

Subpart A CHARTER ^[1]

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Editor's note— Published in part I, subpart A is the Charter of the City of Central Falls, Rhode Island, adopted November 4, 1952, and revised on August 3, 2006. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision derives unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets. (Back)

ARTICLE I. POWERS OF THE CITY

Sec. 1-100. The city's power defined.

Sec. 1-101. Legislative power.

Sec. 1-102. Executive and administrative power.

Sec. 1-100. The city's power defined.

Pursuant to article XXVIII of the constitution of the State of Rhode Island, (hereinafter in this Charter called "the state") and every other power it thereunto enabling, the City of Central Falls (hereinafter in this Charter called "the city") shall have and may exercise all powers and authority of local self-government and shall have complete powers of legislation and administration in relation to its municipal functions, including any additional powers and authority which may hereafter be granted to it. The city shall have the power to enact ordinances and to make rules and regulations necessary and proper for carrying into execution its powers; and such ordinances, rules and regulations may be made enforceable by the imposition of fines, forfeitures and penalties not exceeding \$500.00 and by imprisonment for a period not exceeding one year for any one offense.

Sec. 1-101. Legislative power.

The legislative power of the city shall be exclusively vested in and exercised by a council, except as limited by the provisions of this Charter.

Sec. 1-102. Executive and administrative power.

The executive and administrative power of the city shall be exclusively vested in and exercised by a mayor and such other officers, departments, boards and commissions as are designated and authorized in this Charter.

ARTICLE II. LEGISLATIVE BRANCH

CHAPTER 1. - THE COUNCIL

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CHAPTER 1. THE COUNCIL

Sec. 2-100. Number, terms and salaries of the city council.

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Sec. 2-100. Number, terms and salaries of the city council.

Effective January 6, 2014, the council shall consist of seven members, two to be elected by the electors at-large to be known as councilors-at large and one to be elected

from each of the five wards of the city to be known as ward councilors. Effective January 6, 2014, the terms of all councilors shall be two years from the first Monday of January following the year in which they were elected except that a councilor elected to fill a vacancy shall serve only for the balance of the unexpired term. In order to accommodate the city's transition to even-year elections, members of the city council elected in 2013 shall serve for a three year term. Effective January 6, 2014, no person shall hold the office of city councilor for more than eight consecutive years. Each council member shall receive a salary as determined by ordinance. No ordinance increasing the salaries of members of the council shall become effective during the current term of office of the members of the council enacting such ordinance. Councilors shall not be eligible for health insurance, dental insurance and retirement benefits paid for by the city.

(12-8-1969, § 1; 11-6-2012)

Sec. 2-101. The election of council.

One council member shall be elected from each ward. Each elector shall have the right to vote for one councilman duly nominated from the ward in which he shall be a qualified elector. Effective January 6, 2014, all electors shall have the right to vote for two councilors-at-large duly nominated.

(11-6-2012)

Sec. 2-102. Reserved.

Sec. 2-103. Qualifications of councilors.

Councilors-at-large, at the time of their election, shall be qualified electors and residents of the city, ward councilors shall, at the time of their election, shall be qualified electors and residents of the respective wards from which they are elected. All councilors standing for election shall have been residents of the city for at least two years. Any councilor who removes their residence from the city shall thereby vacate their office.

(11-6-2012)

Sec. 2-104. Organization of the council; officers; rules.

The council shall meet for organization on the first Monday of January following its election, at which time it shall elect a president from among its members. The council shall further elect a president pro tempore from among its members to act in the event of the absence or disability of the president. The council shall adopt rules not inconsistent with this Charter providing for committees, defining the duties of its president, and otherwise providing for its organization and procedure; provided, however, that each committee of the council shall contain at least one councilman from each ward. For the purpose of organizing, the council shall meet at the city council chamber, and the temporary presiding officer shall be the city clerk if present. If said council chamber shall not be available, the city clerk shall designate any other suitable place in the city for such meeting.

Sec. 2-105. Engagement of mayor and council members.

The mayor and members of the city council, before entering upon the duties of their office, shall first be severally sworn or affirmed to the faithful discharge of the same, and to the support of the constitution and laws of the state, and of the Constitution of the United States, in the form and manner provided for by law. The oath shall be administered by such individual competent to administer oaths, as shall have been invited to do so by the mayor-elect.

Sec. 2-106. Employment of counsel.

In the event the law department declines or fails to advise or render legal services to the council in any matter, and whenever the council is conducting an investigation relating to the executive and administrative branch of the city government, the council may employ and fix the compensation of council of its own selection to handle such matters or to assist in conducting such investigation. In all other cases it shall obtain legal advice and services exclusively from the law department.

