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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

IN AMENDMENT OF AN ACT PASSED AT THE JANUARY SESSION A.D. 1942
ENTITLED "AN ACT TO INCORPORATE THE WESTERN COVENTRY FIRE DISTRICT"

Introduced By: Representatives Chippendale, Costa, Serpa, Nunes, and Tomasso

Date Introduced: January 30, 2013

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. An Act Passed at the January Session A.D. 1942 entitled "An Act to
2 Incorporate the Western Coventry Fire District", as from time to time amended, is hereby further
3 amended to read as follows:

4 Section 1. All that part of the Town of Coventry lying west of the following boundary is
5 hereby incorporated into a ~~district~~ District to be called "Western Coventry Fire District." Said
6 boundary line is as follows:

7 Commencing at a point on the Coventry-West Greenwich town line six hundred (600)
8 feet easterly from the intersection of said town line with Weaver Hill Road, so-called; thence
9 running in a general northerly direction in a line which at all times is six hundred (600) feet
10 easterly from and parallel with said Weaver Hill Road to Harkney Hill Road, so-called; thence
11 continuing in a general northerly direction in a line which at all times is six hundred (600) feet
12 easterly from and parallel with the highway, however called, which leads from the intersection of
13 said Weaver Hill Road and said Harkney Hill Road to Rhode Island state highway Route No. 117
14 as shown on the road map of the State of Rhode Island issued by the Department of Public Works
15 in 1941, to a point six hundred (600) feet southerly from said route No. 117; thence turning and
16 running in a general northeasterly direction in a line which at all times is six hundred (600) feet
17 easterly from the point where County Road or Hammet Road, whichever called, if extended,
18 would intersect this boundary line; thence turning and running northerly in a line which at all

1 times is six hundred (600) feet easterly from and parallel with said County or Hammet Road so
2 extended, and said County to a point on the Potterville or Maple Valley Road, so-called, which
3 point is 900 feet, more or less, easterly from the Potterville or Maple Valley School, so-called;
4 thence continuing in a general northerly direction in a line which at all times is six hundred (600)
5 feet easterly from and parallel with the Nipmuc Trail, so-called; to the Scituate Coventry town
6 line.

7 Said ~~district~~ District may have a common seal, sue and be sued, and enjoy all the other
8 powers generally incident to corporation.

9 Section 2. Every resident of said ~~district~~ District, who, at the time ~~he~~ they ~~offers~~ offer
10 ~~himself~~ themselves to vote at a meeting of said ~~corporation~~ Corporation, would be entitled to vote at
11 a financial town meeting of the said ~~town~~ Town of Coventry if it were then being held, shall have
12 a right to vote at said meeting of the ~~corporation~~ Corporation. Every person qualified to vote as
13 aforesaid shall vote in person.

14 Section 3. ~~The first meeting of said fire district shall be held within sixty days after~~
15 ~~passage of this act at such time and place in the village of Greene as the town clerk of the Town~~
16 ~~of Coventry shall determine.~~ The ~~annual~~ Annual ~~meeting~~ Meeting of ~~said fire~~ the ~~district~~ District
17 for the election of ~~officers~~ District Officials and Board of Directors and the transaction of any
18 other business of ~~said fire~~ the ~~district~~ District shall be held on the first Monday of April
19 ~~commencing in 1943 and annually thereafter.~~ Twenty ~~qualified~~ Qualified ~~voters~~ Voters shall
20 constitute a quorum for the transaction of business at the Annual or any ~~Special meeting~~ Meeting
21 of the ~~said corporation~~ Corporation.

22 Section 4. The Western Coventry Fire District shall be governed by a Board of Directors,
23 consisting of five (5) Qualified Voters who shall be elected at an Annual Meeting of the District
24 and shall serve for a term of three (3) years. The terms of such Directors shall be staggered. The
25 Board of Directors shall have the authority and responsibility of:

26 4.1 Presenting the annual budget for the District at each Annual Meeting.

27 4.2 Establishing the annual property tax rate.

28 4.3 Establishing By-Laws, rules and regulations for the operation and conduct of the
29 District and ensuring compliance with these and all applicable State and Federal rules and
30 regulations.

31 4.4 Ensuring that the Department establishes rules and regulations for the operation and
32 conduct of the Department and ensuring that the Chief maintains compliance therewith.

