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LC002801
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE
HARRISVILLE FIRE DISTRICT

Introduced By: Senator Jessica de la Cruz

Date Introduced: May 02, 2025

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 637 of the Public Laws of 1910 entitled "An Act to Incorporate the
2 Harrisville Fire District" as amended, is hereby further amended, in order to reflect the
3 consolidation of the Harrisville Fire District Water Department with the Pascoag Utility District in
4 order to create the Clear River Electric and Water District, to read as follows:

5 The Charter of the Harrisville Fire District

6 Section (a) Establishment.

7 A. Incorporation. Within the boundaries described below, there is hereby established a
8 district incorporated as a quasi-municipal corporation under the name of the Harrisville Fire District
9 ("District").

10 B. Purposes. The district is incorporated for the purposes of providing fire suppression,
11 emergency medical, rescue and ambulance services, and furnishing and distributing light and power
12 for the limited purpose of powering and maintaining streetlights, throughout the district and beyond
13 the same both within and without the district and the town of Burrillville as provided herein, and
14 for such other purposes as may be deemed necessary, appropriate, or incidental to the foregoing.

15 C. Powers. The district may have a common seal, sue and be sued, and enjoy the other
16 powers generally incident to the quasi-municipal corporation, including the following:

17 To provide fire suppression, emergency medical, rescue and ambulance services within or
18 without the territorial limits of the district or the town of Burrillville.

1 [Repealed]

2 [Repealed]

3 To obtain, own, establish, operate, maintain, repair, improve, enlarge, and/or extend any
4 fire apparatus, building, facilities, or property of any kind in order to carry out the purposes of the
5 district.

6 To acquire, hold, use, lease, sell, transfer and/or dispose of any property, real, personal or
7 mixed, or any interest therein for its corporate purposes, and to mortgage, pledge, or lease any such
8 property.

9 To make by-laws for the management and regulation of its affairs.

10 To borrow money for any of its corporate purposes, including the creation and maintenance
11 of working capital, and to issue negotiable bonds, notes, or other obligations and to fund or refund
12 the same.

13 To contract in its own name for any lawful purpose deemed necessary to carry out the
14 purposes of the district.

15 To execute all instruments necessary to carry out the purposes of the district.

16 To enter into cooperative agreements with states, cities, counties, towns, water, or fire
17 districts within or without the district for the interconnection of facilities and mutual aid or for any
18 other lawful corporate purposes necessary or desirable to carry out the purposes of the district.

19 To fix rates and collect charges for the use or expansion of the facilities of or services
20 rendered by or for any services furnished by the district pursuant to this law, such as to provide
21 revenues sufficient at all times to pay, as the same shall become due, the principal and interest on
22 the bonds of the district, together with the maintenance of proper reserves therefor, in addition to
23 paying, as the same shall become due, all operating expenses of the district together with proper
24 reserves for depreciation, maintenance, expansion, and contingencies and all other obligations and
25 indebtedness of the district.

26 To levy and collect taxes on the taxable inhabitants of the district to carry out the purposes
27 of the district in the manner provided in this charter.

28 To exercise the power of eminent domain in the same manner prescribed pursuant to
29 R.I.G.L. section 24-1-1, et seq., in order to acquire property for the purposes of the district.

30 To do all things necessary or convenient in order to carry out any and all express or implied
31 purposes and powers of the district granted under this charter.

