the gift and the laws of the state with respect to property held in charitable trusts.

§ C-18. Public highways not owned in fee simple absolute.

Public highways not owned by the town in fee simple absolute may not be sold, but may be abandoned in accordance with the laws now or hereafter in effect on such abandonment.

**Part 2
Town Council ³**

**ARTICLE VI
Organization and Election**

§ C-19. Number; Elections.

- A. The Council shall consist of five (5) members, elected at large in the manner provided in § C-19B of this Charter to serve for terms of two (2) years and thereafter until their successors are elected and qualified.
- B. The names shall be printed in accordance with Rhode Island Election Law and the Secretary of State's lottery. **[Amended 11-4-2008]**
- C. The five (5) candidates receiving the largest number of votes shall be elected.

3. Editor's Note: For related provisions, see Ch. 15, Council, Town.

§ C-20. Eligibility; holding other office; votes which benefit member.

- A. Members of the Council shall be qualified electors of the Town of Charlestown and shall hold no other paid public office or employment in the service of the town, pursuant to the Rhode Island State Law, Title 17, Chapter 1 - 5.1. No member of the Council shall be eligible to hold any other paid local town office for a period of one (1) year following his/her term on the Council. A member of the Council may hold elective town office immediately succeeding his/her term on the Council. **[Amended 11-5-1996]**
- B. No member of the Council shall vote on any proposition through which the member, directly or indirectly, could financially benefit.

§ C-21. Officers. [Amended 11-5-1996; 11-4-2008]

At its organization meeting, upon the election of a new Council, the Council shall elect one (1) of its members as a Council President. The candidate receiving the most votes in the Town election shall have the right of first refusal to be the Council President. Should that candidate choose not to accept the Council Presidency, then the position will be available to any of the members. The President shall preside at meetings of the Council and shall be recognized as head of the town government for all ceremonial purposes and by the Governor for purposes of martial law. Holding this office shall not deprive the Council President of his/her vote on any question. At the organization meeting the Council shall also elect from its members a Vice President who shall perform the duties of the President in the absence or disability of the President.

§ C-22. Reorganization.

Upon the anniversary date of the initial organization meeting, or the Council meeting nearest to it, the Council members may reorganize for the remaining year of office.

§ C-23. Compensation. [Amended 11-5-1996; 11-2-2010]

Each member of the Council shall receive such individual compensation for the performance of his/her duties or for the expenses of his/her office as may be fixed from time to time by the annual Financial Referendum.

§ C-24. Vacancies.

Any vacancies in the membership of the Council may, at the discretion of the Council, be filled for the unexpired term, except that if the vacancy in the Council shall occur more than one (1) year prior to the time for holding an election, the Council shall, within thirty (30) days after the vacancy occurs, call a special election for the purpose of filling the vacancy.

§ C-25. Communication with persons directed by Administrator. ⁴

4. Editor's Note: For related provisions, see § C-44.

Except for the purpose of inquiries and investigations, the Council or its members shall communicate with town officers and employees who are subject to the direction and supervision of the Administrator solely through the Administrator, and neither the Council nor its members shall give orders to any such officer or employee, whether publicly or privately.

§ C-26. (Reserved) ⁵

**ARTICLE VII
Meetings**

§ C-27. Scheduling; access by public; notice; emergencies.

- A. The first meeting of a newly elected Council shall be held on the first Monday following certification of the election of its members by the canvassing authority. The Town Clerk, or in his/her absence, the Deputy Town Clerk, shall preside until the President is elected. The Council shall determine by ordinance the time and place of its regular meetings. **[Amended 11-5-1996]**
- B. The Council shall hold at least one (1) regularly scheduled meeting a month.
- C. All meetings shall be held in accordance with applicable state and federal laws. **[Amended 11-5-1996]**
- D. All regular and special meetings and their agenda must be advertised in a local newspaper(s), except when an emergency meeting is called; such emergencies would be those affecting public peace, health, safety, comfort and welfare of the inhabitants of the town and for protection of persons and property.
- E. All regularly scheduled public meetings held by the Town Council, and all Boards and Commissions will require an agenda item for public comment. **[Added 11-2-2010]**

§ C-28. Conduct; quorum; voting.

- A. The Council shall adopt and publish its own rules governing the conduct of its meetings.
- B. A quorum shall consist of the majority of the qualified members, and except as otherwise provided in this Charter, the affirmative vote of a majority of Council members present shall decide any issue. The vote upon any matter shall, upon the request of two (2) Council members, be taken by roll call and entered upon the record of the proceedings.

5. Editor's Note: Former § C-26, Temporary officers prior to Administrator's appointment, was repealed 11-5-1996.

ARTICLE VIII
Powers

§ C-29. Inquiry and investigation into town affairs.

The Council shall have power to inquire into the conduct of any officer, department or agency of the town, and to make an investigation relating to town affairs, and for such purposes may subpoena witnesses, administer oaths of affirmation and compel the production of books, records, papers and other evidence.

§ C-30. Appointments.

The Council shall have the power to:

- A. Appoint regular, standing or special commissions and committees.
- B. Appoint the Administrator and such other officials as herein provided.
- C. Appoint such numbers of constables to serve civil process as it shall from time to time determine, and to charge and collect for licenses issued to such constables such fees as the Council shall fix by ordinance.

§ C-31. Legislation. [Amended 11-2-2010]

All legislative powers of the town shall be vested in the Council except such powers as are or may be vested otherwise by the State Constitution, by this Charter and by laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly. The Council may enact and amend ordinances relating to the town's property, affairs and government not inconsistent with the State Constitution and laws enacted by the General Assembly in conformity with the powers reserved to the General Assembly. The Council shall have, under this Charter, and may exercise all such additional powers and authority as are consistent with this Charter and have now been granted or may hereafter be granted to it under the Constitution or laws of the state. The Council, by ordinance, may assign additional functions or duties to officers, departments or agencies established by or under this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency. Without limiting the generality of the foregoing, the Council shall have and exercise the following specific powers, subject to the provisions of this Charter and all applicable provisions of general and special laws.

- A. To detail duties and regulations of new commissions by ordinance or to enact, amend or repeal as hereinafter provided ordinances and resolutions for the preservation of the public peace, health, safety and welfare of the inhabitants of the town and for the protection of persons and property. The Council may provide reasonable penalties for the violation of any ordinance.
- B. To develop land management plans and ordinances which are intended to maintain a distinction between urban and rural environment; relate the type and intensity of recommended developments in each land use category to the physical capabilities of the

land; and decide whether the public facilities available or planned are adequate for the land's use. These powers and others written in town ordinances shall decide the utilization of the land.

- C. To appoint the Administrator for an indefinite term with an initial one (1) year probationary period and thereafter shall serve at the pleasure of the Council as herein provided in C-42. If a majority of all members of the Council, at its discretion, decide to terminate the Administrator there shall be no right of hearing or appeal from the decision of the Council. **[Amended 11-5-1996; 11-5-2002]**
- D. To take any action necessary to give effect to any vote of the Financial Referendum authorizing the issuance of bonds for any purpose and to complete all the details of the bond transaction in accordance with the general or special laws of the state.
- E. To regulate the speed, management and control of all vessels on the public waters, and the size, type, location and use of all anchorages and moorings and collection of fees for the same within the confines of the town.
- F. To fix the amount of official bonds of all officers of the town with or without corporate surety who in its opinion should be bonded, the premiums to be paid by the town.
- G. To provide for audit at any time of accounts of the town or any of its departments, and to provide for an annual audit as prescribed in § C-72.
- H. To adopt or amend a personnel ordinance which shall include the table of organization and job description and method of hiring for all municipal employees, not inconsistent with applicable general or special laws or the provisions of this Charter.
- I. To grant, revoke or suspend such licenses as the Council may require by ordinance or resolution, or as may be required or permitted by state law or this Charter, or any amendments thereof.
- J. To review and act upon the town budget in the manner prescribed in Article XXV, C-81 through C-83.

ARTICLE IX

Ordinances ⁶

§ C-32. Proposal.

Every proposed ordinance shall be filed with the Town Clerk by a member of the Council not later than four (4) business days prior to the day of the meeting at which it is to be introduced. The Town Clerk shall forthwith post one (1) copy of the proposed ordinance in some place accessible to the public in the Town Hall and shall provide each member of the Council with a copy.

6. Editor's Note: For related provisions, see Ch. 15, Council, Town, and Ch. 34, Ordinances.

§ C-33. Introduction. [Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-2-2010]

Every proposed ordinance, other than an emergency ordinance, shall be read a first time by title and explained by its sponsor at the meeting at which it is to be introduced. An affirmative vote of three (3) of the members of the Council shall be necessary for its introduction. A date shall be set for a hearing on the proposed ordinance. At least seven (7) calendar days prior to the hearing, the proposed ordinance shall be published in a newspaper having distribution within the town.

§ C-34. Public hearings. [Amended 11-8-1988; ratified by Town Council 2-10-1992]

Unless otherwise scheduled, the hearing on the proposed ordinance shall be held at the meeting following its introduction. No action shall be taken on the ordinance until the conclusion of the hearing.

§ C-35. Vote required for passage.

The affirmative vote of three (3) Council members shall be necessary for the passage of any ordinance.

§ C-36. Emergency ordinances. [Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-2-2010]

In an emergency affecting the public peace, health, safety, comfort and welfare of the inhabitants of the town and for protection of persons and property, the Council by an affirmative vote of three (3) members may adopt, on the day of its introduction, an ordinance containing a declaration of emergency, which shall take effect upon its passage. The nature of the emergency shall be specifically stated in the ordinance, and such declaration shall be conclusive as to the existence of such an emergency. Within twenty (20) calendar days after passage of an emergency ordinance, the Council shall hold a hearing to inform the public of the emergency and the action taken. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61st) calendar day following the date on which it was adopted; but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists.

§ C-37. Enacting clauses.

The enacting clause of all ordinances shall be: "The Town Council of the Town of Charlestown hereby ordains....."

§ C-38. Authorization and publication of ordinances and resolutions. [Amended 11-2-2010]

Upon its final passage each ordinance or resolution shall be authenticated by the signature of the Town Clerk and shall be recorded in a book kept for that purpose. Within seven (7)

calendar days after final passage, each ordinance shall be published at least once in such manner as the Council may prescribe by ordinance.

§ C-39. Copy to be public record.⁷

After the introduction of any ordinance or resolution in the Council, the Town Clerk shall keep available a copy of the proposed ordinance or resolution, together with all amendments thereto, which shall be a public record.

§ C-40. Codification; copies of ordinances to be available.

- A. The Council within two (2) years of the effective date of this Charter shall cause to be prepared and published a revision or recodification of the ordinances of the town. Thereafter, revisions or recodification of the ordinances shall be made at least every ten (10) years. Any revisions or codification shall be prepared under the supervision of the Town Solicitor, but the Council may authorize the Town Solicitor to contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes.
- B. Copies of ordinances shall be made available to the public at nominal cost to be set by the Council.⁸

**Part 3
Administrator**

**ARTICLE X
Appointment and Qualifications**

§ C-41. Appointment; term. [Amended 11-5-2002]

- A. Following the procedure set forth in C-42A, the Town Administrator shall be appointed by a majority of the Council for an indefinite term with an initial one (1) year probationary period, the provisions of which shall be acceptable to a majority of the Council, and thereafter shall serve at the pleasure of the Council. **[Amended 11-2-2010]**
- B. During the probationary period, the Council shall provide performance reviews in writing not later than three (3) months and six (6) months and shall provide an evaluation in writing at twelve (12) months from the date of appointment. Thereafter, annually from the date of appointment, the Council shall perform a written evaluation of the Administrator.
- C. If a majority of the Council decide during the term of the probationary period that the Administrator should not be retained for any reason, the Administrator shall be paid three

7. Editor's Note: For related provisions, see §§ C-111, C-145, C-165, C-190, C-194 and C-195, and Part 5.

8. Editor's Note: See Ch. 34, Ordinances.

(3) months pay and benefits and the amount of pay and benefits for the balance the probationary period under the terms of his hiring, but no more than a total of six (6) months of pay and benefits.