Sec. 2-107. Commitments between election and inauguration.

During the period between the date of the municipal election and the date set for the swearing in of the newly elected mayor and council members pursuant to section 2-105 of this chapter, neither the mayor nor the council nor any appointed official of the city shall initiate or approve any appointment to office or hiring of city personnel, nor initiate any purchase of commitment of city funds which was not authorized in the annual budget, in the amount of \$5,000.00 or more, nor enter into any contract on behalf of the city that will be binding beyond the period of time specified in this section, nor initiate actions on any ordinance or amendment thereto, provided however, that this section shall not be deemed to prohibit emergency expenditures as defined in section 2-302(1) of this Charter.

CHAPTER 2. COUNCIL PROCEDURES

Sec. 2-200. Legislation to be by ordinance.

Sec. 2-201. Manner of introduction.

Sec. 2-202. Emergency ordinances.

Sec. 2-203. Submission of ordinances to the mayor.

Sec. 2-204. Mayor and others may appear before council.

Sec. 2-205. Council meetings to be public.

Sec. 2-206. Regular meetings.

Sec. 2-207. Special meetings.

Sec. 2-208. Quorum; votes to adjourn meetings.

Sec. 2-200. Legislation to be by ordinance.

Except as hereinafter otherwise provided, every ordinance of the council shall begin with the words: "Be it ordained by the City of Central Falls."

Sec. 2-201. Manner of introduction.

Consideration and passage of ordinances and resolutions.

- (1) Every ordinance shall be introduced only in written or printed form.
- (2) Every ordinance, except annual budget ordinances and general codifications and revisions of city ordinances, shall contain not more than one subject which shall be clearly and adequately expressed in its title.
- (3) Ordinances making annual or supplemental appropriations shall be confined to the subject of appropriations.
- (4) No ordinance shall be so amended on its passage as to change its original purpose.
- (5) No ordinance, other than an emergency ordinance, shall be acted upon at the meeting at which it shall be introduced, but may be referred to a committee for study

and recommendations. Every ordinance referred to the committee shall be reported back to the council for action thereon, with or without recommendations, not later than the regular or special meeting of the council occurring next after 14 days, from the date of such reference. The council may order such ordinance referred back to committee for further study and investigation upon the affirmative vote of three of the members of the council, but said ordinance shall again be reported back to the council for action at the next regular city council meeting.

- (6) No ordinance shall be passed until it has been read on two separate days, nor until at least 72 hours have elapsed between such two readings, provided, however, that the above requirements may be dispensed with in the case of emergency ordinances by a vote of not less than four members of the council.
- (7) The second reading of each ordinance shall be in full, unless a copy thereof shall have been furnished to each member of the council at least 48 hours prior to such reading.
- (8) No ordinance or resolution shall be passed until after it is read unless a majority of the council members present votes to dispense with the reading in which case only the title need be read along with a statement as to its contents.
- (9) Written or printed copies of every ordinance shall be furnished by the city clerk to each member of the council at least 48 hours before the second reading.
- (10) After the introduction of any ordinance the city clerk shall keep available a copy of such proposed ordinance together with all amendments thereto, which copy shall be available for public inspection at all reasonable times.
- (11) The council shall hold at least one public hearing on all budget ordinances and all general and supplemental budget ordinances, before final passage, which hearings shall be held in accordance with rules established by the council. After the introduction of any budget ordinance, the city clerk shall cause a copy thereof to be published in a newspaper having a substantial circulation in the city.
- (12) The council, or a committee thereof, shall hold at least one public hearing on all ordinances, except emergency ordinances, if a petition shall be presented to the city clerk at least 72 hours before the final passage thereof, but not later than seven days after the first passage thereof, signed by at least 100 qualified electors of the city requesting such hearing. Such hearings shall be held in accordance with the rules established by the council or its designated committee.
- (13) Except as herein otherwise provided for the passage of emergency ordinances and ordinances returned to the council with the disapproval of the mayor, every ordinance shall be passed or adopted at each reading by a majority of all the members of the council.
- (14) Resolutions may be passed at the time of introduction.

(12-8-1969, § 1)

Sec. 2-202. Emergency ordinances.

An emergency ordinance is an ordinance to provide for the immediate preservation of public peace, property, health or safety in which the emergency claimed is set forth and defined in the preamble thereto. No situation shall be declared an emergency by the council except as defined in this section, and it is hereby declared to be the policy of this Charter that such definition shall be strictly construed by the courts.

Sec. 2-203. Submission of ordinances to the mayor.

