

2010 -- H 8050

LC02441

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO AMENDING THE CHARTER OF THE MISQUAMICUT FIRE DISTRICT

Introduced By: Representative Samuel A. Azzinaro

Date Introduced: April 27, 2010

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 4, 5, 6, 12 and 13 of "An Act to Incorporate the Pleasant View  
2 Beach Fire District", as passed at the January session, A.D. 1915 as amended, including an Act  
3 passed at the January session A.D. 1929 changing the name to "Misquamicut Fire District" are  
4 hereby amended to read as follows:

5 Section 4. District Officers

6 Said qualified voters, at each annual meeting and any other meeting, when vacancies  
7 occur, may elect officers to serve for one year or until the next annual meeting and until others be  
8 chosen in their stead: which officers shall consist of: one (1) moderator, one (1) clerk, one (1)  
9 treasurer, one (1) tax collector, one (1) tax assessor, one (1) fire chief, two (2) members-at-large,  
10 whose duties and powers in said district shall be such as like officers of towns in this state have in  
11 their respective towns or as prescribed in the district by-laws.

12 Section 5. Special Meetings

13 Special meetings may be convened which, as well as the annual meeting, in such manner  
14 as the district by-laws shall prescribe, with notice in such manner and it shall be the duty of the  
15 district clerk to call. Special meetings may be called: (1) at the request of the moderator, (2) on  
16 the vote of a majority of the district officers or (3) upon receipt of a petition signed by ~~four (400)~~  
17 two hundred fifty (250) qualified taxpayers as are entitled to vote.

18 Section 6. Powers and Purposes for Taxing

19 Said district may raise money by tax on the real and tangible personal property within

1 said district for the purchasing and procuring ~~of implements and apparatus for the extinguishing~~  
2 ~~of fire, for the purpose of supplying water to the inhabitants of said district for fire and district~~  
3 ~~purposes,~~ of equipment and apparatus, used in the training of personnel for fire suppression,  
4 prevention, and the protection and preservation of life and property endangered by fire or any  
5 other emergencies involving life and property that may occur within the boundaries of the district;  
6 for the payment of such police force as it may deem necessary for the protection of the property  
7 and inhabitants of said district from fire, for the purpose of providing for the collection and  
8 disposal of garbage for the purpose of improving property of said district and purchasing  
9 additional property, for the purpose of sites for, and for the erection and repair of, district  
10 buildings, ~~for making and repair of sidewalks,~~ for the purpose of carrying on such operations as  
11 may be necessary to abate and prevent the erosion of the shoreline of the Atlantic Ocean within  
12 the district, for all necessary charges and expenses, whatsoever, arising within the district,  
13 incidental or not to the above.

14 Section 12. Authority to Borrow ~~Sidewalks~~

15 (a) The Misquamicut Fire District is hereby authorized and empowered from time to time  
16 to hire a sum not exceeding twenty-five thousand dollars, and to issue its notes or bonds, or  
17 either, therefore, and to renew any such notes from time to time as they shall become due and  
18 payable. ~~All moneys received by said fire district by authority hereof shall be exclusively used~~  
19 ~~and expended for the construction of sidewalks within said fire district.~~

20 (b) The treasurer of said fire district shall cause any bonds or notes issued by authority  
21 hereof to be issued for such times, and conditions as shall be authorized by the fire district, except  
22 that upon notes maturing not more than one year from their date, the time and the discount or  
23 interest rate may be fixed by the treasurer of the fire district. The fire district shall annually  
24 appropriate the sum necessary to pay the interest on such bonds or notes so issued, and a further  
25 sum sufficient for the redemption or payment of one-tenth (1/10) of the principal of the said  
26 bonds or notes hereby authorized when and as the same may become due and payable.

27 (c) The notes or bonds, or either, hereby authorized shall be signed by the treasurer of the  
28 fire district and countersigned by the moderator and clerk of the fire district.

29 Section 13. ~~Improvement Committee/Sidewalks~~

30 ~~The qualified electors of the district shall at the annual meeting elect an improvement~~  
31 ~~committee consisting of not more than five (5) members to serve until the next annual meeting,~~  
32 ~~and until others be chosen in their stead.~~

33 ~~(a) To construct, improve, alter and repair the sidewalks of said district, and to select the~~  
34 ~~type of material to be used in said sidewalks; to determine the width and elevation thereof and to~~

1 ~~determine the time when such construction, improvement, alteration and repair shall be~~  
2 ~~undertaken in accordance with the requirements and needs of the inhabitants of said fire district,~~  
3 ~~and to inspect or cause to be inspected from time to time the sidewalks kept and maintained by~~  
4 ~~said fire district for the purpose of maintaining and keeping the same in good repair and safe for~~  
5 ~~travel.~~

6 ~~(b) To make a report to the annual meeting each year showing the work performed during~~  
7 ~~the year preceding the cost of the same, and containing such recommendation as the improvement~~  
8 ~~committee may deem advisable in regard to the extension and improvement of the sidewalks in~~  
9 ~~said fire district.~~