- D. If a majority of the Council decide at any point after the Administrator's first year that the Administrator should not be retained for any reason, the Administrator shall be paid three (3) months pay and benefits.

§ C-42. Qualifications; appointment of elected officials. [Amended 11-5-1996; 11-5-2002; 11-4-2008; 11-2-2010]

- A. Whenever the position of Town Administrator becomes vacant, the Town Clerk shall post the vacancy, at a minimum, in the Town Hall, the Library and advertise in other media deemed appropriate. The Town Clerk shall solicit resumes and references. A search committee appointed by the Council, shall review the qualifications, conduct interviews, conduct the appropriate reference checks and forward all resumes and references to the Council. The Administrator shall be chosen by the Council on the basis of executive and administrative abilities, with special reference to academic experience in, or knowledge of, accepted practices in respect to the duties of office as hereinafter set forth.
- B. The Administrator during his/her term of office shall not accept any other position, appointment or employment which would impair his/her duty to the town.
- C. (Reserved)
- D. No Town Councilor shall be permanently appointed Town Administrator during his/her term of elected office, or within one (1) year after the expiration of his/her term of office.

**ARTICLE XI
Powers and Duties**

§ C-43. Enumeration. [Amended 11-8-1988, ratified by Town Council 2-10-1992; 11-5-1996]

The Town Administrator shall be head of the administrative branch of the town government. He/she shall be responsible to the Council for the proper administration of all offices of the town, as provided herein, and to that end he/she shall have power and be required to:

- A. Appoint, or recommend for appointment, such officials as are provided for in this document. He/she may remove or suspend appointees who have been directly appointed by him/her and in all other cases (excepting committees and commissions) may recommend their removal by the Council.
- B. Keep the Council advised of the future needs of the town and make recommendations as he/she may deem desirable.
- C. Attend all Council meetings, unless excused from attendance by the majority of the Council.

- D. ⁹ Report in writing to the members of the Council at an interval and manner determined by the Council. Personnel/confidential matters shall not be included. **[Added 11-2-2010]**
- E. Recommend to the Council adoption of such measures as may be needed for the health, safety or welfare of the community or for the improvement of administrative services.
- F. See that all laws and ordinances are duly enforced, including any franchises, permits and privileges granted by the town.
- G. Supervise and monitor all departments and personnel that are under his/her direction, as defined herein, and shall be responsible for facilitating the exchange of interdepartmental communication, thus increasing the efficiency of the administration. **[Amended 11-2-2010]**
- H. Provide for the delegation of authority to departmental subordinates; however, in this event, responsibility will rest with the Administrator.
- I. Receive from the Treasurer, review and submit to the Council within ninety (90) calendar days after the end of the fiscal year a preliminary financial report for the preceding year, together with a report of all administrative activities. **[Amended 11-5-1996; 11-2-2010]**
- J. Maintain a perpetual inventory of town property, including real, personal, tangible and equipment. **[Amended 11-2-2010]**
- K. Supervise the preparation of the annual budget; and monitor the approved budget, keeping the Council advised as to overexpenditures or improprieties by any commission, department, individual or agency.
- L. Serve as Acting Treasurer in the absence of the Town Treasurer.
- M. Be informed about current federal funding or grants; and prepare and/or supervise all applications for federal funding and/or federal grants for which the Council might apply.
- N. Act as purchasing agent for the town. In this capacity, he/she may delegate authority to departmental subordinates. Responsibility in either case will rest with the Administrator.
- O. Perform such other duties as may be prescribed by this Charter or required of him/her by the Council not inconsistent with this Charter. Any additional duties or responsibilities assigned will not entitle him/her to any additional compensation.
- P. Prepare annually and recommend to the Budget Commission a capital budget and a comprehensive five-year capital improvement program. Input from the Planning Commission may be requested from time to time.

9. Editor's Note: Former Subsection D, concerning serving as ex officio member of the Planning Commission, was repealed 11-5-1996.

ARTICLE XII
Orders and Inquiries By Council

§ C-44. Orders, requests and inquiries made through Administrator. ¹⁰

Except as provided in § C-29, the Council or any of its members shall not give orders, direct requests or inquire into departments or individuals, but shall make all of the above-mentioned through the office of the Administrator.

ARTICLE XIII
Removal

§ C-45. (Reserved) ¹¹

ARTICLE XIV
Acting Administrator
[Amended 11-5-1996; 11-2-2010]

§ C-46. Appointment for temporary absences.

The Council in the absence of the Administrator for thirty (30) days or less may designate any appointed town official other than a currently serving Council member perform the duties of the Administrator. This appointment is only applicable when the absence is of a temporary nature, i.e., vacation, temporary disability, sickness or to perform professional services out of town for short periods of time. A resolution shall be adopted to provide for the appointment of an Acting Administrator in the event of a temporary, unscheduled absence of the Administrator.

§ C-47. Appointment during replacement process.

Whenever the position of Administrator becomes vacant whether by death, resignation, removal or any other cause, the Council shall proceed with finding a replacement for the office in the manner set forth in C-42A. In the interim, the designee(s) of the Council, who shall not be a currently serving member(s) of the Town Council, shall serve as Acting Administrator. The Acting Administrator shall serve until such time as a new Administrator is appointed. The term of the appointment, regardless of the period specified in the appointment, shall be conditioned upon and be subject to immediate termination. Appropriate compensation shall be determined by the Council and a written agreement shall be filed with the Town Clerk within ten (10) calendar days of the appointment of the Acting Administrator.

¹⁰. Editor's Note: For related provisions, see § C-25.

¹¹. Editor's Note: Former § C-45, Manner of removal, as amended, was repealed 11-5-2002.

**Part 4
Elections**

**ARTICLE XV
State Law Governing**

§ C-48. Election laws to govern except where Charter conflicts.

The provisions of the Constitution and the General Laws of the State of Rhode Island now and hereafter in effect pertaining to elections (special, general and primary) and also all special acts pertaining to elections in the Town of Charlestown now or hereafter in effect shall govern all town elections, as far as they may be applicable, excepting those provisions which are inconsistent with the provisions of this Charter affecting the form of government.

**ARTICLE XVI
Board of Canvassers**

§ C-49. Establishment.

There shall be a bipartisan canvassing authority appointed by the Council as provided by the Constitution and laws of the state. This canvassing authority shall be known as the "Board of Canvassers" and shall be vested with all powers and duties now or hereafter vested by law in the Board of Canvassers of the town.

**Part 5
(Reserved) ¹²**

**ARTICLE XVII
(Reserved)**

§ C-50. (Reserved)

**ARTICLE XVIII
Clerk and Deputy Clerk**

§ C-51. Appointments. [Amended 11-2-2010]

- A. There shall be a Town Clerk who shall be appointed by the Council upon the recommendation of the Administrator. Whenever the position of Town Clerk becomes vacant, the Town Administrator may post the vacancy at the Town Hall, the library and advertise in other media deemed appropriate and shall solicit resumes and references. The Town Administrator and a search committee composed by the Town Administrator,

12. Editor's Note: Former Part 5, Department of Public Records, which consisted of Art. XVII, Organization, was repealed 11-2-2010.

shall review the qualifications, conduct interviews obtain the appropriate reference checks and forward to the Council all resumes and references if requested by any Council member.

- B. There shall be a Deputy Town Clerk who shall be appointed by the Council upon the recommendation of the Town Clerk and the Administrator. In the absence of the Town Clerk, the Deputy shall perform all the duties which are incumbent on the Town Clerk. Nothing in this section shall preclude the Town Clerk from selecting a deputy Town Clerk for elections.

§ C-52. Qualifications. [Amended 11-5-1996]

The Town Clerk shall have knowledge of the duties of town clerks and clerks of Probate Court as provided under state law. He/she shall also have general office experience and skills. The Deputy Town Clerk shall have general office experience and skills.

**ARTICLE XIX
Duties of Clerk**

§ C-53. Enumeration.

It shall be the duty of the Town Clerk to:

- A. Act as Clerk of the Council and make a permanent record of all Council proceedings.
- B. Certify by his/her signature all actions of the Council. **[Amended 11-5-1996]**
- C. Make a permanent record of all Budget Public Hearing/ Financial Referendum procedures. **[Amended 11-2-2010]**
- D. Act as Clerk of the Probate Court.
- E. Act as Clerk of the Board of Canvassers.
- F. Act as custodian of the Town Seal and of the official documents and public records of the town.
- G. Direct and supervise the recording of deeds, mortgages, vital statistics and other records and instruments.
- H. Issue licenses and permits as directed by the Council or as provided by state law or town ordinance.
- I. Perform such other duties as may be prescribed by this Charter, the Council, the Administrator or by ordinance, or in accordance with the provisions of the General and Special Laws the State of Rhode Island pertaining to Town Clerks now or later in effect.
- J. Act as Custodian of Public Records as required by State Law. **[Added 11-2-2010]**

**Part 6
Finance**

**ARTICLE XX
Department of Finance**

§ C-54. Establishment. [Amended 11-5-1996]

There shall be a Department of Finance the head of which shall be the Administrator or a person recommended by him/her and appointed by the Council.

§ C-55. Organization.

- A. The Department shall be organized into as many divisions or offices, consistent with the provisions of this Charter, as may be deemed necessary by the Council on recommendation of the Administrator.
- B. The divisions of office shall include, but not limited to the Departments of the Treasury, Tax Collection and Tax Assessment which shall be represented by the heads of such department, namely the Treasurer, Tax Collector, and Tax Assessor. **[Amended 11-5-2002]**

**ARTICLE XXI
Treasurer**

§ C-56. Establishment. [Amended 11-2-2010]

There shall be a Treasurer who shall be appointed by the Council upon the recommendation of the Administrator. Whenever the position of Treasurer becomes vacant, the Town Administrator may post the vacancy at the Town Hall, the library and advertise in other media deemed appropriate and shall solicit resumes and references. The Town Administrator and a search committee composed by the Town Administrator, shall review the qualifications, conduct interviews obtain the appropriate reference checks and forward to the Council all resumes and references if requested by any Council member.

§ C-57. Qualifications. [Amended 11-5-1996]

The Treasurer shall have knowledge of municipal accounting, possess experience in computer-based accounting systems and shall have experience in budgeting and financial control.

§ C-58. Duties.

It shall be the duty of the Treasurer to:

- A. Maintain a general accounting system for the town government and each of its offices, departments and agencies, in accordance with state regulations.

- B. Supervise and be responsible for the disbursements of all monies and have control of all the expenditures to ensure that the budget appropriations are not exceeded. **[Amended 11-5-1996]**
- C. Keep books for and exercise financial budgetary control over each office, department and agency. Money shall be disbursed only upon presentation of a voucher signed by both the head of the department presenting the voucher and the Administrator, except in cases otherwise provided for in this Charter.
- D. Keep separate accounts for the items of appropriations contained in the town budget, each of which accounts shall show the amount of the appropriation, amounts paid therefrom, the unpaid obligations against it and the unencumbered balance. **[Amended 11-5-1996]**
- E. Require reports of receipts and disbursements from each receiving and spending agency of the town government to be made at such intervals as the Administrator may deem expedient.
- F. Prepare monthly and within ninety (90) calendar days after the end of the fiscal year a statement of all receipts and disbursements in sufficient detail to show the exact cash position of the town. **[Amended 11-2-2010]**
- G. Present to the Council as soon as possible after the end of the fiscal year a completed independent audit as provided for in § C-72 of this Charter.
- H. Deposit all funds coming into his/her hands at least weekly [or sooner when receipts total five hundred dollars (\$500.) or more] in such depositories as may be designated by the Council, subject to requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the town and shall be accounted for and credited to the proper account. **[Amended 11-5-1996]**
- I. Have custody of all investments and invested funds of the town government or in possession of the town in fiduciary capacity and have the safekeeping of all bonds and notes of the town and the receipt and delivery of town bonds and notes for transfer, registration or exchange.
- J. Make no investments of town funds without the Administrator's recommendation and the Council's approval of the investment. **[Amended 11-5-1996]**
- K. Perform the duties of the Treasurer as prescribed by the laws of the State of Rhode Island.
- L. The Council may, by ordinance, require the Treasurer to present a financial impact analysis for all multiyear contracts, that will result in an expenditure of an amount greater than \$100,000, including collective bargaining agreements, authorized by the Council. Contracts funded by a previously approved bond issue and contracts funded by enterprise funds shall be exempt from this requirement. **[Added 11-2-2010]**

ARTICLE XXII
Tax Collector

§ C-59. Establishment. [Amended 11-2-2010]

There shall be a Tax Collector who shall be appointed by the Council upon the recommendation of the Administrator. Whenever the position of Tax Collector becomes vacant, the Town Administrator may post the vacancy at the Town Hall, the library and advertise in other media deemed appropriate and shall solicit resumes and references. The Town Administrator and a search committee composed by the Town Administrator, shall review the qualifications, conduct interviews obtain the appropriate reference checks and forward to the Council all resumes and references if requested by any Council member.