Every ordinance shall, before it takes effect, be certified by the city clerk to the mayor for his/her approval. The mayor shall sign the ordinance if he/she approves it, whereupon it shall become law. If he/she disapproves it, he/she shall return it to the city clerk with the reasons for his/her disapproval not later than ten days after he/she receives it. If the council shall pass the ordinance by an affirmative vote of four (six effective January 6, 2014) of its members at or before the next regular meeting after the ordinance has been returned with the mayor's disapproval, it shall become law without his/her approval.

If for any reason the mayor fails to sign or return an ordinance to the city clerk within ten days after receiving it, it shall become law on the expiration of said ten days. The mayor may disapprove or reduce any item or items of any ordinance making appropriations, and the approved part or parts of any ordinance making an appropriation shall become law, and the part or parts disapproved shall not become law unless passed by the council over the mayor's veto as provided herein.

(12-8-1969, § 1; 11-6-2012)

Sec. 2-204. Mayor and others may appear before council.

The heads of departments or divisions thereof and members of boards and commissions, in matters relating to the functions of their offices, and the mayor and any other elected officials may request the right to appear before the council or any of its committees for the purpose of expressing their views on matters pending before it.

Sec. 2-205. Council meetings to be public.

The meetings of the council shall at all times be open and accessible to the public with only the exceptions provided in the state open meetings law.

Sec. 2-206. Regular meetings.

Regular meetings of the council shall be held at least once in each calendar month, and there shall be an interval of at least seven days between successive regular meetings. The council shall establish the time at which regular meetings shall be held, and shall schedule and notice all meetings in conformity with the state open meetings law.

Sec. 2-207. Special meetings.

- (a) Special meetings may be held at any time upon the call of the president of the council, or two of the members of the council, provided, however, that no business shall be transacted at special meetings, except upon the unanimous consent of all of the members of the council present and voting, unless notice thereof shall have been included in the call of the meeting.
- (b) Emergency meetings may be held at any time upon the call of the mayor.
- (c) Special meetings and emergency meetings shall be scheduled and notice shall be made in conformity with the state open meetings law.

(12-8-69, § 1)

Sec. 2-208. Quorum; votes to adjourn meetings.

A quorum shall consist of three (six effective January 6, 2014) members of the council, provided, however, that a majority of the members of the council present and voting, whether or not a quorum shall be present, may vote to adjourn a meeting to any other definite time.

(12-8-69, § 1; 11-6-2012)

CHAPTER 3. LEGISLATION

Sec. 2-300. Fiscal year.

Sec. 2-301. The annual operating budget ordinance.

Sec. 2-302. Other appropriations.

Sec. 2-303. Balancing the budget.

Sec. 2-304. The capital program and capital budget.

Sec. 2-305. Failure to pass appropriation.

Sec. 2-306. Code of Ordinances.

Sec. 2-307. Legislation affecting powers and duties of the executive and administrative branch.

Sec. 2-308. Council to fix salaries of officers and employees.

Sec. 2-309. Licensing authority.

Sec. 2-310. Annual audit.

Sec. 2-300. Fiscal year.

The fiscal year of the city shall be the 12 months commencing each July 1, unless changed by ordinance.

Sec. 2-301. The annual operating budget ordinance.

- (1) It shall be the duty of the council, at least five days before the end of the fiscal year, to adopt the annual operating budget ordinance for the next fiscal year. The consideration of the operating budget ordinance shall begin forthwith upon the receipt from the mayor of his annual operating budget message and the proposed annual operating budget ordinance, both of which shall be submitted in written or printed form. The city clerk shall reproduce sufficient copies to supply reasonable requests. The proposed budget ordinance shall be regarded as having been introduced immediately upon its receipt.
- (2) The annual operating budget ordinance shall provide for funding any previously incurred deficit(s) reported in the city's governmental fund(s) and shall provide appropriations for the city council, the mayor, and all departments, boards and commissions which form a part of the executive or administrative branch of the city government, and for all other items which are to be met out of the general revenues of the city. Expenditures for the repair of any property, for the re-grading, repaving or repairing of streets, and for the acquisition of any property or for any work or project which does not have an estimated useful life to the city of at least five years following the time the expenditure is made for it shall be deemed to be ordinary expenses and shall be provided for in the annual operating budget ordinance.
- (3) The mayor's estimates of receipts for the ensuing fiscal year and of surplus or deficit, if any, for the current fiscal year may not be altered by the council.
- (4) In every annual operating budget ordinance, provision shall be made for:
 - (a) Debt service requirements and the sums necessary to meet any other outstanding legal obligations.
 - (b) An annual independent audit of the financial statements of the city.
- (5) The annual operating budget ordinance may be amended at any time after its passage. Aggregate appropriations may be increased only upon the realization of additional unrestricted revenue in the current year. The operating budget shall not be increased by an appropriation from fund balance, except upon the request of the mayor and subsequent approval by the council.
- (6) Inter-departmental transfers of budget items may not be made except during the last three months of any fiscal year, and only upon the recommendation of the mayor, unless the council shall amend the budget ordinance by vote of not less than four (six effective January 6, 2014) of the members of the council. Intra-departmental transfers may be made at any time upon the request, of the department head, recommendation of the finance director and approval by the mayor.
- (7) At any time during the fiscal year, if it is indicated that actual revenue receipts will not equal the original estimates upon which appropriations were based, the council shall by ordinance, upon the recommendation of the mayor, make such reductions or suspensions in the appropriations for any and all departments as will prevent the occurrence of a deficit.