10 ~~Whenever the said improvement committee shall determine by its vote that a sidewalk~~  
11 ~~shall be made and laid in and upon any street or highway in said fire district, it may order the~~  
12 ~~same to be made and laid upon five (5) days notice to the abutting land owner, or if any of the~~  
13 ~~land owners reside without the state, upon three (3) weeks notice by registered letter to the last~~  
14 ~~known place of residence. At the time and place named in said notice the said improvement~~  
15 ~~committee shall proceed TO hear all such parties and to make and pass such order in referenes to~~  
16 ~~the making and laying of such sidewalks as they may think proper.~~

17 ~~Whenever any sidewalk in an upon any street or highway shall be ordered made and laid~~  
18 ~~as hereinbefore provided, the owners of the land abutting on such sideways shall pay one half~~  
19 ~~(1/2) of the cost thereof, to be set against their respective lands as hereinafter specified, the~~  
20 ~~balance of the cost to be taken from the regular appropriation for sidewalks as hereinafter~~  
21 ~~provided or any special appropriation for said purposes.~~

22 ~~Such cost shall be ascertained and approved by the improvement committee for said fire~~  
23 ~~district, and thereafter the said improvement committee shall demand one half (1/2) of said costs~~  
24 ~~from such abutting land owner, and if such land owner shall neglect and refuse to the same, the~~  
25 ~~said improvement committee shall certify the costs so ascertained and approved to the assessors~~  
26 ~~of taxes for said fire district, and the said assessors shall include the owners' portion of the cost of~~  
27 ~~such making and Saying said sidewalk, which sum shall be included in the next assessment of~~  
28 ~~taxes for such fire district against such land owner thereof.~~

29 ~~Whenever any abutting landowner shall deem itself aggrieved by the ascertainment of~~  
30 ~~costs for making and laying of any sidewalk as hereinbefore provided, he may appeal therefrom~~  
31 ~~according to provisions of law, with reference to appeals from town councils.~~

32 ~~If the person appealing from any ascertainment of costs for the making and laying of any~~  
33 ~~sidewalk shall fail to have such amount reduced on appeal he shall be adjudged to pay the cost of~~  
34 ~~suit and the collector of taxes shall collect from him only so much of said tax as shall have been~~

1 ~~found on appeal to be due from said appellant.~~

2 ~~If heretofore a sidewalk shall have been made and laid in and upon any street or highway~~  
3 ~~in said fire district by an abutting land owner, the improvement committee may, if such sidewalk~~  
4 ~~shall be approved by said improvement committee, reimburse such abutting land owner for one~~  
5 ~~half (1/2) the cost of the making and laying of such sidewalk, out of funds appropriated for~~  
6 ~~sidewalks; provided, however that said improvement committee shall not pay to said abutting~~  
7 ~~property owner a sum which shall be in excess of one half (1/2) of the then prevailing contract~~  
8 ~~price for the contract price for the making and laying of such sidewalk.~~

9 Indemnity:

10 The district hereby indemnifies any and all elected or appointed fire district official, fire  
11 district employees, members of boards, agencies and commissions appointed by the district, from  
12 all loss, cost, expense and damage, including legal fees and court costs, if any, arising out of any  
13 claim, action, compromise, settlement or judgment by reason of any alleged error or misstatement  
14 or action or omission or neglect or violation of the rights of any person under any federal or state  
15 law which imposes personal liability on any such district individual, if such neglect was acting  
16 within the scope of his or her duties or employment. Such indemnification shall not extend to any  
17 error, misstatement, act of omission or neglect if the same resulted from willful, wanton or  
18 malicious conduct on the part of such district individual. The district, acting through the district  
19 solicitor, will provide legal counsel at the expense of the district, and/or the reimbursement for  
20 reasonable attorneys' fees and other expenses incurred in connection with the conduct of such  
21 defense, including payment of the judgment thereon. The district solicitor is further authorized to  
22 pay any such expenses in advance of the final disposition of such claim upon receipt of a written  
23 undertaking by or on behalf of such district individual to repay such amount unless it shall  
24 ultimately be determined that he or she is entitled to be indemnified hereunder.

25 SECTION 2. That act passed at the January session, A.D. 1915, entitled "An Act to  
26 Incorporate the Pleasant View Beach Fire District", as amended, Including an Act passed at the  
27 January session A.D. 1929 changing the name to "Misquamicut Fire District" is hereby amended  
28 by adding the following section:

29 Section 14. Committees:

30 (a) The moderator of the district shall appoint the following standing committees:

31 (i) Finance;

32 (ii) Fireman's Incentive;

33 (iii) Insurance;

34 (iv) Improvements; and

1           any other committees authorized in the district's bylaws or approved at a meeting of the  
2 district.

3           (b) Each committee shall define their duties, relative to the needs of the district.

4           SECTION 3. This act shall take effect upon passage.

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