§ C-60. Qualifications. [Amended 11-5-1996]

The Tax Collector shall have knowledge of state laws relating to collection of taxes on real and personal property, as well as to the collection of excise taxes. He/she shall also have knowledge relating to the conduct of tax sales for the recovery of taxes. He/she shall also be knowledgeable in bookkeeping principles and in data processing systems for use in tax collection and possess general office skills.

§ C-61. Powers and duties. [Amended 11-5-1996]

The Tax Collector shall be responsible for preparation of tax bills, and shall collect all taxes and special assessments for the collection of which the town is responsible. He/she shall call and supervise all tax sales of the town. He/she shall have all powers, rights and duties described in the General Laws of the state.

§ C-62. Deposit of funds. [Amended 11-5-1996]

He/she shall deposit all funds coming into his/her hands within two (2) business days after receipt in such depositories as may be designated by the Council, subject to requirements of law as to surety and the payment of interest on deposits, but all such interest shall be the property of the town and shall be accounted for and credited to the proper account.

§ C-63. Payment of previous installments before current installments.

No amounts received for taxes shall be applied to any current installment until all previous installments of taxes and accrued interest have been paid.

ARTICLE XXIII
Tax Assessment ¹³

§ C-64. Tax Assessor; qualifications.

- A. The Tax Assessor shall be appointed by the Council upon the recommendation of the Administrator. Whenever the position of Tax Assessor becomes vacant, the Town Administrator may post the vacancy at the Town Hall, the library and advertise in other media deemed appropriate and shall solicit resumes and references. The Town Administrator and a search committee composed by the Town Administrator, shall review the qualifications, conduct interviews obtain the appropriate reference checks and forward to the Council all resumes and references if requested by any Council member. **[Amended 11-2-2010]**
- B. The Tax Assessor shall be knowledgeable in property assessment, and in principles of taxation and shall possess skills in computer based data processing systems for use in tax assessment. He/she shall also have knowledge of the General Laws of Rhode Island relating to tax assessment of real and personal property and the preparation of assessment and tax rolls.

§ C-65. Duties of Tax Assessor. [Amended 11-5-1996]

The Assessor shall be responsible for the fixing of an assessed valuation, for purposes of taxation, on all taxable real estate and personal property, an excise value on motor vehicles, and for the preparation of an assessment roll and a tax roll for the town the manner provided by law and ordinance.

§ C-66. Commission of Tax Assessment Review. [Amended 11-5-1996; 11-4-2008]

- A. There shall be a Commission of Tax Assessment Review consisting of three (3) regular members and no more than 2 alternate members appointed by the Council for terms of three (3) years. The members first appointed shall serve for terms of one (1), two (2) and three (3) years respectively. Vacancies shall be filled by the Council for any unexpired term. If a member of this Commission shall cease to be a resident, his/her office shall thereby become vacant.
- B. Three members, regular or alternate, shall constitute a quorum. Alternate members shall be granted voting rights in the absence of a regular member. A member can only vote if present for the hearing and discussion.

§ C-67. Procedures and organization of Commission.

The Council shall provide by ordinance for the organization and procedures of the Commission of Tax Assessment Review, and for the manner of receiving, considering and disposing of appeals.

13. Editor's Note: For related provisions, see Ch. 58, Tax Assessment Review.

§ C-68. Duties of Commission. [Amended 11-5-1996]

The Commission of Tax Assessment Review shall hear and consider the appeal of any property owner concerning the amount of his/her assessed valuation as determined by the Assessor. The Commission shall keep an accurate record of its proceedings, which shall be available for public inspection. The Tax Assessor shall be afforded an opportunity to appear before the Commission in all cases to present any relevant information. If the Commission determines that the valuation of any property has been erroneously assessed, the Commission shall transmit its determination to the Council, which may cancel, in whole or in part, the tax based on such valuation in order to effect a correction.

§ C-69. Correction of assessments. [Amended 11-5-1996]

If it shall appear that the valuation of any property has been erroneously or incorrectly assessed, the Commission shall have authority to order a correction. Such determination shall be certified by the Commission to the Assessor, whose duty it shall be to make such corrections in the valuation as the Commission may determine. If the tax roll has been certified by the Assessor, the Commission shall transmit its findings to the Council, which may cancel in whole or part the tax based on such valuation in order to effect a correction.

§ C-70. Appeals. [Amended 11-5-1996]

The taking of an appeal to the Commission of Tax Assessment Review or any action thereon shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the Assessor.

ARTICLE XXIV
General Financial Provisions

§ C-71. Fiscal year.

The fiscal year of the town government shall begin on the first day of July and shall end on the last day of June next ensuing. The fiscal year shall also constitute the budget and accounting year.

§ C-72. Annual audit. [Amended 11-5-1996; 11-2-2010]

Immediately after the beginning of each fiscal year, the Council by resolution shall direct the Treasurer to arrange to have an independent audit of the books, accounts and other evidences of financial transactions of the town, as of the close of the preceding year, to be completed within one hundred fifty (150) calendar days. The audit shall be conducted either by state auditors or by a certified public accountant holding a certificate from the state and having no personal interest in the financial transactions of the town, without regard to requirements for competitive bidding. Such examinations shall conform with generally accepted auditing standards and shall include all procedures necessary for the auditors to express an informed

opinion of the financial practices and accounts. A copy of the audit report shall be filed with the Town Clerk and shall be a public record.

§ C-73. Borrowing in anticipation of taxes. [Amended 11-2-2010]

Borrowing in anticipation of taxes shall require the approval of the Financial Referendum in accordance with existing state law.

§ C-74. Contracts and expenditures in excess of budgets.

No office, department or agency, during any budget year, shall expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditures pursuant to this Charter. Any contract, oral or written, made in violation of this Charter shall be null and void. Nothing in this section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, or the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made.

§ C-75. General fund appropriations lapse at end of year.

All general fund appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or encumbered, and the balance thereof shall revert to the general fund.

§ C-76. Fees to be paid to Treasurer. ¹⁴

All fees received under any state law or town ordinance by any officer or employee of the town shall belong to the town and shall be paid to the Treasurer within two (2) business days of receipt.

ARTICLE XXV

Budgeting

§ C-77. Budget Commission.

- A. There shall be a Budget Commission of five (5) members appointed by the Council for a term of office lasting three (3) years. One (1) member of the Council, the Administrator and Treasurer shall serve as ex officio members with no voting rights. Vacancies shall be filled by the Council for any unexpired term. **[Amended 11-5-1996; 11-4-2008]**
- B. The Budget Commission shall elect a Chairman and Secretary, and shall adopt its own rules and order of business.

¹⁴ Editor's Note: For related provisions, see § C-192.

§ C-78. Preparation of budget.

- A. The Administrator shall notify all departments, officers, commissioners and agencies by the second day of December to prepare their budget requests for the next fiscal year. These budget requests shall be submitted to the Administrator by the twentieth day of December. **[Amended 11-2-1981; 11-5-1996; 11-5-2002; 11-7-2006]**
- B. The Administrator shall annually assemble the budget requests of all departments, offices and agencies. He/she shall receive from the head of each department, office and agency, including all private corporations, an estimate of the amount necessary to carry on its work during the coming year. These estimates shall be presented to the Budget Commission. **[Amended 11-5-1996]**

§ C-79. Procedures for Commission.

- A. The Budget Commission shall hold its first meeting for the consideration of the recommended annual budget for the Town of Charlestown for the fiscal year next ensuing not later than the last week in January. **[Amended 11-2-1981; 11-5-1996; 11-5-2002; 11-4-2008]**
- B. It shall investigate the recommendations of the various departmental budget requests and may request the head of any department, board, office, commission or agency supported wholly or in part by town funds, to explain their estimates and recommendations. It shall report periodically to the Council of progress in the preparation of the budget. **[Amended 11-8-1988; ratified by Town Council 2-10-1992]**
- C. The Budget Commission shall receive no later than March 22, the Charlestown education budget and any proposed warrant items from the Charlestown School Committee. The Commission shall review the budget with the Charlestown School Committee and make recommendations with explanations for the total it recommends in its final report to the Town Council. **[Added 11-5-2002; amended 11-4-2008]**
- D. The Budget Commission shall complete its consideration of the budget, including all necessary conferences with the Council, Administrator, department representatives, Charlestown School Committee, citizens and private corporations, no later than March 31. The Budget Commission shall also on that date publish its recommended budget by filing two (2) copies with the Town Clerk's office, one for posting for public inspection in the Clerk's office, and the other copy for the use of town officers. The Town Clerk shall have sufficient copies of the budget prepared for distribution to interested persons. **[Amended 11-2-1981; 11-5-2002; 11-4-2008]**

§ C-80. Budget format and content.

The budget format shall include as a minimum the following:

- A. In parallel columns opposite the several items of anticipated revenues, there shall be placed the amount of each item in the budget of the last completed fiscal year, the amounts of such items actually received during that year, the amount of each item in the budget of the current fiscal year and the amount actually received to the time of

preparing the budget plus receipts for the remainder of the current fiscal year, estimated as accurately as may be, and anticipated revenues for the coming fiscal year.

- B. In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amounts of such items actually expended during that year, the amount of each such item in the budget of the current fiscal year and the amount actually expended to the time of preparing the budget plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be, and the amount of proposed expenditures for the coming fiscal year.
- C. The estimates of receipts for all departments shall be detailed by source. The estimates of expenditures shall be detailed by departments and the principal subdivisions thereof, offices, boards, commissions and agencies of the town, and shall show for each such unit the requested amount broken down by personal service, contractual service, materials and supplies, fixed charges and capital outlays.

§ C-81. Revision and submission of budget by the Council. [Amended 11-5-2002;11-4-2008]

The Council may revise the budget as submitted by the Budget Commission and shall adopt it for consideration as a tentative budget for presentation at the Budget Public Hearing. This shall be completed and made public no later than the second Monday in April.

§ C-82. Budget Public Hearing. [Amended 11-2-1981; 11-5-2002; 11-7-2006; 11-4-2008]

- A. The Budget Public Hearing shall replace the Financial Town Meeting on the proposed budget. Sufficient copies of the budget shall be prepared for public distribution at least seven (7) calendar days prior to the Budget Public Hearing to be held no later than May 10. [Amended 11-2-2010]
- B. After the Budget Public Hearing and no later than the Tuesday next following the second Monday in May, the Town Council shall make final revisions to the proposed budget and warrant item(s) to be placed on the ballot of the all-day Financial Referendum to be held on the first Monday in June from 8 a.m. to 8 p.m. These recommendations shall include taxes or other revenues necessary to balance the budget as well as issuance of bonds to finance capital projects.

§ C-83. Submission of budget to Financial Referendum. [Amended 11-5-2002; 11-4-2008]

The Council shall submit its final recommendations no later than the Tuesday next following the second Monday in May to the Town Clerk for inclusion on the ballot of the Financial Referendum (8 a.m. to 8 p.m.) on the first Monday in June. The Town Clerk shall certify the questions for the ballot and submit them to the state for printing said ballot. The Town Clerk also shall publish a legal notice in a newspaper having distribution within the Town of Charlestown.