(12-8-1969, § 1; 11-6-2012)

Sec. 2-302. Other appropriations.

The council may, make operating appropriations in addition to those included in the annual operating budget ordinance:

- (1) To meet emergencies which could not be anticipated when the operating budget ordinance was passed.
- (2) To pay the expenses of holding elections, special elections and elections on proposals to amend this Charter.
- (3) To pay the costs of council investigations and inquiries and the compensation of attorneys retained by the council as authorized by this Charter.

Sec. 2-303. Balancing the budget.

The council shall ordain such revenue measures as will, in the opinion of the mayor, yield sufficient revenue to balance the budget. For this purpose new sources of revenue or increased rates from existing sources of revenue proposed by the council shall be deemed to yield such amounts as the mayor shall determine.

Sec. 2-304. The capital program and capital budget.

- (1) Prior to the beginning of the fiscal year, the council shall adopt a capital program and a capital budget.
- (2) The capital improvement program (CIP) shall embrace all physical public improvements and any preliminary studies and surveys relative thereto, the acquisition of property of a permanent nature, and the purchase of equipment for any public improvements when first erected or acquired that are to be financed in whole or in part from bond funds subject to control or appropriation by the council. It shall show the capital expenditures which are planned for each of the five ensuing fiscal years. For each separate purpose, project, facility, or other property, there shall be shown the amount, if any, and the source of the money that has been spent, encumbered, or is intended to be spent or encumbered prior to the beginning of the ensuing fiscal year and also the amounts and the sources of the money that are intended to be spent during each of the ensuing five years. The council may delete projects from the capital improvement program as submitted to it, but it shall not otherwise amend the capital improvement program, without the approval of the mayor.
- (3) The capital budget ordinance shall show in detail the capital expenditures intended to be made or incurred in the ensuing fiscal year that are to be financed from lease/purchase, note and/or bond proceeds subject to control or appropriation by the council, and shall be in full conformity with that part of the capital improvement program applicable to the year which it covers. Amounts specified as intended to be spent out of new appropriations shall, upon enactment of the capital budget ordinance, constitute appropriations of such amounts. The council may amend the capital budget ordinance but no amendment shall be valid which does not conform to the capital improvement program.

Sec. 2-305. Failure to pass appropriation.

In an emergency created by the failure of the council to pass the annual appropriation ordinance prior to ten days from the beginning of the new fiscal year, the same amounts appropriated in the fiscal year immediately preceding shall be available for each department, board, commission, and other agency of the city government, subject to monthly or quarterly allotments, in accordance with seasonal requirements as determined by the director of finance and approved by the mayor; provided, however, that expenditures for payment of any indebtedness of the city on bonds or notes and interest thereon shall be in such amounts as may be required, regardless of whether or not an annual appropriation ordinance is passed by the council.

Sec. 2-306. Code of Ordinances.

As promptly as possible after the submission to it by the law department, as required by this Charter, of a proposed codification and revision of the effective general ordinances of the city, or of a new Code of Ordinances, the council shall consider and act upon the same, and after the Code has been adopted all measures of general application shall be ordained as amendments of or additions to it. The council shall cause the Code to be published by and distributed through the department of records as other publications of the city are published and distributed. Periodically thereafter, at intervals of not more than ten years, the council shall cause new and up-to-date editions of the Code to be similarly published and distributed.

Sec. 2-307. Legislation affecting powers and duties of the executive and administrative branch.

The council may by ordinance add new powers and new duties, not inconsistent with this Charter, to the powers and duties of the offices, departments, boards and commissions which are herein designated as the agencies of the executive and administrative branch of the city government, and may create new divisions or consolidate divisions of departments, but it shall not, except as herein provided, increase the number of such departments, independent boards or commissions. The council may abolish any department, board or commission by a unanimous vote of the entire council.

Sec. 2-308. Council to fix salaries of officers and employees.

Except as otherwise provided in this Charter, the council shall fix the salaries of all officers and employees of the city.

Sec. 2-309. Licensing authority.

