

2019 -- H 6034

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO THE MANVILLE FIRE DISTRICT -- AMENDMENT OF CORPORATE  
CHARTER

Introduced By: Representatives Ackerman, and Lyle

Date Introduced: April 26, 2019

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. Manville Fire District Charter: Sections 2, 3, 4, 5, 6, 6a, 6b, 6c, 7, 8, 8a, 8b,  
2           8c, 8d, 9, 10 and 11 of an act, entitled, "An Act to incorporate the Manville Fire District", passed  
3           at the May session, A.D. 1891, as amended by an act passed at the January session, A.D. 1893, by  
4           chapter 1644 of the public laws, passed at the January session, A.D. 1908, and by chapter 1168 of  
5           the public laws, passed at the January session, A.D. 1914 and by chapter 2426 of the public laws,  
6           passed at the January session, A.D. 1923, and by the acts and resolves at the January session,  
7           A.D. 1953, and by chapter 3565 of the public laws passed at the January session, A.D. 1955, and  
8           by the acts and resolves passed at the January session, A.D. 1958, and by chapter 26 of the public  
9           laws passed at the January session, A.D. 1980, and by chapter 19 of the public laws, passed at  
10          the January session, A.D. 1988 are hereby repealed:

11           ~~Section 2. The taxpayers of said district qualified to vote in town affairs or propositions to~~  
12           ~~impose taxes or for the expenditures of money shall be eligible to vote and act in all meetings of~~  
13           ~~the corporation. Provided, however, that such taxpayers must have paid their taxes in full to the~~  
14           ~~fire district not less than ninety six (96) hours previous to the time specified for the meetings at~~  
15           ~~which they may desire to vote.~~

16           ~~Section 3. There shall be an annual meeting of said corporation on the second Tuesday in~~  
17           ~~September of each and every year, for the purpose of electing officers, ordering taxes and~~  
18           ~~providing for assessing and collecting the same, enacting by laws as prescribed in section 10 and~~

1 ~~transacting such business or adopting such measures, consistent with the charter, which the~~  
2 ~~qualified voters at said meeting shall deem beneficial to the fire district. The newly elected~~  
3 ~~officers shall assume office on the first day of October of the same year. And in order to bring~~  
4 ~~before that annual meeting any measure pertaining to the fire district it shall not be necessary that~~  
5 ~~the purpose of the meeting be specified in the notice or notices posted to call said meeting. All~~  
6 ~~meetings of said corporation shall be called by the clerk, or in the event of his death or inability,~~  
7 ~~by the moderator, by posting notices not less than fourteen (14) days before each ~ meetings in~~  
8 ~~eight (8) public places within the district and by advertising two (2) local newspapers three (3)~~  
9 ~~days prior to date of said meeting. Each notice posted and each newspaper advertisement shall~~  
10 ~~contain time and place at which such meeting is to be held. In the case of a special meeting where~~  
11 ~~the posting of notices for fourteen (14) days prior to the date would create a financial~~  
12 ~~emergency, the clerk or in the event of his death, the moderator shall at the direction of the board~~  
13 ~~of fire wardens advertise in two (2) local newspapers notice of said special meeting three (3) days~~  
14 ~~prior to the date of said special meeting.~~

15 ~~Section 4. Special meetings of said corporation shall be held for purposes pertaining to~~  
16 ~~the fire district, provided an application in writing be made to the clerk of the corporation by all~~  
17 ~~fire wardens or by thirty (30) or more qualified voters of said fire district; setting forth~~  
18 ~~specifically the whole purpose of the desired meeting. Business at such meeting shall be limited~~  
19 ~~to the specific item(s) specified on the warrant for said special meeting. It shall thereupon be the~~  
20 ~~duty of the clerk, (or in case of his death or inability, of the moderator), to issue notices of the~~  
21 ~~proposed meeting in the manner prescribed in section 3, which notices shall specify the subject to~~  
22 ~~be acted upon, mention the names of the fire wardens, or of not less than thirty (30) taxpayers~~  
23 ~~who shall have applied for the holding of said meeting, and be signed by the clerk or by the~~  
24 ~~moderator of the corporation.~~