§ C-84. Certification, filing and availability of budget. [Amended 11-7-2006; 11-4-2008]

A copy of the budget as finally adopted by the Town Council after the Budget Public Hearing shall be certified by the Town Clerk and filed in the office of the Administrator. Sufficient copies thereof shall be made available by the Town Clerk for the use of all departments, offices, and agencies, and for the use of interested persons.

§ C-85. Control and revision of budget by Administrator. [Amended 11-8-1988; ratified by Town Council 2-10-1992]

The Administrator shall authorize all expenditures for the departments, offices and agencies to be made from appropriations on the basis of approved allotments and not otherwise. An approved allotment may be revised, however, during the fiscal year. If at any time during the first three-quarters (3/4) of the budget year (but ordinarily at the end of any quarterly period) the Administrator shall ascertain that the remaining unexpended balance of appropriations for the year will be insufficient to cover the work programs, he/she shall reconsider the work programs and allotments of the several departments, offices and agencies, and revise the allotments so as to forestall the making of expenditures in excess of appropriations; provided, however, that the revision is within departments, offices and agencies. The Council during the last quarter of the budget year, may revise allotments between departments, offices, commissions and agencies.

ARTICLE XXVI
Financial Referendum

§ C-86. Date, time and purpose. [Amended 11-5-1996; 11-5-2002; 11-7-2006; 11-4-2008]

- A. The electors of the town qualified to vote upon a proposition to impose a tax or expenditure of money shall assemble each year at the Budget Public Hearing to be held no later than May 10 to receive and discuss the proposed budget and warrant item(s) from the Town Council in advance of the Financial Referendum by the electors qualified to vote upon a proposition to impose a tax or for the expenditure of money. The Financial Referendum shall be held on the first Monday in June from 8 a.m. to 8 p.m.
- B. Those electors who wish to add or eliminate a municipal budget item have until ten (10) calendar days prior to the Budget Public Hearing to present their proposed warrant items for those actions signed by 200 of the town's voters qualified to vote upon a proposition to impose a tax or for the expenditure of money. The Town Clerk shall accept all petitions and submit the petitions to the Town Solicitor to review for consistency with the Town Charter and state law. Those petitions found to be inconsistent shall not be acted upon at the Budget Public Hearing/Financial Referendum. **[Amended 11-2-2010]**
- C. The Town Clerk has until five (5) calendar days before the Budget Public Hearing to certify that sufficient valid signatures have been presented to qualify those warrant item(s) proposed by electors to be considered at the Budget Public Hearing. **[Amended 11-2-2010]**
- D. The electors who offer these warrant initiatives shall be given time to explain their proposals at the Budget Public Hearing.

- E. If there is a conflict between warrant items, the moderator of the Budget Public Hearing shall call for votes to determine which of the conflicting petitions for warrant items shall appear on the Financial Referendum ballot.
- F. The Town Treasurer shall, as part of all presentations in this process, provide an estimate of the tax rate implication of the municipal-Town budget, the school budget and each warrant item. **[Amended 11-2-2010]**
- G. The Town Council shall adopt the budget and all warrant items for the Financial Referendum no later than the second Monday in May.

§ C-87. Notice. [Amended 11-5-2002]

A. Budget Public Hearing. [Amended 11-7-2006; 11-4-2008]

- 1. The Town Clerk shall cause electors of the Town to be notified of every Budget Public Hearing in accordance with the terms of the Charter and with the laws of the State.
- 2. At least five (5) calendar days prior to the Budget Public Hearing, the Town Clerk shall publish in a local newspaper having a general circulation in the Town of Charlestown the municipal and school budgets and all proposed warrant item(s).
- 3. The Town Clerk has the authority to make provisions for a site of adequate capacity to be available for the Budget Public Hearing.

B. Financial Referendum.

- 1. The Town Clerk shall cause electors of the Town to be notified of every Financial Referendum in accordance with the terms of this Charter and with the laws of the state.
- 2. At least seven (7) calendar days prior to the Financial Referendum, the Town Clerk shall advertise the Warrant in a local newspaper having a general circulation in the Town of Charlestown and post the warrant questions to be voted on at the Town Hall. **[Amended 11-2-2010]**
- 3. The Board of Canvassers shall determine the location of polling places.

§ C-88. Subjects requiring special notice. [Amended 11-5-2002; 11-4-2008]

No vote shall be taken in the Financial Town Referendum to levy a tax or to dispose of real property or to purchase real property, pursuant to § C-13, unless notice has been given in the notice issued for calling the meeting.

§ C-89. Special meetings. [Amended 11-5-2002; 11-7-2006]

Special Budget Public Hearings/Financial Referendums shall be called by the Town Clerk upon the resolution of the Town Council or whenever four hundred (400) of the electors of

the Town qualified to vote on a proposition to impose a tax or for the expenditure of money shall make a request in writing and direct it to the Town Clerk.

§ C-90. Limitation on calling special meetings. [Amended 11-5-2002; 11-7-2006]

No special Budget Public Hearing/Financial Referendum shall be called without the consent of the Town Council if any subject proposed to be considered has been acted upon by a Budget Public Hearing within the previous six (6) months.

§ C-91. Petitions for and notice of propositions. [Amended 11-5-1996; 11-5-2002; 11-7-2006; 11-4-2008; 11-2-2010]

- A. No proposition for the expenditure of money, other than the budget presented by the Town Council, nor any other proposal to add or eliminate a municipal budget item(s) in the budget shall be acted upon at the Budget Public Hearing/Financial Referendum unless it shall have been presented by a petition signed by at least two hundred (200) of the electors qualified to vote in the Budget Public Hearing/Financial Referendum and filed with the Town Clerk no later than ten (10) calendar days prior to the Budget Public Hearing. The call of the Budget Public Hearing shall include notice of the propositions and the recommendations of the Council.
- B. For special Budget Public Hearings/Financial Referendums, petitions for the expenditures by electors to appear as warrant item(s) on the ballot must be filed with the Town Clerk no later than twenty (20) calendar days before the Budget Public Hearing phase of the Budget Public Hearing/Financial Referendum process.

§ C-92. Powers. [Amended 11-5-2002; 11-7-2006]

The electors in the Budget Public Hearing/Financial Referendum process shall have and exercise all powers granted Financial Town Meetings by the laws of the State.

§ C-93. Moderator. [Amended 11-5-1996; 11-5-2002; 11-7-2006]

- A. The Moderator shall preside at all regular and special Budget Public Hearings and shall have the authority to regulate and manage the business of each meeting and to maintain peace and order. The Moderator shall arrange the order of business and provide for all electors who wish to speak an opportunity to recommend to the Council changes to the municipal and/or school budget or warrant item(s). [Amended 11-4-2008; 11-2-2010]
- B. The Moderator also shall have the authority to call for votes to determine which conflicting written warrant petitions appear on the Financial Referendum ballot.

§ C-94. Quorum. [Amended 11-5-1996; 11-5-2002; 11-7-2006; 11-4-2008]

Fifty (50) electors shall be necessary to constitute a quorum at the Budget Public Hearing if a vote is required. If there are no votes required, then ten (10) electors shall constitute a quorum.

§ C-95. Voting.

The Moderator, on a motion duly made and seconded relative to any business regularly before the meeting and having heard all qualified electors desirous of being heard, shall cause the votes of the qualified electors present to be taken.

§ C-96. Ballot voting. [Amended 11-5-2002; 11-7-2006; 11-4-2008]

At the Budget Public Hearing, the voting on conflicting warrant items shall be taken by ballot upon the request of twenty (20) percent of the qualified electors.

§ C-97. Certified record of proceedings is evidence of actions. [Amended 11-5-2002; 11-7-2006; 11-4-2008]

A copy of the record of proceedings and of the ballots cast at any Budget Public Hearing/Financial Referendum duly certified by the Town Clerk shall be evidence of any act of the electors of the Town.

§ C-98. Recessed meetings. [Amended 11-5-2002; 11-7-2006; 11-4-2008]

To accommodate extensive debate or the number of persons wishing to be heard, the Moderator may continue any duly called Budget Public Hearing to the next available date.

§ C-99. Rejection of budgets. [Added 11-5-2002¹⁵ ; amended 11-4-2008]**A. Municipal budget.**

1. If the municipal budget is rejected by the voters in the Financial Referendum, the Council may call for a new referendum and present a revised budget. Until such time as said budget is approved, the previous fiscal year budget will apply on a pro rata basis.

B. School budget.

1. If the Chariho Regional School Budget has already been approved by the electors of the Chariho Regional School District, then no additional vote on the Chariho Regional School budget is required.
2. If there exists a Charlestown School District, and if the Charlestown school budget is rejected by the voters in the Financial Town Referendum, the School Committee may call for a new referendum and present a revised budget.
3. The School Committee may accept a "maintenance of effort budget" as called for under state law and the Town Treasurer shall use that figure in determining the total tax levy.

15. Editor's Note: This legislation also repealed former § C-99, Adjourned meetings, as amended.

§ C-100. Setting the tax levy. [Added 11-5-2002¹⁶ ; 11-7-2006; 11-2-2010]

Within fourteen (14) calendar days of the Budget Public Hearing/Financial Referendum the Council shall, based on the budget and the warrants approved by the electors, set the tax levy for the coming fiscal year. It shall also adopt appropriate financial resolutions, including authorizing the Town to borrow money in anticipation of taxes.

§ C-101. (Reserved) ¹⁷**ARTICLE XXVII****Purchasing****§ C-102. Purchasing agent.**

The Administrator shall act as purchasing agent for the town within the scope of this Article.

§ C-103. Policy.

- A. Any purchase of standard supplies, materials, equipment or services for the routine operation of any department or other town agencies shall be made centrally by the Administrator and will comply with the following provisions.
- B. All other purchases unique to any department or other town agency shall be made in compliance with the following provisions, upon written request to the Administrator by the head of the department or other town agency.
- C. Where the items or services to be purchased do not exceed three thousand dollars (\$3,000.) in value, the purchase will be made by the department head or other official in charge of a town agency with the approval of the Administrator. **[Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-4-2008; 11-2-2010]**
- D. Where the items or services to be purchased have a value of three thousand dollars (\$3,000.) to ten thousand dollars (\$10,000.), the department head or other official in charge of a town agency shall obtain three (3) quotes from suppliers and submit them with his/her recommendations to the Administrator, who shall award the contract to the lowest responsible bidder most nearly meeting the specifications of the purchase order. **[Amended 11-8-1988, ratified by Town Council 2-10-1992; 11-5-1996; 11-4-2008; 11-2-2010]**
- E. Where the items or services to be purchased have a value of more than ten thousand dollars (\$10,000.), the department head or other official in charge of a town agency shall prepare written specifications for the purchase, and based on these specifications the Administrator shall seek three (3) sealed bids from suppliers. Award of any bid in this category shall be to the lowest responsible bidder most nearly meeting the specifications of the purchase order, and with the approval of the Council. In any event, the Council

16. Editor's Note: This legislation also repealed former § C-100, Notice of adjourned meeting; polling hours.

17. Editor's Note: Former § C-101, Procedure at adjourned meetings, as amended, was repealed 11-5-2002.

shall have the right to reject any and all bids and to direct the Administrator to solicit new bids. **[Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-4-2008]**

- F. Where items or services to be purchased, in any amount, through a vendor which has a current Master Price Agreement (MPA) with the State of Rhode Island that can be verified with MPA documentation and MPA number, then the aforementioned purchasing/quotation process is replaced with the requirement of a quote for items or services from the MPA vendor and approval from the department head, verification of funds from the treasurer and final approval by the Town Administrator. This does not preclude or prohibit competitive bidding. **[Added 11-4-2008]**

§ C-104. Procedures.

- A. A record of all bids and quotations showing the names of the bidders and amounts of bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of purchases, shall be open to public inspection for three (3) years following the award.
- B. In the event of a public emergency, the purchase or service contract may be made without public notice and competitive bidding, provided the Council record clearly indicates the particulars of the emergency and/or prospective disadvantages to the town, and upon the vote of at least three (3) Council members.
- C. No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this Article.
- D. Contracts for professional services shall not be excluded from the requirements of competitive bidding. However, if no competitive bids are received the Council may award the contract for professional services as appropriate.
- E. All purchases made and contracts executed by the Administrator shall be pursuant to written requisitions in accordance with the limits as stated in § C-74 from the authorized person or persons in the office, department or agency whose appropriation will be charged.
- F. The award of any sale or lease of any town property shall be subject to Council approval, and shall be awarded to the highest responsible bidder, provided the Council shall have the right to reject any and all bids and to direct the Administrator to solicit new bids.