The council shall be the licensing authority of the city, unless otherwise provided by this Charter or by ordinance.

Sec. 2-310. Annual audit.

An annual independent audit of all accounts, books, records and financial transactions of every department of the city government, shall be made each year by an independent certified public accountant. The audit shall be conducted in accordance with governmental auditing standards. The auditor shall provide the council with a written opinion, as to the city's overall compliance with generally accepted accounting principles, material accuracy of the financial statements and internal control. The procedure for selecting the auditor shall be that as prescribed in accordance with Rhode Island General Laws. The audit report shall be filed with the city clerk and shall be a public record.

CHAPTER 4. COUNCIL INQUIRIES AND INVESTIGATIONS

Sec. 2-400. Inquiries and investigations.

Sec. 2-401. Witnesses.

Sec. 2-402. Oaths of witnesses.

Sec. 2-403. Investigation to be public.

Sec. 2-404. Rights of witnesses and others.

Sec. 2-400. Inquiries and investigations.

The council shall have power by resolution to authorize inquiries and investigations of city affairs to be conducted by the entire body or by any of its committees, in aid of its legislative powers and functions.

Sec. 2-401. Witnesses.

The council shall have power to issue subpoena to compel the attendance of witnesses and the production of documents and other evidence at any meeting of the body or any of its committees. It shall have power to punish for contempt.

Sec. 2-402. Oaths of witnesses.

The presiding officer of the council or of any of its committees shall have power to administer oaths to witnesses.

Sec. 2-403. Investigation to be public.

All inquiries and investigations conducted by the council or any of its committees shall be open to the public, except when in the opinion of the investigating body executive sessions are deemed necessary.

Sec. 2-404. Rights of witnesses and others.

Any witness appearing before the council or any of its committees may be represented by counsel. Any person whose character shall have been impugned in the course of any inquiry or investigation by the council or any of its committees shall be given the opportunity to appear with or without counsel, to present evidence, to cross-examine any person who may have impugned his character, and to call witnesses of his own, and the council shall, upon application being made, exercise its subpoena power to compel the attendance of such persons and witnesses as it shall deem necessary and desirable.

CHAPTER 5. COUNCIL APPOINTMENTS

Sec. 2-500. Probate judge.

Sec. 2-501. Other appointments.

Sec. 2-500. Probate judge.

At the first regular meeting of the council in January after its organization, or as soon as may be thereafter, the council by a majority of its members shall elect a judge of the probate court of the city to serve until his successor shall be duly elected as aforesaid by the succeeding council. The judge of the probate court shall be a lawyer admitted to practice before the supreme court of the state, and shall have had at least two years' experience in the actual practice of law. In case of the sickness, absence from the city or other disability or ineligibility of the judge of the probate court to serve, the city solicitor or the assistant solicitor shall perform the duties of said judge during the sickness, absence or other inability or ineligibility of the judge. The acts of said acting judge in the performance of said duties shall have the same effect as if performed by said judge.

Sec. 2-501. Other appointments.

The council by a majority of its members may elect such other officials not inconsistent with this Charter as they shall deem necessary.

ARTICLE III. EXECUTIVE AND ADMINISTRATIVE BRANCH—ORGANIZATION

CHAPTER 1. - OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

CHAPTER 2. - ELECTION OR APPOINTMENT

CHAPTER 3. - QUALIFICATIONS

CHAPTER 4. - TERMS OF OFFICE

CHAPTER 5. - VACANCIES

CHAPTER 6. - INDEPENDENT BOARDS AND COMMISSIONS

CHAPTER 1. OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

Sec. 3-100. Executive and administrative officers, departments, boards, commissions and agencies designated.

Sec. 3-101. Department heads.

Sec. 3-102. Officers of boards and commissions.

Sec. 3-100. Executive and administrative officers, departments, boards, commissions and agencies designated.

The executive and administrative work of the city shall be performed by:

(a) The following elected or appointed officers:

- Mayor;
- City clerk;
- City solicitor;
- Director of finance;
- Director of planning
- Director of public works;
- Director of community services
- Director of public safety;
- Director of recreation
- Director of human resources

(b) The following departments and their divisions which are hereby created:

- Department of records;
- Law department;
- Community services/community center
- Finance department:
 - (1) Tax assessing division;
 - (2) Division of collections and disbursements;
 - (3) Accounting division;
- Department of public works:
 - (1) Division of engineering;
- Department of public safety:
 - (1) Police division;
 - (2) Fire division;
 - (3) Code enforcement
 - (4) Division of emergency management
- Department of recreation
- Department of human resources

(c) The following independent boards and commissions which are hereby created:

- Purchasing board;
- Personnel board;
- Board of appeals
- Zoning board
- Detention facility board
- Planning board
- Board of canvassers and registration;
- Trustees of the public library
- Board of recreation;
- Board of retirement.