25 ~~Section 5. The officers of the fire district shall consist of one (1) moderator, one (1) clerk,~~  
26 ~~one (1) treasurer, one (1) tax collector, three (3) assessors of taxes, two (2) auditors, five (5) fire~~  
27 ~~wardens; and said officers shall be elected by the qualified voters at the annual meeting of the fire~~  
28 ~~district to remain in office until the next annual meeting or the election of their successors. Any~~  
29 ~~officer who shall neglect his duty may be impeached by a two-thirds (2/3) vote of the voters of~~  
30 ~~the district present at the meeting at which such vote is taken. All vacancies occurring by reason~~  
31 ~~of death, incapacity, resignation, or the retirement of any officer may be filled at a special~~  
32 ~~meeting of the district called for that purposes; provided, however, that any vacancy occurring~~  
33 ~~within the two (2) months preceding the annual meeting shall be filled by a majority vote of the~~  
34 ~~board of fire wardens.~~

1           ~~Section 6. The terms of the tax assessors, auditors, and the fire wardens shall be for two~~  
2 ~~(2) year terms. All other officers shall be elected for one (1) year terms.~~

3           ~~Section 6a. Election of Tax Assessors:—At the annual meeting on the even numbered~~  
4 ~~years, two (2) tax assessors shall be elected for a two (2) year term and on the odd numbered~~  
5 ~~years one (1) tax assessor shall be elected to a two term.~~

6           ~~Section 6b. Election of Fire Wardens:—At the annual meeting on the even numbered~~  
7 ~~years three (3) fire wardens shall be elected for two (2) year terms and on the odd numbered years~~  
8 ~~two (2) fire wardens shall be elected to two (2) year terms.~~

9           ~~Section 6c. At the annual meeting one (1) auditor shall be elected for a two (2) year term.~~

10          ~~Section 7. The moderator shall preside at all annual and special meetings of the fire~~  
11 ~~district which shall have been called by proper notice; and at such meetings shall conduct the~~  
12 ~~proceedings, decide all discussions according to law, and have command over all the records of~~  
13 ~~the clerk, of the treasurer, and of the tax collector during such meetings. The rulings or decisions~~  
14 ~~of the moderator at said meetings shall be binding upon the fire district. The decision of the~~  
15 ~~presiding officer may be appealed upon by those present and entitled to a vote and a two third~~  
16 ~~(2/3) majority of the voters will be required to sustain the appeal and overrule the decision. An~~  
17 ~~appeal of his decisions or ruling may be taken by an qualified voter of said district to the superior~~  
18 ~~court to be holden within the county of Providence. All meetings whether annual or special~~  
19 ~~meetings of the fire district shall be conducted in accordance with Robert's "Rules of Order".~~

20          ~~Section 8. The fire chief shall be appointed by the board of fire wardens. The deputy fire~~  
21 ~~chief shall be appointed by the board of fire wardens on the recommendation of the fire chief.~~  
22 ~~These appointments shall be made whenever a vacancy occurs. The fire chief and the deputy fire~~  
23 ~~chief shall serve under the direction of the board of fire wardens.~~

24          ~~Section 8a. The appointment of the fire chief and the deputy fire chief shall be for a~~  
25 ~~probationary period of three (3) full years, beginning with the first day of appointment. At the end~~  
26 ~~of the probationary period, the board of fire wardens shall grant tenure with a majority vote.~~

27          ~~Section 8b. If the need for dismissal due to just cause of a fire chief or a deputy fire chief~~  
28 ~~occurs, a hearing will be held with all concerned present. At that time a four (4) out of five (5)~~  
29 ~~majority vote of the board of fire wardens will be necessary for dismissal.~~

30          ~~Section 8c. The fire chief or the deputy fire chief in the case of dismissal by the board of~~  
31 ~~fire wardens may petition his case to said board of fire wardens for a second hearing within~~  
32 ~~seventy two (72) hours. In the event that the dismissal is upheld a fire chief or a deputy fire chief~~  
33 ~~may as a final plea, bring his plea to the members of the Manville fire district within fourteen (14)~~  
34 ~~days of the second hearing according to the law of special meetings. Then and only then can the~~