Part 7
Department of Public Works

ARTICLE XXVIII
Establishment and Organization
[Amended 11-4-1986]

§ C-105. Establishment of Department and Director; organization.

- A. There shall be a Department of Public Works, the head of which shall be the Director of Public Works. He/she shall be appointed by the Council upon the recommendation of the Administrator. He/she shall be responsible for the efficient operation of all the activities of the Department of Public Works. Whenever the position of Director of Public Works becomes vacant, the Town Administrator may post the vacancy at the Town Hall, the library and advertise in other media deemed appropriate and shall solicit resumes and references. The Town Administrator and a search committee composed by the Town Administrator, shall review the qualifications, conduct interviews obtain the appropriate reference checks and forward to the Council all resumes and references if requested by any Council member. **[Amended 11-5-1996; 11-2-2010]**
- B. The further organization of the Department into separate divisions or offices shall be made by the Council, upon the recommendation of the Administrator.

ARTICLE XXIX
Powers and Duties
[Amended 11-4-1986]

§ C-106. Department. [Amended 11-8-1988; ratified by Town Council 2-10-1992]

The Department of Public Works shall be responsible for town engineering, town lands, town roads, streetlighting, town parking lots, sanitary landfill, future sewer and water supply projects, public buildings.

§ C-107. Director.

It shall be the duty of the Director to:

- A. Recommend annual projects to Administrator for consideration; final approval resting with the Council. **[Amended 11-5-1996]**
- B. Assist the Administrator in the preparation of an annual budget for consideration by the Budget Commission.
- C. Assist the Planning Commission in the preparation of long-range plans of town projects for consideration by the Council.
- D. Recommend the hiring of personnel to the Administrator.
- E. Recommend the termination of personnel to the Administrator.

- F. Assist the Town Engineer(s) with projects approved by the Council.
- G. Perform such other functions as may be prescribed by this Charter, by ordinance, by the Administrator, or required by the Council. **[Amended 11-5-1996]**

ARTICLE XXX
Engineer

§ C-108. Hiring authorized. [Amended 11-4-1986]

From time to time there may be a Town Engineer(s) hired on a consultant basis (service contract) by the Council, upon the recommendation of the Administrator, in accordance with § C-104D.

§ C-109. Qualifications. [Amended 11-5-1996]

He/she shall be a professional engineer licensed by the State of Rhode Island.

§ C-110. Duties. [Amended 11-5-1996]

The Town Engineer shall be the engineering advisor to the Council for any or all of the departments of town government. He/she shall make surveys, plans, maps, drawings and other engineering projects as may be necessary to carry out town programs. He/she may perform such other duties as may be required by the Council or by laws of this state.

§ C-111. Documents to be public record. ¹⁸

All documents necessary in carrying out any town project furnished by the Engineer to any body of town government shall be filed with the Town Clerk and shall become a public record.

**Part 8
Inspectors**

ARTICLE XXXI
Building Inspector/Zoning Official ¹⁹

§ C-112. Establishment. [Amended 11-2-2010]

There shall be a Building Inspector who shall be appointed by the Council upon the recommendation of the Administrator. Whenever the position of Building Inspector becomes vacant, the Town Administrator may post the vacancy at the Town Hall, the library and

18. Editor's Note: For related provisions, see §§ C-39, C-145, C-190, C-194 and C-195, and Part 5.

19. Editor's Note: The title of this article was changed from "Building Inspector" to "Building Inspector/Zoning Official" 11-2-2010.

advertise in other media deemed appropriate and shall solicit resumes and references. The Town Administrator and a search committee composed by the Town Administrator, shall review the qualifications, conduct interviews obtain the appropriate reference checks and forward to the Council all resumes and references if requested by any Council member.

§ C-113. Deputy Building Inspector.

If necessary there may be a Deputy Building Inspector who shall be appointed by the Administrator upon the recommendation of the Building Inspector.

§ C-114. Qualifications.

The Building Inspector (and Deputy Building Inspector) shall:

- A. Have working knowledge of all aspects of construction (as well as electrical and plumbing knowledge) of commercial and residential buildings.
- B. Have actively participated in construction for at least five (5) years prior to appointment.
- C. Have successfully passed a state examination and be certified for building inspection.

ARTICLE XXXII

Function of Building Inspector/Zoning Official ²⁰

§ C-115. Powers and duties.

It shall be the duty of the Building Inspector to:

- A. Issue all building permits, and any other permit in accordance with existing ordinances or future ordinances passed by the Council.
- B. Maintain a record of all business transacted by him/her in the course of his/her duties and turn in to the Treasurer all fees collected within two (2) business days of receipt.
[Amended 11-5-1996]
- C. Enforce the provisions of the Zoning, Building and other ordinances relating thereto as shall from time to time be ordained by the Council, and to institute legal proceedings, both civil and criminal, on behalf of the town for violation of these provisions.
[Amended 11-2-2010]
- D. Examine all buildings in the course of erection, alteration or repair, and all buildings reported dangerous, whether from fire or from other cause, and all buildings under application to raze, enlarge or build upon, and make a record of the condition of them.
[Amended 11-5-1996]

20. Editor's Note: The title of this article was changed from "Function of Building Inspector" to "Function of Building Inspector/Zoning Official" 11-2-2010.

- E. Provide information to the Tax Assessor(s)' office and the Planning and Conservation Commissions within five (5) calendar days, regarding any permits issued for new construction, demolition, renovation or additions to existing structures and all zoning decisions. **[Amended 11-2-2010]**
- F. Serve as Minimum Housing Inspector and be vested with all the powers and authority prescribed by the Rhode Island Housing, Maintenance and Occupancy Code. **[Added 11-5-1996]**
- G. Serve as Fence Viewer. **[Added 11-5-1996]**

ARTICLE XXXIII

Education Department ²¹**[Added 11-5-2002; amended 11-4-2008]****§ C-116. Charlestown School Committee.**

- A. In the event of a Charlestown School District, there shall be a Charlestown School Committee.
- B. The School Committee shall be composed of 5 residents elected in a town-wide vote on a nonpartisan basis for staggered four-year terms.
- C. The first election shall be held on the first Tuesday in November in the year in which withdrawal from the Chariho Regional School District would take place. The three candidates with the highest number of votes shall serve four-year terms; the two candidates with the next highest number of votes shall serve two-year terms. In subsequent elections either two or three members shall be elected for four-year terms.
- D. Any vacancy in the membership of the School Committee shall be filled by appointment by a majority of all members of the Council until the next regular Town election, when the office shall be filled for the unexpired term. **[Amended 11-2-2010]**
- E. The stipends for the five (5) members of the School Committee shall be established by the Budget Commission and approved by the Council.
- F. The School Committee shall elect a chair and vice chair at its first organizational meeting and thereafter shall elect a chair and a vice chair at its first meeting following a regular town election or following the vacancy in either the chair or vice chair.
- G. The School Committee shall determine its own rules and order of business at the time of its first organizational meeting. The School Committee shall hire or appoint a clerk to keep the records of the meeting and a finance officer.

21. Editor's Note: Former Art. XXXIII, Minimum Housing Inspector, consisting of §§ C-116 through C-118, was repealed 11-5-1996.

§ C-117. Charlestown Interim School Committee.

- A. The Council may appoint a five-member interim School Committee to assist the Town in establishing its School System. **[Amended 11-2-2010]**
- B. The interim School Committee shall remain in office until the certification of elected School Committee members after the November election.
- C. Members of the Chariho School Committee may be appointed to the interim School Committee, on condition they resign from the Chariho School Committee.

§ C-118. Powers and duties of the Charlestown School Committee.

- A. The School Committee shall determine and control all policies affecting the administration, maintenance, scheduling, and operation of the public schools and shall have all the powers and be subject to all duties as prescribed by the laws of the state. In addition, it shall have the power to inquire into the conduct of any office, department or activity of the public schools and make investigations as to school affairs.
- B. The School Committee shall appoint a Superintendent of Schools as its administrative agent. The appointment and removal of all school employees and shall be made by School Committee upon recommendation of the Superintendent of Schools, except as may otherwise be provided by state law.
- C. The School Committee shall have the sole authority to negotiate and conclude all collective bargaining agreements with teachers, support staff, or others, which relate to the operation and maintenance of the school system, and otherwise establish employment policies and benefit programs, and the terms and conditions thereof, which the School Committee shall determine is in the best interest of the school system.
- D. Except for the purpose of inquiry, the School Committee and its members shall deal with the administration of the public schools solely through the Superintendent of Schools, and neither the School Committee nor any member thereof shall give orders to any subordinate of the Superintendent of Schools, either publicly or privately.
- E. The School Committee shall submit budget estimates to the Town Administrator and the Budget Commission no later than the third Tuesday in March. The estimates shall show those costs mandated by state law or contract and those costs that are discretionary. The Budget Commission and the Council may cut or add to the bottom line of the School Committee budget proposal but the allocations of the amount appropriated shall be determined by the School Committee.
- F. The Charlestown school operating budget shall go before the voters separately from the municipal operating budget.
- G. The School Committee, with the approval of the Council, may delegate to any office or department of the Town any function or service under their control not directly connected with education.

Part 9
Police Department ²²
[Amended 11-8-1988; ratified by Town Council 2-10-1992]

ARTICLE XXXIV
Organization; Duties

§ C-119. Composition. [Amended 11-2-2010]

There shall be a Police Department, the head of which shall be the Chief of Police. He/she shall be appointed by the Council upon the recommendation of the Administrator. Whenever the position of Chief of Police becomes vacant, the Town Administrator may post the vacancy at the Town Hall, the library and advertise in other media deemed appropriate and shall solicit resumes and references. The Town Administrator and a search committee composed by the Town administrator, shall review the qualifications, conduct interviews, obtain the appropriate reference checks and forward to the council all resumes and references if requested by any council member. The Department will be composed of officers and patrolmen as shall from time to time be recommended by the Chief of Police, supported by the Town Administrator and approved by the Council.

§ C-120. Powers and duties.

The Chief of Police and other members of the Department shall have all the powers and duties as are now or hereafter vested in police officers by the laws of the state and town ordinances.

§ C-121. Organization; appointment.

The organization of the Department, appointment of its members as well as their powers and duties shall be set forth in town ordinances and in the Rules and Regulations of the Department.

§ C-122. through § C-124. (Reserved)

ARTICLE XXXV
Department of Parks and Recreation
[Amended 11-5-1996]

§ C-125. Establishment. [Amended 11-2-2010]

There will be a Department of Parks and Recreation, the head of which will be the Director recommended by the Town Administrator and approved by the Council. Whenever the position of Director of Parks and Recreation becomes vacant, the Town Administrator may

²². Editor's Note: For related provisions, see Ch. 44, Police Department.

post the vacancy at the Town Hall, the library and advertise in other media deemed appropriate and shall solicit resumes and references. The Town Administrator and a search committee composed by the Town Administrator, shall review the qualifications, conduct interviews obtain the appropriate reference checks and forward to the Council all resumes and references if requested by any Council member.

§ C-126. Powers and Duties. [Added 11-2-2010]

- A. Advise the Parks and Recreation Commission relative to creating and implementing a comprehensive recreation program in the Town of Charlestown.
- B. Maintain and operate public beaches, parks and playgrounds, athletic fields and other community recreation facilities.
- C. Conduct and promote recreation, play, sport and physical training.
- D. Recommend fees for the utilization of the various recreation facilities and programs, subject to approval by the Council.
- E. Recommend to the Town Administrator adequate staff hirings for the orderly and efficient operation and maintenance of all town recreational programs and facilities.
- F. Prepare an itemized operating and capital budget for the Parks and Recreation Department.
- G. Coordinate activities with other town departments and outside agencies.
- H. Coordinate all facility maintenance and improvement activities with the Department of Public Works.
- I. Perform other duties as may be required from time to time.