(d) Such additional advisory boards as the mayor may appoint.

(e) Such additional divisions of departments as the council are authorized by Charter to create.

Sec. 3-101. Department heads.

Each department set up in subsection (b) of section 3-100 shall have as its head one of the officers designated in subsection (a) of section 3-100 who either personally, or by a duly authorized agent or employee of the department, subject at all times to the provisions of this Charter, shall exercise the powers and perform the duties vested in and imposed upon the department. The following officers shall be the heads of the departments following their respective titles:

City clerk, of the department of records;

City solicitor, of the law department;

Director of finance, of the finance department;

Director of public works, of the department of public works;

Director of public safety, of the department of public safety;

Director of planning, planning department

Director of community services, community center.

Director of recreation

Director of human resources

Sec. 3-102. Officers of boards and commissions.

Except as expressly otherwise provided in this Charter, each board and commission shall have a chairman and a secretary from its membership.

CHAPTER 2. ELECTION OR APPOINTMENT

Sec. 3-200. Mayor.

Sec. 3-201. Heads of departments.

Sec. 3-202. Members of boards and commissions.

Sec. 3-203. Officers of boards and commissions.

Sec. 3-200. Mayor.

At the municipal election in the year 2016 and in every fourth year thereafter, a mayor shall be elected.

(11-6-2012)

Sec. 3-201. Heads of departments.

The mayor, with the approval of a majority of members of the council, shall appoint all department heads; except that the mayor, himself, shall be the director of public safety. If the council shall refuse to approve the appointment of any department head, the mayor, within two weeks thereafter, shall submit to the council another appointee to be head of said department, and shall continue so to do until an appointment shall be approved, provided, however, that the mayor shall not resubmit any appointee whose approval has been refused more than once. Pending the approval of the appointment of any department head, the mayor may designate any employee of said department to be acting head of said department until the appointment and approval of a department head.

(11-5-1957)

Sec. 3-202. Members of boards and commissions.

Except as expressly otherwise provided and subject to the limitations of this Charter, the mayor, with the approval of a majority of the members of the council, shall appoint the members of all boards and commissions.

Sec. 3-203. Officers of boards and commissions.

Except as expressly otherwise provided in this Charter, the members of boards and commissions shall elect their officers.

CHAPTER 3. QUALIFICATIONS

Sec. 3-300. Mayor.

Sec. 3-301. City solicitor.

Sec. 3-302. Reserved.

Sec. 3-303. Director of finance.

Sec. 3-304. Other department heads, members of boards and commissions, officers and employees.

Sec. 3-305. Reserved.

Sec. 3-306. Members of boards and commissions to hold no other office.

Sec. 3-300. Mayor.

The mayor shall be at least 25 years of age, a legal resident of the city for at least two years and a qualified elector of the city. If the mayor removes his or her residence from the city, the mayor shall thereby vacate his or her office.

(11-6-2012)

Sec. 3-301. City solicitor.

The city solicitor shall be a lawyer admitted to practice before the Supreme Court of the state and shall have had at least two years' experience in active practice of the law.

Sec. 3-302. Reserved.

Sec. 3-303. Director of finance.

The director of finance shall have had such experience for at least five years as an executive or the controller of a business, or in public finance, as shall qualify him for the duties of his office.

Sec. 3-304. Other department heads, members of boards and commissions, officers and employees.

All other department heads, members of boards and commissions, and all other employees not under the merit system hereinafter set up, shall be persons especially qualified for their positions by training and experience.

Sec. 3-305. Reserved.

Sec. 3-306. Members of boards and commissions to hold no other office.

Members of independent boards or commissions, except ex officio members, shall hold no other elective or appointive office in the city.

CHAPTER 4. TERMS OF OFFICE

Sec. 3-400. Mayor.

Sec. 3-401. All other officers.

Sec. 3-400. Mayor.

In order to accommodate the city's transition to even-year elections, the mayor elected in 2013 shall serve for a three-year term. Thereafter, the mayor shall serve for a term of four years beginning on the first Monday of January following his election, and until his successor is elected and qualified. No person shall hold the office of mayor for more than two consecutive terms.

(11-6-2012)

Sec. 3-401. All other officers.

Except as expressly otherwise provided in this Charter, all officers appointed by the mayor, including those approved by the council, shall serve at the pleasure of the mayor. All members of boards and commissions and all council appointees shall serve for the terms for which they were appointed or elected and until their successors are qualified, unless sooner removed for cause.

(9-12-1957, § 1)

CHAPTER 5. VACANCIES

Sec. 3-500. Mayor.

