

SECTION 1. Chapter 637 of the Public Laws of 1910 entitled “an Act to Incorporate the Harrisville Fire District” as amended, is hereby further amended to read as follows:

The Charter of the Harrisville Fire District

Section (a) Establishment.

- A. Incorporation. Within the boundaries described below, there is hereby established a district incorporated as a quasi-municipal corporation under the name of Harrisville Fire District (“District”).**
- B. Purposes. The district is incorporated for the purpose of providing fire suppression and emergency medical and ambulance services, and furnishing and distributing water. Light, and power throughout the district and beyond the same both within and without the district and the Town of Burrillville as provided herein, and for such other purposes as may be deemed necessary, appropriate, or incidental to the foregoing.**
- C. Powers. The district may have a common seal, sue and be sued, and enjoy the other powers generally incident to the quasi-municipal corporation, including the following:**
 - 1. To provide fire suppression, emergency medical, rescue, and ambulance services within or without the territorial limits of the district or the Town of Burrillville.**
 - 2. To procure, distribute and sell water within or without the territorial limits of the district or the Town of Burrillville.**
 - 3. Subject to the approval of the Public Utilities Commission and to all applicable provisions of Title 39 of the general laws and any regulation duly promulgated there under, to procure, distribute, and sell light and power within territorial limits of the district.**
 - 4. To obtain, own, establish, operate, maintain, repair, improve, enlarge, and/or extend any pipe, conduit, fire apparatus, building, facilities, or property of any kind in order to carry out the purposes of the district.**
 - 5. To acquire, hold, use, lease, sell, transfer and/or dispose of any property, real, personal or mixed, or any interest therein for its**

corporate purposes, and to mortgage, pledge, or lease any such property.

6. To make by-laws for the management and regulation of its affairs.
7. To borrow money for any of its corporate purposes, including the creation and maintenance of working capital, and to issue negotiable bonds, notes, or other obligations and to fund or refund the same.
8. To contract in its own name for any lawful purposes deemed necessary to carry out the purposes of the district.
9. To execute all instruments necessary to carry out the purposes of the district.
10. To enter into cooperative agreements with States, cities, counties, towns, water, or fire districts within or without the district for the interconnection of facilities and mutual aid or for any other lawful corporate purposes necessary or desirable to carry out the purposes of the district.
11. To fix rates and collect charges for the use or expansion of the facilities or services rendered by or for any water, commodities, or other utilities furnished by the district, such as to provide revenues sufficient at all times to pay, as the same shall become due, the principal and interest on the bonds of the district, together with the maintenance of proper reserves therefore, in addition to paying, as the same shall become due, all operating expenses of the district together with proper reserves for depreciation, maintenance, expansion, and contingencies and all other obligations and indebtedness of the district.
12. To levy and collect taxes on the taxable inhabitants of the district to carry out the purposes of the district in the manner provided in this charter.
13. To exercise the power of eminent domain in the same manner prescribed pursuant to R.I.G.L. section 39-15-1, et seq., or R.I.G.L. section 24-1-1, et seq., in order to acquire property for the purposes of the district.
14. To do all things necessary or convenient in order to carry out any and all express or implied purposes and powers of the district granted under this charter.

D. Boundaries: The district shall have the boundaries as set forth below and as the same may be amended from time to time.

All that part of the Town of Burrillville starting at a southerly point of the Burrillville and Glocester town line on Route 102, northwest to the intersection of Lapham Farm Road and Steere Farm Road; northeast from said point to the northwest corner of 315 Central Street, then northerly to a point 180 feet west of the intersection of Whipple Avenue and East Avenue; commencing north approximately 835 feet then turning in an east/southeasterly direction to the intersection of Spring Lake Road, Joslin Road and Branch River; following the Branch River in a northeasterly

direction to the Nasonville Fire District line; then turning in a northwesterly direction along the Nasonville Fire District line to the southeast corner of Lot 1, Map 8; turn westerly 263.48 feet along the southern boundary of Lot 1, Map 8; then northerly 332.62 feet; then westerly 1,119.17 feet along said lot; then north 83.80 feet to the Massachusetts state line. This point being the northwest corner of the Nasonville Fire District boundary. Follow said line due west to a point 300 feet beyond Round Top Road; due southeast to the corner of Hill Road and Centennial Street; bordering the Pascoag Fire District line, southerly through the intersection of Union Avenue and Oak Street to a point 923 feet west of Memorial Bridge on Main Street, Pascoag; due southeast from this point to the intersection of Mowry Street and Lapham Farm Road, continue southeast along the Pascoag Fire District line to the Gloucester town line; due east on said line to the point of beginning, as recorded at the Harrisville Fire District office.