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

34 All that part of the town of Burrillville starting at a southerly point of the Burrillville and

1 Gloucester town line on Route 102, northwest to the intersection of Lapham Farm Road and Steere
2 Farm Road; northeast from said point to the northwest corner of 315 Central Street, then northerly
3 to a point one hundred eighty (180) feet west of the intersection of Whipple Avenue and East
4 Avenue; commencing north approximately 835 feet then turning in an east southeasterly direction
5 to the intersection of Spring Lake Road, Joslin Road and Branch River; following the Branch River
6 in a northeasterly direction to the Nasonville Fire District line; then turning in a northwesterly
7 direction along the Nasonville Fire District to the southeast corner of Lot 1, Map 8; turn westerly
8 263.48 feet along the southern boundary of Lot 1, Map 8; then northerly 332.62 feet; then westerly
9 1,119.17 feet along said lot 1, Map 8 and along the southerly boundary of Lot 3 Map 7; then north
10 83.80 feet to the Massachusetts state line, said point being the northwest corner of the Nasonville
11 Fire District boundary, and following said line due west to a point three hundred (300) feet beyond
12 Round Top Road; due southeast to the corner of Hill Road and Centennial Street; bordering the
13 Pascoag Fire District line, southerly through the intersection of Union Avenue and Oak Street to a
14 point nine hundred twenty-three (923) feet west of Memorial Bridge on Main Street, Pascoag; due
15 southeast from this point to the intersection of Mowry Street and Lapham Farm Road, continue
16 southeast along the Pascoag Fire District line to the Gloucester town line; due east on said line to the
17 point of beginning, as recorded at the Harrisville Fire District office.

18 (b) Management and Officers

19 A. Operating Committee -- Establishment.

20 Except as otherwise provided herein, all the powers of the district shall be vested in and
21 exercised by an operating committee elected by the electors of the district and consisting of five (5)
22 members ~~seven (7) members~~ who shall be residents and electors of the district and chosen as
23 follows: at the first annual meeting following the passage of this charter, one (1) member will be
24 elected for a three (3) year term. The remaining members will complete the terms for which they
25 were elected; ~~two (2) members shall be elected for one (1) year, two (2) members for two (2) years,~~
26 ~~and three (3) members for three (3) years;~~ and, thereafter, as the terms of the members expire, there
27 shall be elected two (2) or three (3) members as the case may be.

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

32 B. Powers of the Operating Committee. The operating committee shall be responsible
33 for the overall management of the district. It shall have charge and control of all property of the
34 district and shall have full authority to exercise all the powers and functions necessary to carry out

1 the purposes of the district. The operating committee's responsibilities shall include the following:

2 To make a full and complete report at each annual meeting of the district of the operations

3 of the district and such other events and transactions as it may deem necessary and appropriate.

4 To prepare and submit a proposed budget and tax levy for all operations of the district for

5 approval by the electors of the district at the annual meeting.

6 [Repealed]

7 To insert new items or increase any items in the budgets of the district whenever the same

8 may be deemed necessary or convenient, provided no budget may be exceeded by more than ~~2.5%~~

9 5% without prior approval of the district at a special meeting.

10 To have control of all fire apparatus belonging to the district except when under the control

11 of the fire chief as provided herein.

12 To appoint a fire chief, collector of taxes, and such other officers and employees as it shall

13 deem necessary to conduct the business of the district, which said appointees, officers and

14 employees shall act under the direction and control of the operating committee, and to fix their

15 salaries.

16 To employ a certified public accountant to annually audit all accounts of the district.

17 To act as a board of abatement with power to abate any district taxes, upon recommendation

18 of the district board of assessors established herein and in accordance with applicable law.

19 To act as the board of canvassers for the district and prepare the voting list to be used at

20 any annual or special meetings of the district.

21 To make appointments to fill any vacancies on the operating committee or district offices

22 until the next annual or special meetings of the district.

23 C. Officers.

24 The officers of the district shall include a moderator, clerk, and three (3) assessors, who

25 shall comprise the district board of assessors. The duties and powers of said officers shall be such

26 as other officers of towns in this state. All officers must be residents and electors of the district.

27 The assessors shall be elected as follows: at the first annual meeting following the passage

28 of this charter, one (1) assessor shall be elected for one (1) year, one (1) assessor shall be elected

29 for two (2) years and one (1) assessor shall be elected for three (3) years; and thereafter, as the

30 terms of the assessors expire, one (1) assessor shall be elected each year for a term of three (3)

31 years.