Sec. 3-501. Appointive offices.

Sec. 3-502. Council vacancies.

Sec. 3-500. Mayor.

If a vacancy occurs in the office of mayor more than 180 days before the time of holding the next succeeding regular city election, the council shall call a special election for the purpose of filling such vacancy for the remainder of the term, such special election to be held not more than 50 days after the date of the occurrence of such vacancy. If any such vacancy occurs 180 days, or less, before the time of holding the next succeeding regular city election, the president of the council shall perform the duties of the mayor for the remainder of the unexpired term. If by the 30th day after the vacancy occurs the council shall fail or refuse to call an election as hereinbefore required, then the board of canvassers shall call an election for the purpose of filling said vacancy within said period of 50 days. Until the vacancy is filled, or in case of the mayor's temporary disability, the president of the council shall act as mayor, and if the president of the council should resign or be unable to act, then the council shall elect by a majority of its members one of its members to serve as acting mayor.

Sec. 3-501. Appointive offices.

A vacancy in an appointive office for a term and in the office of a department head, shall be filled by appointment for the balance of the unexpired term within three months after such vacancy occurs. Such an appointment shall be made in the same manner as an original appointment.

(9-12-1957, § 1)

Sec. 3-502. Council vacancies.

If a vacancy occurs in the office of city councilor, whether by failure to elect or otherwise, the remaining councilors shall, within thirty days following the date of such vacancy, act to fill said vacancy. The city council shall fill the vacancy for the remainder of the unexpired term by choosing the defeated candidate for said seat from the last regular city election; provided, however, that the defeated candidate shall have received at least 30 percent of the total ballots cast for the particular seat being vacated. For the purpose of this section, the 30 percent minimum threshold shall be calculated as a ratio of ballots cast for the particular office being vacated to votes obtained by the defeated candidate. If there was no other candidate for said office or the defeated candidate shall not have received at least 30 percent of the total ballots cast and more than 180 days remain before the next succeeding regular city election the board of canvassers shall call a special election for the purpose of filling such vacancy for the remainder of the unexpired term, such special election to be held in accordance with state elections law and the provisions of this Charter. In the event that any state general or special election, or any city election for any other purpose shall be held within the said period the board of canvassers may in its discretion order any special city election required by the provisions of this section to be held at the same time as such other city or state general or special election.

(11-6-2012)

CHAPTER 6. INDEPENDENT BOARDS AND COMMISSIONS

Sec. 3-600. Appointments and compensation.

Sec. 3-601. Purchasing board.

Sec. 3-602. Personnel board.

Sec. 3-603. Board of appeals.

Sec. 3-604. Board of canvassers and registration.

Sec. 3-605. Trustees of public libraries.

Sec. 3-606. Board of recreation.

Sec. 3-607. Board of pensions and retirement.

Sec. 3-608. Reserved.

Sec. 3-600. Appointments and compensation.

- A) Compensation of members of independent boards and commissions may be established by the council by ordinance.
- B) On the first Monday of January in each succeeding year, or as soon as may be thereafter, there shall be appointed by the mayor, with the approval of a majority of the members of the council, one member of the following boards to succeed the member whose term is expiring, and to hold office until the first Monday of January three years thereafter, and until his/her successor shall be appointed and qualified. Alternate members of any board shall be appointed in the same manner as other members of said board. Board appointments are made by the mayor with the approval of a majority of the members of the council.

Sec. 3-601. Purchasing board.

The purchasing board shall consist of the mayor and the director of finance, ex officio, and three other members. The purchasing agent shall serve ex officio without voting privileges.

Sec. 3-602. Personnel board.

The board shall consist of three members and shall be appointed in a manner as prescribed in section 3-600.

Sec. 3-603. Board of appeals.

The board of appeals shall consist of three members provided, however, that there shall be a fourth member of said board who shall serve as an alternate and shall serve as a member of said board only upon the absence from any meeting of said board of a regular member thereof and shall be appointed in a manner as prescribed in section 3-600.

Sec. 3-604. Board of canvassers and registration.

The canvassing authority of the city shall be the board of canvassers and registration and shall consist of three members who shall be appointed in a manner as prescribed by state law.

Sec. 3-605. Trustees of public libraries.

The trustees of public libraries shall consist of three members, who shall be appointed in a manner as prescribed in section 3-600.

Sec. 3-606. Board of recreation.

The board of recreation shall consist of three members who shall be appointed in a manner as prescribed in section 3-600 and a council member. The mayor shall appoint the council member to serve on said board for a period of two years as an ex officio member without the right to vote.

Sec. 3-607. Board of pensions and retirement.

The board of pensions and retirement shall consist of three members, who shall be appointed in a manner as prescribed in section 3-600.