(b) Management and Officers

A. Operating Committee – Establishment

Except as otherwise provided herein, all the powers of the district shall be vested in and exercised by an operating committee elected by the electors of the district and consisting of seven (7) members who shall be residents and electors of the district and chosen as follows; at the first annual meeting following the passage of this charter, two (2) members shall be elected for one (1) year, two (2) members for two (2) years, and three (3) members for three (3) years; and thereafter as the terms of the members expire, there shall be elected two (2) or three (3) member as the case may be.

B. Any vacancy that may occur in the operating committee shall be filled by a majority vote of that committee, and the person so elected shall serve until the next annual or special meeting of the district, at which time an election shall be held to fill the remainder of the unexpired term of the departed members.

C. Powers of the Operating Committee. The Operating Committee shall be responsible for the overall management of the district. It shall have charge and control of all property of the district and shall have full authority to exercise all the powers and functions necessary to carry out the purposes of the district. The Operating Committee's responsibilities shall include the following:

- 1. To make a full and complete report at each annual meeting of the district of the operations of the district and such other events and transactions as it may deem necessary and appropriate.**
- 2. To prepare and submit a proposed budget and tax levy for all operations of the district other than the water department for approval by the electors of the district at the annual meeting.**
- 3. To prepare and submit a proposed budget and anticipated revenues of the water department for approval by the electors of the district at the annual meeting.**

4. To insert new items or increase any items in the budgets of the district whenever the same may be deemed necessary or convenient, provided no budget may be exceeded by more than 2.5% without prior approval of the district at a special meeting.
5. To have control of all fire apparatus belonging to the district except when under the control of the fire chief as provided herein.
6. To appoint a fire chief, superintendent of the water department, collector of taxes, and such other officers and employees as it shall deem necessary to conduct the business of the district, which said appointees, officers and employees shall act under the direction and control of the Operating Committee and to fix their salaries.
7. To employ a certified public accountant to annually audit all accounts of the district.
8. To act as a board of abatement with power to abate any district taxes, upon recommendation of the district board of assessors established herein and in accordance with applicable law.
9. To act as the board of canvassers for the district and prepare the voting list to be used at any annual or special meeting of the district.
10. To make appointments to fill any vacancies on the Operating Committee or district offices until the next annual or special meeting of the district.

D. Officers

1. The officers of the district shall include a moderator, clerk, and three (3) assessors, who shall comprise the district board of assessors. The duties and powers of said officers shall be such as other officers of towns in this state. All officers must be residents and electors of the district.
2. The assessors shall be elected as follows: at the first annual meeting following the passage of this charter, one (1) assessor shall be elected for one (1) year, one (1) assessor shall be elected for two (2) years and one (1) assessor shall be elected for three (3) years; and thereafter, as the terms of the assessors expire, one (1) assessor shall be elected each year for a term of three (3) years.
3. Unless otherwise provided in the by-laws of the district, all other officers shall be elected at the annual meeting of the district to hold office for a term of one (1) year or until a successor is elected and qualified. Vacancies occurring in any office may be filled for the unexpired term by the Operating Committee.

4. **The Chairperson shall oversee the day to day operation of the District personnel and shall make any determinations necessary to maintain satisfactory operation, should a situation that requires immediate attention to avoid interruptions to the district occur.**

(c) Electors and Meetings

A. Electors: The inhabitants of the district qualified to vote for elected offices in the Town of Burrillville shall be the electors of the district and shall be eligible to vote and act at any annual or special meeting of the district.