§ C-127. through § C-128. (Reserved)

**Part 10
Planning ²³**

**ARTICLE XXXVI
Department of Planning
[Added 11-5-2002]**

§ C-129. Establishment.

- A. There shall be a Department of Planning, the head of which shall be the Town Planner who shall report to the Town Administrator. Whenever the position of Town Planner becomes vacant, the Town Administrator may post the vacancy at the Town Hall, the

23. Editor's Note: Former Part 10, Schools, was repealed 11-8-1988; ratified by Town Council 2-10-1992.

library and advertise in other media deemed appropriate and shall solicit resumes and references. The Town Administrator and a search committee composed by the Town Administrator, shall review the qualifications, conduct interviews obtain the appropriate reference checks and forward to the Council all resumes and references if requested by any Council member. **[Amended 11-2-2010]**

- B. The Town Planner shall be appointed by the Council on recommendation of the Town Administrator. **[Amended 11-2-2010]**
- C. The Town Planner shall have qualifications and broad experience in community planning.

§ C-130. Duties of the Town Planner.

- A. The Planning Department and the Town Planner shall assist the Planning Commission.
- B. The Planning Department and the Town Planner shall develop and maintain relevant data to assist the Planning Commission, the Town Administrator, the Council and the School Committee in making decisions. **[Amended 11-2-2010]**
- C. The Planning Department and the Town Planner, through the Town Administrator, also shall be responsive to requests by commissions, boards and committees for information that will improve their ability to serve.

§ C-131. through § C-135. (Reserved)

**ARTICLE XXXVII
(Reserved)**

§ C-136. through § C-141. (Reserved)

**Part 11
Solicitor**

**ARTICLE XXXVIII
Establishment and Qualifications**

§ C-142. Establishment. [Amended 11-2-2010]

There shall be a Town Solicitor and, if necessary, Assistant Town Solicitors, each of whom shall be appointed by the Council and shall serve at the pleasure of the Council. Whenever the position of Town Solicitor becomes vacant, the Council shall solicit resumes, review the qualifications, conduct interviews and obtain the appropriate reference checks.

§ C-143. Qualifications. [Amended 11-5-1996]

The Town Solicitor and Assistant Town Solicitors shall be attorneys at law in good standing, and the Town Solicitor must have been admitted to the bar four (4) years prior to his/her appointment. The Assistant Town Solicitors need not have been admitted that long before their appointments. Neither the Town Solicitor nor the Assistant Town Solicitors need be residents of the town.

**ARTICLE XXXIX
Powers and Duties**

§ C-144. Duties. [Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-5-1996; 11-2-2010]

The Town Solicitor shall be the attorney for the town and legal advisor to the Council, the Town Administrator and all other departments, officers and agencies of the town. He/she shall direct the work of the Assistant Town Solicitors. It shall be the duty of the Town Solicitor to:

- A. Appear for and protect the rights of the town in all actions, suits and proceedings, civil or criminal, in law or equity, brought by or for or against any of its departments, including the Board of Canvassers.
- B. Examine or prepare all ordinances and resolutions, and all invitations for bids, contracts and other legal documents sent out by any department, office or agency of the town.
- C. Perform such other duties appropriate to his/her office as the provisions of this Charter, the Council and/or the Town Administrator may require.

§ C-145. Opinions to be public record. ²⁴ [Amended 11-2-2010]

All written legal opinions furnished to the Council, the Town Administrator and all departments, offices and agencies of the town shall be filed with the Town Clerk and shall become a public record.

§ C-146. Special powers under state law.

The statement in this Charter of the duties of the Town Solicitor shall not be deemed to abridge any special powers and duties now or hereafter conferred upon Town Solicitors by state law.

24. Editor's Note: For related provisions, see §§ C-39, C-111, C-165, C-190, C-194 and C-195 and Part 5.

Part 12
Probate Court

ARTICLE XL
Establishment

§ C-147. Establishment; selection and term of Judge of Probate. [Amended 11-5-1996]

There shall be a Probate Court; and there shall be a Judge of Probate who may be the Town Solicitor. He/she shall be appointed by the Council to serve for a term of office concurrent with that of the Council and until his/her successor is appointed and qualified.

§ C-148. Clerk. ²⁵

There shall be a Clerk of Probate Court who shall be the Town Clerk.

§ C-149. Absence of Judge. [Amended 11-5-1996; 11-2-2010]

Whenever the Judge of Probate Court is absent or unable to perform his/her duties, or there is a vacancy in the office, his/her duties may be temporarily performed by the Assistant Town Solicitor or by an Acting Probate Judge designated by the Council. If the absence or vacancy exceeds ninety (90) calendar days, the Council may appoint another Probate Judge to fill the unexpired term.

ARTICLE XLI
Powers and Duties

§ C-150. Judge to exercise and perform.

The Judge of Probate shall exercise and perform the powers and duties of a Probate Court for the town.

Part 13
Officers and Departments

ARTICLE XLII
Animal Control Officer

§ C-151. Establishment and appointment.

- A. There shall be an Animal Control Officer appointed by the Administrator.
- B. If necessary there may be an Assistant Animal Control Officer appointed by the Administrator with the approval of the Council.

²⁵ Editor's Note: For related provisions, see § C-53D.

§ C-152. Duties.

It shall be the duty of the Animal Control Officer to:

- A. Enforce the laws of the state and town regarding animal control, and to institute legal proceedings, both civil and criminal, on behalf of the town for violations thereof.
- B. Arrange for appraisal of damages caused by animals.
- C. Transport all animals he/she may impound to the animal shelter designated by the Council. **[Amended 11-5-1996]**
- D. Dispose of all dead animals.
- E. Perform any other duties or functions as the Council may direct by ordinance.

ARTICLE XLIII
Department of Emergency Management
[Amended 11-4-2008]

§ C-153. Establishment and appointment.

- A. There shall be a Department of Emergency Management.
- B. There shall be a Director of Emergency Management appointed by the Town Administrator.
- C. There shall be a Deputy Director of Emergency Management who shall be appointed by the Town Administrator upon the acceptance of a recommendation of the Director of Emergency Management.
- D. There shall be a Charlestown Emergency Management Agency (CEMA) comprised of the Director of Emergency Management, and other personnel qualified in emergency service and approved by the Director.

§ C-154. Duties.

- A. It shall be the duty of the Director of Emergency Management to:
 - 1. Prepare a comprehensive plan for the utilization of town facilities, equipment and personnel during any emergency.
 - 2. Equip and maintain an emergency communications center.
 - 3. Assist the Council President in any declared emergency as recognized under the "Unified Command" principle.
 - 4. Act as liaison with the Rhode Island Emergency Management Agency.
 - 5. Act as liaison between the local Full-time and/or Part-Time, Public, Private and Volunteer Public Safety agencies.

6. Submit to the Budget Commission a request for funds to be used in the event of an emergency within the Town. These funds shall be kept in a separate reserve account and used for the sole purpose of assisting to cover the costs to procure resources during the emergent situation.
 7. Perform any other duties or functions as provided in federal law, state law, or as the Charlestown Town Council may direct by ordinance.
- B. It shall be the duty of the Deputy Director of Emergency Management to act at the direction of the Director of Emergency Management. If an emergency situation should arise while the Director is absent for any reason, the Deputy Director will fill-in and maintain the Department's standard policies until the Director returns.

ARTICLE XLIV
Department of Public Assistance

§ C-155. Establishment and appointment.

- A. There shall be a Department of Public Assistance.
- B. There shall be a Director of Public Assistance, who shall be recommended by the Administrator and appointed by the Council. If necessary, there may be an Assistant Director appointed by the Administrator with the approval of the Council.

§ C-156. Powers and duties. [Amended 11-4-2008]

It shall be the duty of the Director of Public Assistance to:

- A. Administer all welfare statutes of the state or federal government, the administration of which is delegated to the town. Determine eligibility due to but not limited by welfare statutes and poverty guidelines of the state and federal government.
- B. Have all the powers, duties, and responsibility to provide assistance relating to the poor, needy, dependent and handicapped persons with regard to but not limited to food, shelter, clothing, medicine, emergency utility assistance, emergency deliveries due to medical emergency and referral information for additional related services. **[Amended 11-2-2010]**
- C. Administer a special needs fund to assist clients with emergency needs.
- D. Receive from the Budget Commission all requests by public, semipublic or private agencies for town funds related to public assistance, no less than two weeks prior to the Budget Commission meeting when the item will be discussed. These agencies shall furnish all reasonable information to the Director of Public Assistance if requested when they apply for town funds. **[Amended 11-2-2010]**

All funds received by the Town for the purpose of perpetual care of the poor and needy shall be received, maintained and invested by the Town Treasurer. Clients in need will complete an application for public assistance and will provide any and all requested documentation.

ARTICLE XLV
Wastewater Management Commission
[Amended 11-5-1996; 11-2-2010]

§ C-157. Establishment; organization and appointment.

- A. There shall be a Wastewater Management Commission whose duties and functions shall be determined by ordinance.
- B. There shall be a Wastewater Management Specialist appointed by the Administrator, upon approval by the Council.

§ C-158. (Reserved)

ARTICLE XLVI
Moderator ²⁶

§ C-159. Establishment, election and qualifications. [Amended 11-5-1996; 11-2-2010]

There shall be a Town Moderator who shall be elected for a term of two (2) years at the regular election of town officers. He/she shall be an elector of the town qualified to vote in Financial Referenda.

§ C-160. Vacancies. [Amended 11-5-1996]

If the office of Moderator is vacant, or if he/she is absent, the Council shall appoint an Acting Moderator.

§ C-161. Powers and duties. [Amended 11-5-1996; 11-2-2010]

The Moderator shall act as presiding officer at all regular and special Budget Public Hearings as occur during his/her term of office.

26. Editor's Note: For related provisions, see § C-93.

ARTICLE XLVII
Sergeant

§ C-162. Establishment and appointment. [Amended 11-2-2010]

There shall be a Town Sergeant appointed by the Town Administrator and approved by the Council.

§ C-163. Powers and duties.

- A. The Town Sergeant shall be responsible for assisting the Council President in maintaining order at all Council meetings.
- B. He/she shall have all the powers, privileges and immunities of his/her office. He/she shall perform all the duties as prescribed by the General Laws and applicable special laws and ordinances. **[Amended 11-5-1996]**

ARTICLE XLVIII
Additional Officers

§ C-164. Establishment; appointment and duties.

- A. There may be the following additional town officers appointed by the Town Administrator: **[Amended 11-5-1996; 11-2-2010]**
 - (1) Custodian of Cemeteries who will also serve as Officer for Burial of Deceased Armed Forces Personnel.
 - (2) Sealer of Weights and Measures.
 - (3) Tree Warden and Surveyor of Lumber.
- B. Their duties shall be as prescribed by the General Laws of Rhode Island. **[Amended 11-5-1996]**
- C. There shall be such other officers and commissions of the town as the Council may establish by ordinance.

**Part 14
Commissions and Boards**

ARTICLE XLIX
Meetings
[Amended 11-5-1996; 11-2-2010]

§ C-165. Notice; meetings open to public. ²⁷

27. Editor's Note: For related provisions, see §§ 39, C-111, C-145, C-190, C-194 and C-195.

The meetings of all commissions and boards provided for in this Charter or established by the Council shall be posted and conducted in accordance with applicable state and federal laws. All regularly scheduled public meetings held by the Town Council, and all Boards and Commissions will require an agenda item for public comment.

ARTICLE L

Conservation Commission ²⁸

[Amended 11-8-1988; ratified by Town Council 2-10-1992]

§ C-166. Establishment, powers and duties. [Amended 11-2-2010]

There shall be a Conservation Commission composed of seven (7) members appointed by the Council. Its powers, duties and responsibilities shall be provided by ordinance. This Commission shall serve as an advisory body to the Council, Planning Commission and other boards or commissions who may seek its advice on the conservation, preservation and development of the town's natural resources.

§ C-167. (Reserved)

ARTICLE LI

Commissions, Board and Committees ²⁹

[Added 11-5-2002]

§ C-168. All commissions, boards and committees.