1 ~~decision of the fire wardens be reversed by a 2/3 majority of eligible voters present and voting.~~  
2 ~~Should the probationary period not end in tenure, the fire chief or the deputy fire chief as the right~~  
3 ~~of due process in accordance with the rules of section 8.~~

4 ~~Section 8d. The fire chief and the deputy fire chief or any other executive officer of the~~  
5 ~~fire department when on duty at a fire in the fire district where the fire headquarters or station of~~  
6 ~~said company is located or in response to an alarm for such a fire shall in absence of the police~~  
7 ~~have the power to suppress any tumult or disorder and to command the inhabitants of the fire~~  
8 ~~district all needful assistance for the suppression of fire and in preservation of property exposed~~  
9 ~~to fire the officers above enumerated shall have authority to go onto and enter property or~~  
10 ~~premises and do whatever may reasonably be necessary in the performance of their duties while~~  
11 ~~engaged in the work of extinguishing any fire or performing any duties incidental thereto. The~~  
12 ~~fire chief and deputy fire chief are authorized to procure the assistance of the state fire marshal's~~  
13 ~~division of fire safety in their fire fighting activities when necessary.~~

14 ~~Section 9. No member of the fire department of the Manville fire district who, while on~~  
15 ~~duty performing the duties of a fire fighter or rescue person, and in the performance of said duty~~  
16 ~~voluntarily and gratuitously renders emergency assistance to a person in need thereof, shall be~~  
17 ~~liable for civil damages for any personal injuries which result from acts or omissions by such~~  
18 ~~persons rendering the emergency care which may constitute ordinary negligence. This immunity~~  
19 ~~does not apply to acts or omissions constituting gross, willful, or wanton negligence. The fire~~  
20 ~~chief and deputy fire chief and all members of this fire department shall not render themselves~~  
21 ~~liable personally and they are hereby relieved from all personal liability for any damage that may~~  
22 ~~occur to persons or property as a result of an act required or permitted in the discharge of their~~  
23 ~~official duties and any fire chief and deputy fire chief acting in good faith and without malice,~~  
24 ~~shall be free from liability for acts performed or by any reason of his failure to act in the~~  
25 ~~performance of his official duties.~~

26 ~~Section 10. The qualified voters of said fire district shall at the annual meeting or at a~~  
27 ~~special meeting called for this purpose, have the power to propose changes in the by laws~~  
28 ~~consistent with this charter. Final passage of said by laws shall require the approval of voters at a~~  
29 ~~subsequent meeting to be held no less than thirty (30) days and no more than sixty (60) days from~~  
30 ~~the date of the proposal.~~

31 ~~Section 11. Such fire company, including the rescue service, shall constitute the fire~~  
32 ~~department with the fire district under the command of the fire chief and shall be governed by the~~  
33 ~~fire district. Such company shall also be subject to the provisions contained in chapter 152 and~~  
34 ~~200 of the public statutes and all acts in amendment thereto and to the exemptions, privileges, and~~

1 ~~remedies therein provided and the rules and regulations of the department of health pertaining to~~  
2 ~~rescue service.~~

3 SECTION 2. Manville Fire District Charter: The act, entitled, "An Act to incorporate the  
4 Manville Fire District", passed at the May session, A.D. 1891, as amended by an act passed at the  
5 January session, A.D. 1893, by chapter 1644 of the public laws, passed at the January session,  
6 A.D. 1908, and by chapter 1168 of the public laws, passed at the January session, A.D. 1914 and  
7 by chapter 2426 of the public laws, passed at the January session, A.D. 1923, and by the acts and  
8 resolves at the January session, A.D. 1953, and by chapter 3565 of the public laws passed at the  
9 January session, A.D. 1955, and by the acts and resolves passed at the January session, A.D.  
10 1958, and by chapter 26 of the public laws passed at the January session, A.D. 1980, and by  
11 chapter 19 of the public laws, passed at the January session, A.D. 1988 is hereby amended by  
12 adding thereto the following sections:

13 Section 2. Voter Eligibility: The qualified voters residing within said district shall be  
14 eligible to vote at the annual meeting of the corporation. Such qualified voters shall be eligible to  
15 hold any office in the corporation. Voter eligibility will be further defined in the district bylaws.