B. Annual Meeting. The annual meeting of the district shall be held on the second Tuesday of August in each year.

C. Notice. All meetings, whether annual or special, shall be held at some suitable place within the territorial limits of the district. All such meetings shall be publicized by posting notices thereof in at least five (5) public places in the district, not less than one (1) week prior to the date of which such meeting is called. Notice shall also be published not less than one (1) week prior to the meeting in a public newspaper which is published daily and has a circulation within the Town of Burrillville. It shall be the duty of the clerk or the moderator to call a special meeting upon written application signed by twelve (12) electors of the district or upon the order of the Operating Committee. Whenever the subject of ordering a tax or an amendment to this charter is to be acted upon, the same shall be so stated in the notice; provided, that notice of an annual meeting need not mention that a tax levy is to be acted upon.

D. Voting List. The voting list to be used at any annual or special meeting shall be canvassed by the Operating Committee not more than forty-five (45) nor less than five (5) days before the date of any such meeting. In preparing the district voting list, the Operating Committee, sitting as the board of canvassers, shall canvass and correct the district voting list in the same manner, or as near as may be, as provided by law for boards of canvassers of towns in this state; provided, nevertheless, that it may rely upon the most recent registered voting list of the district as compiled and maintained by the Town of Burrillville.

E. Quorum. Ten (10) electors shall be deemed to constitute a quorum for any meeting.

F. Procedure.

1. Upon the demand of at least one-fifth of the electors present at any district meeting, any pending motion, resolution, or matter, other than a motion to adjourn or to amend a pending motion, resolution, or matter shall be called for a vote by the moderator.

2. The clerk shall keep and maintain minutes of any meeting of the district, which shall include the results of any votes taken. The minutes shall be read and approved by a vote taken at the next annual or special meeting of the district.

3. Except as otherwise provided in the by-laws of the district, a majority of electors present and voting at any meeting of the district shall be necessary to approve any motion, resolution, or matter called to vote.

4. In the event that any elector shall desire to present any motion, resolution, or matter at an annual meeting of the district that would require the appropriation of money, said elector shall first present said motion, resolution, or matter to the Operating Committee at the advertised public meeting of the Operating Committee scheduled immediately before the date of the annual meeting under new business, provided said elector files in writing a copy of said motion, resolution, or matter with the Operating Committee at least ninety-six (96) hours prior to the annual meeting. In the event any motion, resolution, or matter is proposed at an annual meeting without first complying with the aforesaid prerequisites, said motion, resolution, or matter shall be ruled out of order.

5. The district may enact such by-laws as it deems necessary and appropriate for the regulation and conduct of its meetings as provided herein.

(d) Taxation

A. Authorization.

1. At any meeting of the district, the electors of the district shall have the power to order such taxes and provide for assessing and collecting the same on the rateable real estate and tangible personal property in the district, including any excise tax on motor vehicles in accordance with R.I.G.L. section 44-34-1, et seq., and as the same may be amended from time to time as they shall deem necessary to carry out the purposes of the district as provided herein. At any such meeting, the electors shall also be empowered to authorize the board of assessors to impose a minimum tax of not less than \$25.00 to be applied to any ratable real estate and tangible personal property, the assessment for which would be less than the minimum tax at the uniform assessed rate.

2. Such taxes so ordered shall be assessed by the board of assessors of the district on the taxable inhabitants thereof and the property therein according to the last valuation made by the assessors of the Town of Burrillville, adding however, any tax from property which may have been omitted by said town assessors or afterwards acquired, and in all cases where the town assessors have included

property within and without the district in one valuation, the assessors of the district shall make an equitable valuation of that portion of said property lying within the district.

3. The Operating Committee, or those appointed by the Operating Committee are also empowered to enter into binding agreements with adjacent water or fire districts relative to the reasonable and equitable apportionment of taxes assessed on properties located along their shared boundaries.

4. In assessing and collecting said taxes, the officers of the district shall conduct such proceedings and follow such procedures as the law requires be followed by the corresponding officers of towns in assessing and collecting town taxes, to the extent practicable.

5. The district may provide for such deduction from any tax assessed if paid by appointed time, or for such penalty by way of percentage of the tax if not paid at the appointed time, not exceeding eighteen percent (18%) per annum, as it may deem necessary to insure punctual payment. The district may also include liens and/or legal fees required to collect said payments.