- A. The procedures followed by Town commissions, boards and committees shall be as set forth in the respective Charter provisions, ordinances, or resolutions establishing such commissions, boards and committees.
- B. All commissions, boards and committees shall file an annual report to the Council and the Town Administrator at the start of each fiscal year if requested by the Council or Town Administrator. These reports shall detail the accomplishments of the previous year, the goals of the next year, how many meetings held, attendance by each member and any other vital information. **[Amended 11-4-2008; 11-2-2010]**
- C. Voting members of commissions, boards and committee shall be residents of the Town.
- D. Request for candidates to fill vacancies on commissions, boards and committees shall be announced at a Council meeting not less than one month prior to an appointment being made.

28. Editor's Note: For related provisions, see Ch. 11, Conservation Commission.

29. Editor's Note: Former Art. LI, Recreation Commission, as amended, was relocated and renamed 11-5-1996. For current provisions, see Art. XXXV, Department of Parks and Recreation.

§ C-169. Powers of commissions, boards, committees created by Council resolution.

- A. A commission, board or committee shall serve to advise the Council or the Town Administrator or a Department director.
- B. The Council shall provide a written charge to a newly created commission, board or committee prior to the group's organizational meeting. This written charge shall set forth the role of the group and its responsibilities, the work to be done, and any requirement for reporting to the Council.
- C. Appointments of members to commissions, boards and committees shall be by a majority vote of the Council.
- D. The Council, by a majority vote, may appoint a chair for a commission, board or committee or may select a chair pro tem for the organizational meeting.
- E. Expenditure by these commissions, boards or committees of Town funds shall be requested through the Town Administrator.

ARTICLE LII
Building Commission ³⁰
[Added 11-5-2002]

§ C-170. Appointment of Commission.

- A. There shall be a Building Commission of (5) members appointed by the Council for staggered terms of office lasting three (3) years. One (1) member shall be first appointed for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. All appointees thereafter shall be appointed for three (3) years. Appointment to fill a vacancy shall be for the unexpired term. One (1) member of the Council, one (1) member of the School Committee and the Town Administrator shall serve as ex-officio members with no voting rights. [Amended 11-2-2010]
- B. When the Commission is serving as a building committee for a specific municipal project, the Council may appoint up to four additional members with voting rights. When the Commission is serving as a building committee for a specific school project, the School Committee may appoint four additional members with voting rights.
- C. Additional members appointed by the Council or School Committee shall serve only for the duration of the specific municipal or school project and shall only have a vote for the specific project for which they were appointed.
- D. Appointees to the Commission shall have expertise in the financing, building managing and maintaining of facilities.

30. Editor's Note: Former Article LII, Personnel Appeal Board, was repealed 11-8-1988; ratified by Town Council 2-10-1992.

§ C-171. Duties of the Commission.

- A. Each year by October 1, the Commission shall complete an inspection of all town facilities and report in writing to the Council, the Town Administrator and the School Committee on the condition of all municipal and school facilities. The Commission also shall make recommendations for repairs and improvements and these recommendations shall be considered in preparing the next fiscal year's budget.
- B. The Commission also shall become the building committee for specific projects the town may undertake for municipal or school needs. It works with and makes recommendations to the appropriate governing body.

ARTICLE LIII
Planning Commission ³¹

§ C-172. Establishment and organization; compensation.

- A. There shall be a Planning Commission composed of five (5) members. They shall be elected at large on a nonpartisan basis for terms of six (6) years, except that the initial elections shall be for terms of two (2) members for two (2) years, two (2) members for four (4) years and one (1) member for six (6) years, respectively. In addition there shall be two (2) alternate members elected for terms of two (2) years; and any vacancy on the Commission shall be filled by one (1) of the alternates until the next general election. When an alternate resigns or is appointed to fill a vacancy on the Commission, the Council may appoint a replacement alternate to serve until the next general election. All members shall serve until their respective successors have been elected. The Town Administrator and the Director of Public Works shall serve as ex officio members, and a member of the Council may also serve as an ex officio member of this Commission.
[Amended 11-4-1986; 11-8-1988; ratified by Council 2-10-1992; 11-2-2010]
- B. The Commission shall organize annually by electing a Chairman, Vice Chairman, and appointing a Secretary. Members of the Commission shall serve without compensation but may be reimbursed out of appropriations for any expenses incurred in the performance of their duties.

§ C-173. Meetings, quorum and rules.

- A. Regular meetings of the Commission shall be held at least once a month on such days as the Commission may determine, and special meetings shall be held at the call of the Chairman or on written request of two (2) members.
- B. Three (3) members shall constitute a quorum, but no action shall be taken by the Commission without the concurring vote of three (3) members.
- C. Meetings of the Commission shall be held as the Commission may determine. The Chairman or, in his/her absence, the Vice Chairman, may administer oaths, compel the attendance of witnesses and the submission of explanatory data. Alternate members may

31. Editor's Note: For related provisions, see Ch. 40, Planning Commission.

actively participate in all hearings, whether acting in a voting capacity or not. In the event a regular Commission member can not vote, then the first alternate shall serve as a voting member of the Commission. In the event two regular Commission members can not vote, the second alternate shall also serve as a voting member. In the absence of the first alternate, the second alternate shall serve as the first alternate. No member or alternate may vote on any matter before the Commission unless he/she has been present for the entire proceedings on that application or has reviewed the meeting tapes, the minutes and familiarized himself/herself with the application. **[Added 11-4-2008³²]**

D. The Commission shall adopt rules for the transaction of business. **[Amended 11-5-1996]**

§ C-174. Powers and duties.

- A. The Planning Commission shall make studies and prepare plans for the utilization of the resources and satisfaction of the needs of the town, with reference to its physical growth and development as affecting the health, safety, morals and general welfare of the people and the economy and efficiency of community life. Such studies and plans may include, among other things, the following:
- (1) The utilization of land for residential, commercial, industrial, public, institutional and other purposes;
 - (2) The location and character of transportation routes, including railroads, highways, streets, sidewalks, bridges, terminals, heliports and other facilities;
 - (3) The location and character of public facilities, including offices, fire or police stations, schools, recreation areas and other public places and structures;
 - (4) The location and character of public service and utility systems such as water supply, drainage, sewerage, streetlighting and power or fuel transmission;
 - (5) Blighted areas, including the designation of general areas for redevelopment or renewal;
 - (6) Environmental pollution: air, land and water;
 - (7) The conservation and utilization of natural resources, including soil, ground- or surface water, minerals, plant and animal life and topographic features;
 - (8) Historic sites or buildings;
 - (9) Survival from possible disaster; and
 - (10) The economic and sociological aspects of the town.
- B. The Commission shall periodically update the Comprehensive Plan for the development and improvement of the town. That plan shall, among other things, show the proposed location and arrangement of the uses of the land; transportation routes; public facilities; utility systems; deteriorating or blighted neighborhoods planned for redevelopment,

32. Editor's Note: This amendment also redesignated former Subsection C as Subsection D.

rehabilitation or other improvement; natural resources and historic sites to be preserved; and disaster survival proposals. The plan shall also include recommendations for the enactment of development controls deemed necessary to properly implement the features of the plan, such as zoning, subdivision control, official street map, minimum housing standards, pollution control, etc. No portion of the Comprehensive Plan or amendment thereto shall be adopted without a public hearing.

- C. ³³ The Commission shall regulate the platting or any other subdivision of land in accordance with the provisions of the General Laws of Rhode Island.
- D. The Commission shall file an opinion with the Council on all proposed amendments to the Zoning Ordinance,³⁴ giving due consideration to the relationship of such amendments to the town's Comprehensive Plan, and shall recommend to the Council amendments to the Zoning Ordinance³⁵ wherever there is a proposed major change in or extension of land use, transportation routes, public facilities or public utility systems. At least once every two (2) years the Planning Commission shall review the Zoning Ordinance and make recommendations concerning its revision.
- E. The Commission shall report annually to the Council at the end of the fiscal year, summarizing the work of the preceding year and recommending plans for future development of the town. A copy of this report shall be filed with the Rhode Island Development Council in accordance with the provisions in the General Laws of Rhode Island. All plans and reports of the Commission shall be first submitted to the Council, and thereafter the Commission may publish and distribute copies of plans and reports in order to promote public interest in and understanding of the work of the Commission.
- F. The Commission shall undertake such other work as may be assigned by the Council in connection with the physical growth and development of the town. The Commission shall have the authority to call upon other departments, boards, committees or commissions of the town and agencies of the state and federal governments for assistance in performing its designated functions, and shall cooperate with other departments and with state and federal agencies on community, regional and state planning and development. The Commission may employ such technical assistance as it may deem necessary within the funds appropriated to it, and may enter into agreements with the state, federal or regional agencies; the Commission may incur any expense necessary therefor, but it shall not for any purpose contract for or incur any expense greater than the amount appropriated or available therefor.

§ C-175. Planning coordination.

- A. Any proposal for the construction of a public improvement or for the acquisition of land for public use shall be first submitted to the Planning Commission for its recommendation. Nothing, however, shall be construed to prevent the proposal from

33. Editor's Note: Former Subsection C, Capital Budget, was repealed 11-8-1988; ratified by Town Council 2-10-1992. Said legislation also redesignated former Subsections D through G as Subsections C through F, respectively.

34. Editor's Note: See Ch. 218, Zoning.

35. Editor's Note: See Ch. 218, Zoning.

being effected in the absence of a recommendation of the Commission after thirty (30) days from the date of submission or subsequent to a negative recommendation of the Commission.

- B. All proposed ordinances and resolutions of the Council which concern the existing and proposed location and arrangement of the uses of the land, transportation routes, public facilities; public utility systems; deteriorating or blighted neighborhoods planned for redevelopment, rehabilitation or other improvement; natural resources and historic sites to be preserved; and disaster survival proposals shall be submitted to the Commission for its recommendation. Nothing, however, shall be construed to restrict or prevent the Council from acting on any ordinance or resolution contrary to or in the absence of a recommendation of the Commission.
- C. (Reserved)³⁶
- D. The Commission may also act in a review capacity in other matters as may be specified in the General Laws of the State of Rhode Island.

ARTICLE LIV Senior Citizens Commission

§ C-176. Establishment and appointment. [Amended 11-4-2008]

There shall be a Senior Citizens Commission composed of seven (7) members, appointed by the Council. At least four (4) members of the Commission may be age sixty (60) or older.

§ C-177. Duties.

It shall be the duty of this Commission to advise the Council on the needs of the senior residents of the town, and to make recommendations for Council consideration.

ARTICLE LV Zoning Board of Review

§ C-178. Establishment, appointments and vacancies. [Amended 11-5-1996]

There shall be a Zoning Board of Review consisting of five (5) members and three (3) alternate members, all appointed by the Council. Each member shall be appointed for a term of five (5) years, except that the original appointments shall be made for terms of one (1), two (2), three (3), four (4) and five (5) years respectively. The alternate members shall be appointed for terms of one (1) year. If a vacancy on the Board should occur, the Council shall appoint one (1) of the alternates as a member for the unexpired term.

36. Editor's Note: Former Subsection C concerning capital budget and capital improvement program, was repealed 11-5-1996.

§ C-179. Powers and duties.

- A. The Board shall hear and decide all matters coming before it as specified in the General Laws of Rhode Island. [Amended 11-5-1996³⁷]
- B. (Reserved)
- C. (Reserved)
- D. The Board may also act in a review capacity in other matters as may be specified in the General Laws of Rhode Island.

Part 15
General Personnel Provisions

ARTICLE LVI
Personnel System; Bonding
[Amended 11-8-1988; ratified by Town Council 2-10-1992]

§ C-179.1. Establishment of system. [Amended 11-2-2010]

A personnel system which shall include an appeal process for nonunion employees shall be established by ordinance by the Council.

§ C-180. Bond may be required.

As provided in § C-31F, such officers or employees of the town as the Council may designate shall give bond for the faithful performance of their duties in such amount and with such corporate surety as may be prescribed by the Council. The premiums on these bonds shall be paid by the town.

ARTICLE LVII
Compensation

§ C-181. Administrator.

The Council shall determine by resolution the compensation of the Administrator.