32 Unless otherwise provided in the by-laws of the district, all other officers shall be elected

33 at the annual meeting of the district to hold office for a term of one (1) year or until a successor is

34 elected and qualified. Vacancies occurring in any office may be filled for the unexpired term by

1 the operating committee.

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

5 (c) Electors and Meetings

6 A. Electors. The inhabitants of the district qualified and registered to vote for elected
7 offices in the town of Burrillville shall be the electors of the district and shall be eligible to vote
8 and act at any annual or special meetings of the district.

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

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

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

28 E. Quorum. Ten electors shall be deemed to constitute a quorum for ~~any meeting~~ the annual
29 meeting of the district or any special district meeting.

30 F. Procedure

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

34 The clerk shall keep and maintain minutes of any meeting of the district, which shall

1 include the results of any votes taken. The minutes shall be read and approved by a vote taken at
2 the next annual or special meetings of the district.

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

6 In the event that any elector shall desire to present any motion, resolution, or matter at an
7 annual meeting of the district that would require the appropriation of money, said elector shall first
8 present said motion, resolution, or matter to the operating committee at the advertised public
9 meeting of the operating committee scheduled immediately before the date of the annual meeting
10 of the district. In the event that said motion, resolution, or matter is rejected by the operating
11 committee, the elector may then present the same motion, resolution, or matter at the annual
12 meeting under new business, provided said elector files in writing a copy of said motion, resolution,
13 or matter with the operating committee at least ninety-six (96) hours prior to the annual meeting.
14 In the event any motion, resolution, or matter is proposed at an annual meeting without first
15 complying with the aforesaid prerequisites, said motion, resolution, or matter shall be ruled out of
16 order.

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

19 (d) Taxation

20 A. Authorization.

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

29 Such taxes so ordered shall be assessed by the board of assessors of the district on the
30 taxable inhabitants thereof and the property therein according to the last valuation made by the
31 assessors of the town of Burrillville, adding however, any tax from property which may have been
32 omitted by said town assessors or afterwards acquired, and in all cases where the town assessors
33 have included property within and without the district in one valuation, the assessors of the district
34 shall make an equitable valuation of that portion of said property lying within the district.

1 The operating committee, or those appointed by the operating committee are also
2 empowered to enter into binding agreements with adjacent fire districts relative to the reasonable
3 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
5 proceedings and follow such procedures as the law requires be followed by the corresponding
6 officers of towns in assessing and collecting town taxes, to the extent practicable.

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

11 B. Assessment.

12 The district operating committee shall annually levy and assess a tax at such a rate so as to
13 provide revenue sufficient to pay all operating expenses together with any other items set forth in
14 the budget for the current year, on all property within the limits of the district, or belonging to the
15 residents thereof, which is liable to taxation under this charter, said levy and assessment to be made
16 by the operating committee on or before August ~~15th~~ 22nd in each year. The operating committee,
17 upon completing the assessment for the year, shall date and sign the same.

18 The tax assessed shall be due and payable on or before October 1st in each year and all
19 taxes remaining unpaid on October 31st in each year shall thereafter bear interest at a rate
20 established by the operating committee.

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

25 C. Collection.

26 The collector of taxes shall give his or her bond with corporate surety in an amount and
27 form satisfactory to the operating committee, the premiums for which shall be paid by the district.

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

33 The collector shall thereafter prepare and submit at the annual meeting, or at a special
34 meeting if called upon to do so by a vote of the district, an annual report, audited by a certified

1 public accountant and confirmed and approved by the operating committee, describing the
2 condition of the district finances and the receipts and expenditures for the fiscal year preceding the
3 meeting.

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

6 D. Imposition of fees in lieu of taxes.

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

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

22 All prior agreements between the district and the owner or lessors of such real or personal
23 property used in connection with any facility for the generation of electricity or actions taken in
24 connection therewith are hereby ratified in all respects.

25 (e) Fire Department.