B. Assessment.

1. The district Operating Committee shall annually levy and assess a tax at such a rate so as to provide revenue sufficient to pay all operating expenses together with any other items set forth in the budget for the current year, on all property within the limits of the district, or belonging to the residents thereof, which is liable to taxation under this charter, said levy and assessment to be made by the Operating Committee on or before August 15th in each year. The Operating Committee, upon completing the assessment for the year, shall date and sign the same.

2. The tax-assessed shall be due and payable on or before October 1st in each year and all taxes remaining unpaid on October 31st in each year thereafter bear interest at a rate established by the Operating Committee.

3. The tax rate shall be based on the assessment of real and personal property of the taxable inhabitants of the district as compiled and maintained by the Town of Burrillville and described on the tax rolls, except as otherwise provided herein. Exemptions as described in the town tax rolls shall be honored, but the amount in each category is to be determined by the Operating Committee.

C. Collection

1. The collector of taxes, shall give his or her bond with corporate surety in an amount and form satisfactory to the Operating

Committee, be determined by the premiums for which shall be paid by the district.

2. Upon the commitment to him or her of the assessment, the collector shall collect all taxes levied and assessed, said taxes to be payable on or before such time as provided herein or as the district may determine. The collector of taxes shall proceed on behalf of the district in accordance with applicable law to collect all taxes assessed and unpaid as of October 1 each year. The collector of taxes shall close his or her books on the last day of-September in each year.

3. The collector shall thereafter prepare and submit at the annual meeting, or at a special meeting if called upon to do so by a vote of the district, an annual report, by a certified public accountant and confirmed and approved by the Operating Committee, describing the condition of the district finances and the receipts and expenditures for the fiscal year preceding the meeting.

4. The collector of taxes for the district shall have the same powers and authority as are conferred by law on collectors of taxes in the towns in this state.

D. Imposition of fee in lieu of taxes.

1. The Operating Committee shall have the power to determine an amount of taxes or fees to be imposed in lieu of taxes to be paid each year on account of the real or personal property used in connection with any facility for the generation of electricity located in the district, notwithstanding the valuation of such property or the rate of tax. Such determination shall be for a period not to exceed twenty-five (25) years. Any fees payable hereunder shall constitute a lien on the property and shall bear interest and be otherwise collectible as may be provided in any contract or agreement.

2. The Operating Committee shall be vested with the power and authority to enter into any contract or agreement regarding the amount of taxes or fees to be imposed in lieu of taxes upon any facility for the generation of electricity located in the district. Such contract or agreement may contain such terms and conditions as the Operating Committee, in its sole discretion, shall deem necessary and appropriate, including, but not limited to a provision indemnifying the owner or lessors of such real or personal property used in connection with any facility for the generation of electricity from third parties claiming payments for any reason, including the provision of fire suppression and emergency medical and ambulance services or such other services as the district may provide.

3. All prior agreements between the district and the owner or lessors of such real or personal property used in connection with any facility

for the generation of electricity or actions taken in connection therewith are hereby ratified in all respects.

(e) Fire Department.

A. Fire Department – Establishments. The district shall have the power to establish, in such form of entity as it may deem appropriate, a fire department for the purpose of providing fire suppression and emergency medical and ambulance services as provided in this charter. The Operating Committee may appoint and employ as many persons, including officers, and make any and all provisions or by-laws for the purpose of organizing, establishing, and operating the fire department as it may deem necessary and appropriate.

B. Fire Chief.

- 1. The Chief of the fire department shall be appointed for a term of three (3) years by and under the direction and control of the Operating Committee. The Chief shall be responsible for supervising the day to day affairs and operation of the fire department.**
- 2. The Chief shall be in sole command of fire department personnel, apparatus and equipment from the time they leave the fire station and until they return, and only the Chief shall direct orders to the officers and personnel of the fire department when so deployed. If, due to illness, absence or for any other cause, the Chief is unable to act, the senior officer of the department shall assume all the duties of the Chief.**
- 3. The Operating Committee shall consult with The Chief with respect to the purchase of fire apparatus or major equipment purchases.**
- 4. The Superintendent of the water department shall notify the Chief of any condition or situation that would endanger property within the district in the event of fire or other emergency.**

C. Emergency Powers. At any fire or emergency, the Chief, or in his or her absence, the senior officer, shall have the power to take any and all action deemed necessary and appropriate to stop the progress of any fire, to suppress all disturbances and maintain order, to order any or all persons to leave the vicinity of any fire, and to command from the inhabitants of the district all necessary assistance in suppressing the fire and preserving and protecting life and property, and any person violating such an order may be prosecuted and subject to the same penalties as provided in section (g) B below.