§ C-182. Officers and employees other than Administrator. [Amended 11-8-1988; ratified by Town Council 2-10-1992; amended 11-5-1996; 11-2-2010]

Officers and employees of the town below the rank of Administrator shall receive such compensation as may be recommended by the Town Administrator and set by the Council.

37. Editor's Note: This amendment also repealed former Subsections B and C regarding special exceptions and variances, respectively.

§ C-183. through § C-184. (Reserved) ³⁸**ARTICLE LVIII
Dual Office Holding****§ C-185. Restrictions.**

- A. No elected or appointed member of the town government shall hold more than one (1) position, elected or appointive, at the same time, except the Town Solicitor and the Judge of Probate may be the same person, or as otherwise provided in this Charter.
- B. No employee of the town shall hold an elective office in town government.
- C. For the purpose of this Article LVIII, Town Constables, Notaries Public, Justices of the Peace, volunteer firemen, members of the Police Reserve and members of Ad Hoc Committees shall be considered neither elected nor appointed officials of town government, nor as town employees. **[Amended 11-5-1996]**

**ARTICLE LIX
Ethics/Personal Financial Interest
[Amended 11-5-1996; 11-4-2008]****§ C-186. Rules.**

- A. All elected and appointed officials of the Town, as the same as defined in State law, shall be subject to and comply with, the code of ethics statutes of the State as set forth in Title 36, Chapter 14, et al, and in the regulations, rules and opinions promulgated by the Rhode Island Ethics Commission from time to time.
- B. Interest in work performed for town limited. No officer or employee of the town government shall be financially interested directly or indirectly in the profits of any contract, job, work or service to be performed for the town or in the sale to the town of any land, property, materials, supplies or equipment, other than as the beneficiary of a patent or copyright, or as a minority stockholder with ownership not exceeding five percent (5%) of such stock outstanding. Any contract, agreement or obligation entered into contrary to the provisions of this Article shall be void, and no person shall have any claim or demand whatever against the town thereunder. Any town officer or employee found guilty of a willful violation of this Article shall forfeit his/her office or position.

38. Editor's Note: Former § C-183, Police Department, and former § C-184, School Department, were repealed 11-8-1988; ratified by Town Council 2-10-1992.

ARTICLE LX
Removal From Elected Office
[Amended 11-5-1996; 11-4-2008]

§ C-187. Cause, Authority and Procedure.

- A. The following shall constitute cause for removal from elected office:
1. A plea of guilty or nolo contendere to a felony.
 2. Final conviction of a felony
- B. General authority. The registered voters of the Town of Charlestown shall have the power to remove elected officials from office by recall, provided that the recall may not be initiated during either the first four (4) or last six (6) months of an incumbent's term, or within six (6) months of any general election. Recall provisions shall apply to all elected bodies; Town Council, Planning Commission and School Committee.
1. Commencement of proceedings: Any five (5) qualified voters may commence recall proceedings by filing with the Town Clerk.
 - (A) Number of signatures. Recall petitions must be signed by qualified voters equal in number to at least twenty percent (20%) of the average of the total number of persons that actually voted at the last two (2) General elections in the town.
 - (B) Form and content. All papers of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and voting address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the name and office of the official for whom recall is sought.
 - (C) Affidavit of circulator. Each paper of a petition shall have attached to it when filed, an affidavit executed by the person circulating it stating the number of signatures thereon and affirming that he/she personally circulated the paper, that all the signatures were affixed in the presence of the circulator, and that he/she believes them to be genuine signatures of the persons whose names they purport to be.
 - (D) Time for filing recall petitions. Recall petitions must be filed with the town clerk within seventy-five (75) calendar days after the clerk's issuance of the blank petition.
 2. Petitions.
 - (A) Number of signatures. Recall petitions must be signed by qualified voters equal in number to at least twenty percent (20%) of the average of the total number of persons that actually voted at the last two (2) General elections in the town.
 - (B) Form and content. All papers of the petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and voting address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the name and office of the official for whom recall is sought.
 - (C) Affidavit of circulator. Each paper of a petition shall have attached to it when filed, an affidavit executed by the person circulating it stating the number of signatures thereon and affirming that he/she personally circulated the paper, that all the signatures were affixed in the presence of the circulator, and that he/she believes them to be genuine signatures of the persons whose names they purport to be.
 - (D) Time for filing recall petitions. Recall petitions must be filed with the town clerk within seventy-five (75) calendar days after the clerk's issuance of the blank petition.
 3. Procedure after filing. Certification of petition. The town clerk shall forthwith refer the filed recall petition to the board of canvassers which shall within ten (10) business days prepare a certificate as to the sufficiency, specifying if it is sufficient and specifying if it is insufficient, the particulars wherein it is defective. Any voter who is unable to write may sign by making his or her mark (X) on the petition in

the presence of two (2) witnesses who shall subscribe their names on the paper as witnesses to the signing.

4. Submission to voters. The vote of the town on a recall petition shall be held not less than forty-five (45) calendar days and not more than sixty (60) calendar days from the date that the board of canvassers certified the petition as sufficient.
5. Results of election.
 - A. If a majority of the votes cast on the question of removal is affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon certification of the election results.
 - B. If a majority of votes cast on the question of removal is not in the affirmative, then no subsequent recall petition for the same individual may be initiated for at least four (4) calendar months.
6. Filling of Vacancy. With regards to a recall of a Town Council member, the vacancy of this term shall be filled by the manner prescribed in section C-24 of this Charter. With regards to a recall of a Planning Commission member, the vacancy will be filled in the manner prescribed in C-172 of this Charter. With regards to a recall of a School Committee member, the vacancy will be filled in the manner prescribed either in C-116 of this Charter or as prescribed in the Chariho Act, whichever is applicable.

ARTICLE LXI

Residence of Officers

[Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-2-2010]

§ C-188. Elected officials and members of boards and commissions.

At the time of their election or appointment, every elected official and all members of boards, commissions and Ad Hoc Committees shall have been a resident of and domiciled in the town for at least thirty (30) calendar days next prior to assuming their positions and shall remain a domiciliary and resident of the town throughout their tenure of office. If any of these officials fail to meet these requirements, the office held by that official shall thereupon become vacant and subject to reelection or reappointment.

Part 16
General Provisions

ARTICLE LXII
Voter Qualifications, Public Records and Word Usage

§ C-189. Qualifications for voters. [Amended 11-2-2010]

Qualified electors are those residents of the Town of Charlestown who are registered and qualified to vote in all general, primary or special elections of the town, and to vote at the Budget Public Hearing/ Financial Referendum.

§ C-190. Public records. ³⁹ [Amended 11-8-1988; ratified by Town Council 2-10-1992]

All records and accounts of every office, department or agency of the town shall be open to any citizen, any representative of a citizens' organization or any representative of the press at all reasonable times and under reasonable regulations established by the Administrator. Excluded from this provision are all records and documents, the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish. Also excluded are all personnel and medical files and any similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

§ C-191. Word usage.

The use in this Charter of personal pronouns of the masculine gender is intended to include both the masculine and feminine gender.

ARTICLE LXIII
Payments Received

§ C-192. Payment to Treasurer. ⁴⁰

All fees, tuitions, penalties and payments received by any officer or employee of the town shall belong to the town and shall be paid to the Treasurer within two (2) business days of receipt.

ARTICLE LXIV
Validity

§ C-193. Severability.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, nor the context in

39. Editor's Note: For related provisions, see §§ C-39, C-111, C-145, C-194 and C195, and Part 5.

40. Editor's Note: For related provisions, see § C-76.

which such section or part of a section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holdings shall directly apply; and if any section or part of a section concerned with election procedures shall be held invalid by such court, the pertinent election procedures set forth in the laws of the State of Rhode Island shall apply.

ARTICLE LXV Publication

§ C-194. Printing of Charter, charge for copies. ⁴¹

The Council may provide for the printing, publication and distribution of the Charter and may, at its discretion, require that a reasonable charge be made for copies thereof.

ARTICLE LXVI Availability of Public Documents

§ C-195. Placement in public libraries. ⁴²

Copies of all public documents of the town, such as this Charter, town ordinances, the Comprehensive Town Plan, annual financial reports and annual audit reports, shall be distributed by the Town Clerk to all public libraries in Charlestown, where they will be reserved for reference by the public.

Part 17 Inauguration; Succession and Amendment of Charter

ARTICLE LXVII Inauguration of Charter Government

§ C-196. Effective date.

For the purpose of nominating and electing the elective officers of the town, and of preparing, presenting and adopting the budget, this Charter shall be in full force and effect from and after its approval by the electors of the Town of Charlestown. For all other purposes this Charter shall be in effect from and after the beginning of the town's fiscal year 1981-1982, that is, July 1, 1981, except as provided in § C-64 of this Charter. All appointive officers, including the Administrator and heads and members of departments and agencies of the town, shall be appointed and qualified pursuant to the provisions of this Charter as promptly as possible.

41. Editor's Note: For related provisions, see §§ C-39, C-111, C-145, C-190 and C-195, and Part 5.

42. Editor's Note: For related provisions, see §§ C-39, C-111, C-145, C-190 and C-195, and Part 5.

§ C-197. Transfer of existing appropriations.

The Council shall have the authority to make any changes or transfers in appropriations existing when this Charter takes effect which may be required for the operation of the town government under the provisions of this Charter.

§ C-198. Ordinances to implement Charter.

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

§ C-199. Continuation of laws. ⁴³

The laws of the state and their application shall continue in effect except as they are inconsistent with the provisions of this Charter or any legally adopted ordinances of the town.

§ C-200. Continuation of ordinances. ⁴⁴

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

§ C-201. Continuation of tax obligation.

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

§ C-202. Effect on pending actions and proceedings.

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

43. Editor's Note: For related provisions, see § C-11.

44. Editor's Note: For related provisions, see § C-10.

ARTICLE LXVIII
Succession of Government

§ C-203. Continuation of agencies and offices. [Amended 11-8-1988; ratified by Town Council 2-10-1992; 11-4-2008]

All commissions, boards, departments or officers, whether elective or appointive, shall continue in the performance of their powers, duties and functions until successors have been elected or appointed as provided by this Charter to perform their respective powers, duties and functions. Notwithstanding these provisions, the members of the Council, the Town Clerk, Town Moderator, Town Treasurer and Town Sergeant elected in 1980 shall serve the respective terms for which they have been qualified.

§ C-204. Abolition of agencies.

The following commissions and committees are hereby abolished and the terms of office of each member thereof are hereby terminated; provided, however, that in order to facilitate an orderly transition in the town government they shall continue in office until the appointment and qualification of their respective successors as provided in this Charter: Beach Committee, Highway Commission, Lighting Committee and Landfill Study Committee; and the Board of Tax Assessors, effective June 30, 1982, as provided in § C-64 of this Charter.

§ C-205. Continuation of personnel.

All persons regularly employed in the service of the town at the effective date of this charter shall continue in such employment until promoted, demoted or removed in accordance with the provisions of this Charter.

§ C-206. Transfer of records and property between agencies.

All records, property and equipment of any office, department or agency, the powers and duties of which are assigned in accordance with this Charter to another office, department or agency, shall be transferred and delivered to the office, department or agency to which such powers and duties are assigned. In the event of disagreement over the transfer, the Council shall make the final decision.

§ C-207. Continuation of contracts and obligations.

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

ARTICLE LXIX
Amendments ⁴⁵

§ C-208. Manner of amendment.

This Charter may be amended at any time, or a new Charter adopted in the manner provided by the Constitution. Should two (2) or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail. The sections of any amendments in addition to this Charter shall be numbered by the Town Clerk and inserted in their appropriate places or added to this Charter.

§ C-209. Form of ballot.

It shall not be necessary for the full text of a Charter or amendments to a Charter to be printed upon the ballot. Any digest or description thereof or any question or statement which substantially expresses the purpose or identifies the subject matter to be voted upon shall be sufficient. When any question is to be submitted to the voters, the Council shall approve the statement of the question as it shall appear on the ballot.

45. Editor's Note: For related provisions, see Ch. 6, Charter Revision Advisory Committee.