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

32 B. Fire Chief.

33 The chief of the fire department shall be appointed for a term of three (3) years by and
34 under the direction and control of the operating committee. The chief shall be responsible for

1 supervising the day to day affairs and operation of the fire department.

2 The fire chief shall be in sole command of fire department personnel, apparatus, and
3 equipment from the time they leave the fire station and until they return, and only the chief shall
4 direct orders to the officers and personnel of the fire department when so deployed. If, due to illness,
5 absence or for any other cause, the chief is unable to act, the senior officer of the department shall
6 assume all the duties of the chief.

7 The operating committee shall consult with the chief with respect to the purchase of fire
8 apparatus or major equipment purchases.

9 [Repealed]

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

17 (f) [Repealed]

18 (g) By-laws

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

23 B. Emergencies. The district shall have the power to enact by-laws prescribing the duties
24 of the inhabitants of the district during a fire or other emergency and for the purpose of enforcing
25 the commands of fire department officers with respect to suppressing disorder, guarding or
26 removing property, or rendering other services in time of fire, and also for the protection of
27 apparatus or property of the district, and for any breach of such by-laws may provide a penalty not
28 exceeding a fine of one thousand dollars (\$1,000) to be recovered for the use of the district, or
29 imprisonment for a term not exceeding thirty (30) days, which said penalties may be enforced by
30 prosecution on complaint of any officer of said fire department before any court of competent
31 jurisdiction. Any such prosecution must first be authorized and approved by the operating
32 committee.

33 (h) Bonds and other obligations.

34 A. Power to issue bonds and other instruments of indebtedness. The district shall have the

1 power and authority to issue bonds and any other instruments of indebtedness and to secure the
2 payment of the same in any manner and subject to such terms and conditions as may be deemed
3 necessary and appropriate and set forth in the resolution authorizing said bonds or other instruments
4 of indebtedness. The operating committee shall authorize the issuance of any bonds or other
5 instruments of indebtedness in a resolution, which shall thereafter be approved by the electors of
6 the district at any annual or special meeting. Any bonds or other instruments of indebtedness shall
7 be signed by the clerk, or any member of the operating committee designated in the resolution
8 authorizing the same and shall bear the seal of the district or a facsimile thereof.

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

15 (i) Eminent Domain.

16 A. Authorization to take private property. In order to carry out the purposes of this charter,
17 the district shall have and enjoy all the authority and power conferred by the provisions and
18 procedures for condemnation set forth in R.I.G.L. Section 24-1-1, et seq., entitled "Laying Out and
19 Taking by Cities and Towns," as the same may be amended from time to time. When utilizing the
20 condemnation procedures pursuant to the foregoing provisions, the district shall have all the
21 authority and power of and be subject to all the duties and liabilities imposed upon electors of
22 towns, towns, or town councils by said provisions.

23 B. [Repealed]

24 (j) Miscellaneous.

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

34 B. Costs of collection. In addition to any other sums to which it may be entitled in

1 accordance with this charter and applicable law, in any action or proceeding to collect taxes
2 assessed or fees imposed in accordance with this charter, the district shall be entitled to also collect
3 the reasonable costs of collection, including attorneys fees.

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

8 D. Not public utility. Notwithstanding the definition set forth in R.I.G.L. Section 39-1-
9 2(20), and as the same may be amended from time to time, the district shall not be considered a
10 "public utility" otherwise subject to regulation in accordance with applicable law, as long as the
11 price charged to outside customers per unit of light or power limited to streetlights is not greater
12 than the price charged to district customers for the same unit of light or power limited to streetlights.

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

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

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
VALIDATING AND RATIFYING AMENDMENTS TO THE CHARTER OF THE
HARRISVILLE FIRE DISTRICT

- 1
- This act would validate and ratify amendments to the charter of the Harrisville Fire District
- 2
- in the town of Burrillville, which amendments were adopted and approved by the electors of the
- 3
- said fire district on November 19, 2024.
- 4
- This act would take effect upon passage.

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