(f) Water Department

A. Water Department – Establishment. The district shall have the power to establish, in such form of entity as it may deem appropriate, a water department for the purpose of procuring, distributing, and selling water as provided in this charter. The Operating Committee may appoint and employ

as many persons, including officers, and make any and all provisions or by-laws for the purpose of organizing, establishing, and operating the water department as it may deem necessary and appropriate.

B. Superintendent. The Superintendent of the water department shall be appointed by and under the direction and control of the Operating Committee. The Superintendent shall be responsible for supervising the day to day affairs and operation of the water department.

C. District Water Board.

1. The Operating Committee shall serve as the district water board and be responsible for overall management and control of the water department.

D. Non-discrimination in rates. The price charged to outside customers, per unit of water, shall not be greater than the price charged to district customers for the same unit of water.

E. Exclusive right to distribute. The district shall have the exclusive right to distribute and charge a fee for any water or water supply it procures or obtains.

F. Water charges as lien. The owner of any house, building, tenement, or estate shall be liable for the payment of the price of rent or rates fixed by the district for the use of water furnished by the district to the owner or occupant of the house, building, tenement or estate; and the price, rent, or rates shall be a lien upon the house, building, tenement or estate in the same way and manner as taxes assessed on real estate are liens, and, if not paid as required by the district, shall be collected in the same manner that taxes assessed on real estate are by law collected; provided, however, that the district may charge interest on delinquent payments at a rate of not more than eighteen percent (18%) per annum, all in accordance with R.I.G.L. section 39-15-12.

(g). By-laws

A. General. The district may enact any and all by-laws deemed necessary and appropriate to carry out its purposes as provided in this charter; provided that no greater penalty may be imposed than is prescribed in section (g) B. below, and that the same not be in violation of or repugnant to this charter or any laws of the state.

B. Emergencies. The district shall have the power to enact by-laws prescribing the duties of the inhabitants of the district during a fire or other emergency and for the purposes of enforcing the commands of the fire department officers with respect to suppressing disorder, guarding or removing property, or rendering other services in time or fire, and also for the protection of water pipes, hydrants, safety valves, water gates or other apparatus or property of the district, and for any breach of such by-laws may provide a penalty not exceeding a fine of One Thousand Dollars (\$1,000.00) to be recovered for the use of the district, or

imprisonment for a term not exceeding thirty (30) days, which said penalty may be enforced by prosecution on complaint of any officer of said fire department before any court of competent jurisdiction. Any such prosecution must first be authorized and approved by the Operating Committee.

(h) Bonds and other obligations.

A. Power to issue bonds and other instruments of indebtedness. The district shall have the power and authority to issue bonds and any other instruments of indebtedness and to secure the payment of the same in any manner and subject to terms and conditions as may be deemed necessary and appropriate and set forth in the resolution authorizing said bonds or other instruments of indebtedness. The Operating Committee shall authorize the issuance of any bonds or other instruments of indebtedness in a resolution, which shall thereafter be approved by the electors of the district at any annual or special meeting. Any bonds or other instruments of indebtedness shall be signed by the clerk or any member of the Operating Committee designated in the resolution authorizing the same and shall bear the seal of the district or a facsimile thereof.

B. Limitation on alteration of powers of the district. The state does hereby pledge and agree with the holders of the bonds and other instruments of indebtedness of the district that the state shall not limit or alter rights hereby vested in the district until the bonds or other instruments of indebtedness, together with interest thereon, and all costs and expenses in connection with any actions or proceedings by or on behalf of the holders thereof, are fully met and discharged or otherwise provided for.

(i) Eminent Domain.