33 4.5 Establishing procedures for filling vacancies on the Board of Directors and District
34 Officials that occur between Annual Meetings while maintaining the staggered terms.

1 4.6 Selecting and appointing the Chief of the Department. ~~Said~~ ~~qualifies voters at each~~
2 ~~annual meeting, or at any other meeting when vacancies occur, may elect officers to serve for one~~
3 ~~year, or until the next annual meeting, and until others be chosen in the place and stead of such~~
4 ~~elected officers.~~

5 Section 5. At a District Annual Meeting, Said said Qualified Voters may elect District
6 officers Officials to serve for three (3) years. Said District Officials so to be elected shall consist
7 of a ~~moderator~~ Moderator, ~~clerk~~ Clerk, ~~treasurer~~ Treasurer and a ~~tax~~ Tax collector
8 Collector/assessor of taxes, whose duties and powers in said ~~district~~ District shall be such as like
9 officers of towns in this state have in their respective towns and as defined by the District By-
10 Laws. ~~Such qualified voters may elect fire wardens, engineers, assistant engineers and such other~~
11 ~~officers and committees, and with such powers, as such voters may designate. (Amended 1996.~~
12 ~~1942 to 1996 "three Assessors of taxes" In 1996 this was changed to collector/assessor.)~~

13 Section ~~5~~ 6. Special ~~meetings~~ Meetings of ~~said fire the district~~ District may be held
14 which, ~~as well as~~ with the ~~annual~~ Annual meeting Meeting of ~~said fire the district~~ District, shall
15 be warned in such manner as the said corporation Corporation shall be by laws By-Laws
16 ~~prescribed~~ prescribe; and it shall be the duty of the ~~clerk~~ Clerk of ~~said fire the district~~ District to
17 call a ~~special~~ Special meeting Meeting upon written application signed by twenty of the Qualified
18 Voters taxpayers of the said fire district District entitled to vote in any regular meeting of ~~said fire~~
19 ~~the district~~ District but no matter shall be acted upon at ~~said fire the Special district~~ District
20 Meeting unless mention be made thereof in the warrant issued for the call of said meeting. The
21 Special Meeting must be held within thirty (30) days of receipt of the written application.

22 Section ~~6~~ 7. ~~Said fire The district~~ District may raise money by tax on the real estate and
23 tangible personal property within ~~said fire the district~~ District, for the purchasing and procuring of
24 implements and apparatus for the extinguishment of fires, for the providing of Emergency
25 Medical Services and related District operating expenses. ~~for the purpose of introducing and~~
26 ~~supplying the inhabitants of said district with water for fire protection and all necessary purposes~~
27 In addition, the money may be for the purchase of land ~~within or outside of said fire district and~~
28 the erection of buildings; for the use of said fire the district District, on any such land; for the
29 ~~payment for services or~~ such other vitally necessary services as the Qualified Voters
30 ~~taxpayers~~ may determine at a duly called meeting; provided, however, that the tax assessed and
31 payable in any one twelve-month period under the provisions of this section shall not exceed
32 eighty cents on each hundred dollars of the valuation as fixed in accordance with the provisions
33 of Section ~~7~~ 8 of this act.

34 Section ~~7~~ 8. The ~~tax assessors~~ Tax Collector of ~~said fire the district~~ District shall assess

1 ~~and~~ apportion the taxes levied by said ~~district~~ District on real estate, and the tangible personal
2 property if determined to be necessary by the Board of Directors, in said district according to the
3 last valuation of said ratable property made by the tax assessors of said Town of Coventry and in
4 all cases where the town assessors have included property within the ~~fire-district~~ District and
5 property without the ~~fire-district~~ District in one valuation, the collector assessors of ~~said fire~~ the
6 ~~district~~ District shall make an equitable valuation of that portion of the same lying within the ~~said~~
7 ~~fire-district~~ District, and in ~~assessing and~~ collecting such taxes such proceedings shall be had by
8 the officers of ~~said fire~~ the district District, as near as may be, as are required to be had by
9 corresponding officers in town in assessing and collecting town taxes.

10 Section 89. District taxes shall constitute a lien upon the property assessed and if
11 not paid when due shall carry an interest penalty of the rate imposed from time to time by vote of
12 said ~~corporation~~ Corporation. The ~~fire-district~~ District may adopt such reasonable ~~by-laws~~ By-
13 Laws with respect to the assessment, collection, and payment of taxes as it deems proper.