16 Section 3. Annual Meeting: There shall be an annual meeting of said corporation on the  
17 second Tuesday in September for the purpose of electing officers, ordering taxes and providing  
18 for assessing and collecting the same. The annual meeting date and requirements for said meeting  
19 will be defined in the district bylaws.

20 Section 4. Special Meetings: Special meetings of said corporation shall be held for  
21 purposes pertaining to the fire district; provided a written request be made to the Board of Fire  
22 Wardens Chairman and Clerk of the corporation by at least two (2) Fire Wardens or by thirty (30)  
23 or more qualified voters of said fire district; setting forth specifically the whole purpose and  
24 agenda topics of the desired meeting. Business at such meetings shall be limited to the specific  
25 item(s) specified on the warrant/notice for said special meeting. It shall thereupon be the duty of  
26 the Clerk to issue notices of the proposed meeting in the manner defined in the district bylaws.

27 Section 5. District Officers: The officers of the fire district shall consist of five (5) Fire  
28 Wardens. Said officers shall be elected by the qualified voters at the annual meeting of the fire  
29 district and shall remain in office until the expiration of their term. Any officer who shall neglect  
30 his or her duty may be impeached by a two-thirds (2/3) vote of the voters of the district present at  
31 the meeting at which such vote is taken.

32 All vacancies for any officer position may be filled at a special meeting of the district  
33 called for that purpose; provided, however, that any vacancy occurring within the two (2) months  
34 preceding the annual meeting shall be filled by the affirmative vote of three (3) Fire Wardens for

1 an interim term lasting until that annual meeting. All elected officers shall assume office on the  
2 first day of October of the same year. The terms and duties of the officers will be defined by the  
3 district bylaws.

4 Section 6. Appointed Personnel: The Board of Fire Wardens will appoint one (1)  
5 Treasurer, one (1) Tax Collector and one (1) Clerk by the affirmative vote of three (3) Fire  
6 Wardens. The terms and duties of the appointed positions will be defined by the district bylaws.

7 Section 7. Presiding of Meetings: The Board of Fire Wardens Chairman shall preside  
8 over all meetings of the fire district including the annual meeting and special meetings unless a  
9 Moderator is appointed by the affirmative vote of three (3) Fire Wardens; and at such meetings  
10 shall conduct the proceedings, decide all discussions according to law, and have command over  
11 all the records of the Clerk, of the Treasurer, and of the Tax Collector during such meetings. The  
12 rulings of the Board at said meetings shall be binding upon the fire district. The annual meeting  
13 may be conducted by any Fire Warden that is not eligible for re-election that term or, in the  
14 alternative, by a Moderator selected by the affirmative vote of three (3) Fire Wardens. All  
15 meetings of the fire district shall be conducted in accordance with Robert's "Rules of Order".

16 Section 8. Operations Personnel: The Board of Fire Wardens shall hold control over the  
17 operations of the fire district and hold within its authority the power to appoint a Fire Chief and  
18 Deputy Fire Chief to manage all firefighting activities in the district and otherwise subject to the  
19 authority of the Board of Fire Wardens. The confirmation of a Fire Chief and Deputy Fire Chief  
20 requires an affirmative vote of three (3) Fire Wardens. The process, terms and duties of the  
21 appointed positions will be defined by the district bylaws.

22 Section 9. Amendments: The Board of Fire Wardens shall have the power to make  
23 changes to their bylaws and their policy and procedures consistent with this charter. Final passage  
24 of said bylaws and policy and procedures or any amendment thereto shall take place at an open  
25 meeting as defined in the district bylaws.

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

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LC002481  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO THE MANVILLE FIRE DISTRICT -- AMENDMENT OF CORPORATE  
CHARTER

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- 1           This act would repeal the existing provisions of the Corporate Charter and would replace
- 2 them in their entirety.
- 3           This act would take effect upon passage.

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