A. Authorization to take private property. In order to carry out the purposes of this charter, the district shall have all the authority and power conferred by the provisions of R.I.G.L. Section 39-15-1, et seq., entitled "Water Supply," as the same may be amended from time to time; or, in the alternative, the district may elect to utilize the procedures for condemnation set forth in R.I.G.L. Section 24-1-1, et seq., entitled "Laying Out and Taking by Cities and Towns," as the same may be amended from time to time. When utilizing the condemnation procedures pursuant to either of the foregoing provisions, the district shall have all the authority and power of and be subject to all duties and liabilities imposed upon electors of towns, or Town Councils by said provisions.

B. Installation and maintenance of pipes and other apparatus. The district may, within and without the district and the Town of Burrillville and also without the consent of the town, install, make, construct, and maintain pipes, aqueducts, conduits, machinery, or other equipment or appliances, or authorize the same to be done, and regulate the use thereof to the extent deemed necessary or appropriate to carry out the purposes of the district. The power conferred upon the district by this provision shall include the authority to carry any works to be constructed over or enter upon and

excavate under any highway, turnpike, railroad, street, or other public way for the purpose of locating, laying, constructing, building, installing, operating, maintaining, altering, repairing or replacing any pipes, appliances or other such apparatus, upon or beneath the surface, in such a manner so as not to permanently obstruct free travel thereon. In exercising the power granted under this provision, the district shall, except in emergencies, provide advance notice to and otherwise cooperate and coordinate with the Town to ensure that any such installation or excavation shall be carried out with reasonable dispatch and with as little interference with and inconvenience to the rights of the public as may be feasible. The district shall restore any highway, turnpike, railroad, street, or other public way as near as may be possible to its original condition of safety and utility after any such installation or excavation.

(j) Miscellaneous

A. Tax exemption. It is hereby declared that the district and the carrying out of its corporate purposes are in all respects for the benefit of the people of the state, and for the improvement of their health, safety, welfare and prosperity, and that the district will be performing essential governmental functions in the exercise of the powers conferred by this charter. Accordingly, the district shall be required to pay no taxes or assessments or sums in lieu of taxes to the state or any political subdivision thereof upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities or operations or upon any earnings, revenue, moneys, or other income derived by the district, and that the bonds issued by the district and income there from shall at all times be exempt from taxation.

B. Costs of collection. In addition to any other sums to which it may be entitled in accordance with this charter and applicable law, in any action or proceeding to collect taxes assessed or fees imposed in accordance with this charter, the district shall be entitled to also collect the reasonable costs of collection, including attorney fees.

C. Public customers – Non-discrimination. The district shall charge any city, county, town, water or fire district for the use of any facility or services rendered by or any water, commodities, or other utilities furnished to it by the district at rates applicable to other consumers of such utilities or services.

D. Not public utility. Notwithstanding the definition set forth in R.I.G.L. Section 39-1-2(20), and as the same may be amended from time to time, the district shall not be considered a “public utility” otherwise subject to regulation in accordance with applicable law, as long as the price charged to outside customers per unit of water, light, or power is not greater than the price charged to district customers for the same unit of water, light, or power.

E. Open meetings law. The district shall comply with the state Open Meetings Law, R.I.G.L., Section 42-46-1, et seq., and as the same may be amended from time to time.

F. Access to public records. The district shall comply with the state Access to Public Records Act, R.I.G.L., Section 38-2-1, et seq., and as the same may be amended from time to time.

G. Award of contracts. The district shall comply with the state Award of Municipal Contracts Act, R.I.G.L., Section 45-55-1, et seq., and as the same may be amended from time to time.

H. Continuation of district. Any act, resolution, contract, employment, and/or any other obligation, matter, or thing undertaken by the district in accordance with its charter as originally granted, and as the same has been amended from time to time shall be deemed to be continued and in full force and effect under the terms of the charter as amended and granted herein.

I. Amendment. This charter may be amended by a majority of electors present and voting at any annual or special meeting of the district, provided notice thereof states that amendment to the charter shall be considered at such meeting. An amendment to the charter shall be effective only upon passage of an act by the general assembly amending the charter in conformity with such prior vote of the district.

SECTION 2. This act shall take effect upon passage.