14 Section 910. The ~~said fire-district~~ District may ~~also~~ borrow money and/or enter into lease
15 obligations for the acquisition of fire and rescue related equipment and facilities. Said District
16 may also borrow money in the form of Tax Anticipation Notes to fund operating costs. ~~purposes~~
17 ~~above specified and issue its notes or bonds therefore which~~ All such borrowing including lease
18 obligations shall be binding upon ~~said fire-district~~ the Fire District. The aggregate of all such
19 borrowings including lease obligations shall not exceed 0.5 percent of the most recent District
20 Assessed Valuation of real estate and tangible personal property at the time of such borrowing. ~~in~~
21 ~~the same manner as town of city notes or bonds are binding upon the city or town issuing them,~~
22 ~~but said district shall not have outstanding at any one time notes or bonds of a face value of more~~
23 ~~than two million dollars (\$2,000,000). Amended 6-25-07 House Bill H6486 effective on 6-25-07~~
24 ~~when approved by the governor; Amended April 6, 1979, House Bill H5694 to the sum of~~
25 ~~\$200,000. Amended 04-03-95, House Bill H7032 passed 07-04-95 to the sum of \$1,000,000.~~
26 ~~(1942 to 1979 the sum was \$50,000. 1979 to 1995 the sum was \$200,000.)~~

27 Section ~~10~~11. Said ~~corporation~~ Corporation at any legal meeting shall have power to
28 make ~~by-laws~~ By-Laws prescribing the duties ~~of firewards, and other officers,~~ and responsibilities
29 of said District Officials, Board of Directors and the Chief and shall have power to make
30 Standard Administrative Procedures (SAPs) governing the operation of the District and ensure the
31 Chief makes Standard Operating Procedures (SOPs) to define the operations of the Department.
32 ~~And the inhabitants of said fire district, in times of conflagration, and for the purpose of enforcing~~
33 ~~obedience to the commands of the firewards, for suppressing disorder and tumult, guarding and~~
34 ~~removing property, or rendering the other service in time of fire, and also for the protection of~~

1 ~~water pipes within said fire district, and for the protection of hydrants, safety valves, water gates,~~
2 ~~hose, electric light wires, poles or other apparatus or property of the district; and for the breach of~~
3 ~~any such by laws, regulations or ordinances, may provide a penalty not exceeding a fine of~~
4 ~~twenty dollars to be recovered to the use of said fire district, or imprisonment for a term not~~
5 ~~exceeding thirty days, which penalty may be enforced by prosecution on complaint of any officer~~
6 ~~of said fire district, or any state or town officer before the district court of the fourth judicial, and~~
7 ~~in all prosecutions the officer bringing the same shall be exempt from furnishing recognizance or~~
8 ~~surety for costs.~~

9 Section 12. This act shall take effect upon passage by the Qualified Voters at a Meeting
10 of the District and the General Assembly of the State of Rhode Island and Providence Plantations.

11 ~~Section 12. The question of the acceptance or rejection of this act shall be submitted to~~
12 ~~the qualified voters in said district at a meeting which shall be held within sixty (60) days after~~
13 ~~the passage of this act at such time and place in the village of Greene in said Town of Coventry as~~
14 ~~the town clerk of said Coventry shall determine. Said town clerk shall give notice of said time and~~
15 ~~place by posting the same in his office and at least three other public places in said district at least~~
16 ~~ten (10) days prior to said meeting. The town clerk of the Town of Coventry shall prepare a~~
17 ~~voting list of those qualified to vote at said meeting in accordance with the provisions of Section~~
18 ~~2 of this act, shall prepare ballot, shall call the meeting to order and put the question "Shall the act~~
19 ~~of the General Assembly entitled 'An act to incorporate the Western Coventry Fire District'~~
20 ~~passes at the January session, 1942, be accepted'", each voter shall cast, ballot for or against. If a~~
21 ~~majority of those present qualified to vote, vote in the negative, the clerk shall immediately~~
22 ~~adjourn the meeting and so notify the secretary of state of the result. If the majority of those~~
23 ~~present vote in the affirmative, the clerk shall declare the act accepted and continue to preside~~
24 ~~over said meeting for the election of a moderator and clerk, and upon their election they shall take~~
25 ~~over the conduct of the meeting and said meeting may transact any business which lawfully may~~
26 ~~be transacted by said corporation at any annual meeting.~~

27 ~~Section 13. Sections 12 and 13 of this act shall take effect upon its passage and the~~
28 ~~remaining sections shall take effect when and if the town clerk of Coventry declares this act~~
29 ~~accepted in accordance with the provisions of said Section 12.~~

30 [Glossary of Defined Terms](#)

31 [Annual Meeting – Means a properly called meeting of the Qualified Voters of the](#)
32 [Western Coventry Fire District.](#)

33 [Board of Directors – Means the body of Qualified Voters who are elected at an Annual](#)
34 [Meeting or appointed by the Moderator to fill a vacancy, with the duties defined in this Charter,](#)

1 the By-Laws and the WCFD SAPs.

2 By-Laws – Means the document so named and approved by a majority of the Qualified
3 Voters at an Annual or Special Meeting.

4 Charter – Means the encompassing document approved by a majority of the Qualified
5 Voters at an Annual or Special Meeting and enacted by the State of Rhode Island and Providence
6 Plantations.

7 Chief – Means the individual appointed by the Board of Directors to fill the position,
8 Chief of the Western Coventry Fire and Rescue Department, with the duties defined in these By-
9 Laws, and the WCFD SAPs and SOPs.

10 Clerk – Means the individual elected to the position of Clerk of the Western Coventry
11 Fire District by the Qualified Voters at an Annual Meeting or appointed to fill a vacancy, with the
12 duties defined in this Charter, the By-Laws, and the WCFD SAPs.

13 Corporation – Means the incorporated entity otherwise known as the Western Coventry
14 Fire District.

15 Department – Means the Western Coventry Fire and Rescue Department.

16 District – Means the geographic area so designated in the Charter of Western Coventry
17 Fire District and the incorporated entity named the Western Coventry Fire District.

18 District Meeting – Means any properly called meeting of twenty (20), or more Qualified
19 Voters in the District.

20 District Official – Means any individual elected to any position of the District by
21 Qualified Voters at a District Meeting, or appointed to fill a vacancy.

22 Moderator – Means the individual elected to the position of Moderator of the Western
23 Coventry Fire District by the Qualified Voters at an Annual Meeting, or appointed to fill a
24 vacancy, with the duties defined in these By-Laws, the Charter and the WCFD SAPs.

25 Qualified Voters – Means the residents of the District, who, at the time they offer
26 themselves to vote at a meeting of the District, would be entitled to vote at a financial town
27 meeting of the Town of Coventry if it were being held.

28 Special Meeting – Means the Meeting set forth in Article 2, Section 2.2.

29 Standard Administrative Procedures (SAPs) – Means the collection of administrative
30 procedures prepared and approved by the Board of Directors.

31 Standard Operating Procedures (SOPs) – Means the collection of operating procedures
32 necessary for the proper operation of the Western Coventry Fire and Rescue Department.

33 Tax Collector – Means the individual elected to the position of Tax Collector of the
34 Western Coventry Fire District by the Qualified Voters at an Annual Meeting or appointed to fill

1 a vacancy, with the duties defined in this Charter, the By-Laws and the WCFD SAPs.

2 Treasurer – Means the individual elected to the position of Treasurer of the Western
3 Coventry Fire District by the Qualified Voters at an Annual Meeting or appointed to fill a
4 vacancy, with the duties defined in this Charter, the By-Laws and the WCFD SAPs.

5 Western Coventry Fire and Rescue Department – Has the same meaning as Department.

6 Western Coventry Fire District – Has the same meaning as District.

7 WCFD SAPs – Means the Western Coventry Fire District Standard Administrative
8 Procedures.

9 WCFD SOPs – Means the Western Coventry Fire and Rescue Department Standard
10 Operating Procedures.

11 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

IN AMENDMENT OF AN ACT PASSED AT THE JANUARY SESSION A.D. 1942
ENTITLED "AN ACT TO INCORPORATE THE WESTERN COVENTRY FIRE DISTRICT"

- 1 This act would ratify a number of changes to the legislative charter of the Western
- 2 Coventry Fire District as approved by the voters of the district on November 15, 2012.
- 3 This act would take effect upon passage.

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