Sec. 3-608. Reserved.

ARTICLE IV. EXECUTIVE AND ADMINISTRATIVE BRANCH—POWERS AND DUTIES

CHAPTER 1. - THE MAYOR

CHAPTER 2. - DEPARTMENT OF RECORDS

CHAPTER 3. - LAW DEPARTMENT

CHAPTER 4. - FINANCE DEPARTMENT

CHAPTER 5. - DEPARTMENT OF PUBLIC WORKS

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CHAPTER 1. THE MAYOR

Sec. 4-100. Chief executive officer.

Sec. 4-101. Reserved.

Sec. 4-102. Powers and duties.

Sec. 4-103. Mayor to be head of department of public safety.

Sec. 4-104. Salary.

Sec. 4-105. Recall.

Sec. 4-100. Chief executive officer.

The mayor shall be the chief executive and administrative officer of the city. He shall supervise, direct and control, and shall be responsible for the conduct of the executive and administrative work of the city, and shall be at all times vigilant and active in causing the laws of the state and ordinances of the city to be executed and enforced.

Sec. 4-101. Reserved.

Sec. 4-102. Powers and duties.

Subject to the other provisions of this Charter, and except as otherwise provided therein, the powers and duties of the mayor shall be as follows:

- (1) Communicate to the council at least once a year a statement of the financial and general conditions of the affairs of the city and also such information on financial matters as the council may from time to time request.
- (2) Submit to the council not later than 45 days before the end of the fiscal year his operating budget message and a proposed annual operating budget for the ensuing fiscal year. In the operating budget message the mayor shall furnish to the council the estimated surplus or deficit, if any, of the current fiscal year and the estimated actual receipts of the city from all sources for the ensuing fiscal year which shall be available for meeting ordinary expenses and all other information pertinent to an operating budget, shall state the known liabilities of every kind which must be met during the year, and shall recommend appropriations included in the proposed annual operating budget ordinance.
- (3) In connection with his submission of the operating budget, recommend to the council measures which he believes necessary to balance the budget.
- (4) At the same time that he submits [to] the council the proposed operating budget for the ensuing fiscal year; also submit to the council a recommended capital program and a recommended capital budget.
- (5) See to it [that] the city does not, except in case of unforeseeable emergency, incur a deficit in any fiscal year. To this end, he shall have the power to reduce the allocations of any department to avoid a deficit.
- (6) The mayor shall recommend to the council all such measures connected with the affairs of the city, the protection and improvement of its government and finances, and the promotion of the welfare of its people as he shall deem desirable.
- (7) The mayor shall have the power to call special meetings of the council and to approve and disapprove ordinances in whole or in part as provided in this Charter.
- (8) The mayor shall at least once a year obtain from each department head and shall submit to the council a detailed report of the operation and work of the department since the submission of the last annual report.
- (9) Have and exercise all powers and duties vested in the office of the mayor by resolution or ordinance, not inconsistent with this Charter.

Sec. 4-103. Mayor to be head of department of public safety.

The mayor shall be head of the department of public safety.

Sec. 4-104. Salary.

The salary of the mayor shall be fixed by the city council.

Sec. 4-105. Recall.

- (a) *Application.* A mayor with more than six months remaining in the term of office for which the mayor was elected, may be recalled therefrom by the electors of the city in the manner provided in this section. No recall petition shall be filed against a mayor who has served less than six months of a first term of office.
- (b) *Recall petition.* A recall petition may be initiated by the filing of an affidavit containing the name of the mayor sought to be recalled and a statement of the grounds for recall, provided that the affidavit is signed by at least 500 electors and at least 50 such signatures shall come from the electors of each ward. The city clerk shall thereupon deliver to said electors making the affidavit copies of petition blanks demanding such recall, copies of which printed forms the city clerk shall keep available. Such blanks shall be issued by the city clerk, with signature and official seal attached thereto. They shall be dated, shall be addressed to the city council and shall contain the names of all the persons to whom they are issued, the number of blanks so issued, the name of the person whose recall is sought, and the grounds of recall as stated in the affidavit. A copy of the petition shall be entered in a record book to be kept in the office of the city clerk. Said recall petition shall be returned and filed with the city clerk within 28 days after the filing of the affidavit, and shall have been signed by at least 20 percent of the electors eligible to vote. The city clerk shall forthwith submit the petition to the board of canvassers, and the board of canvassers shall, within five working days, certify thereon the number of signatures which are names of electors.
- (c) *Recall election.* If the petition shall be found and certified by the city clerk to be sufficient, the city clerk shall submit the same with such certificate to the city council within five working days, and the city council shall forthwith give written notice of the receipt of the certificate to the mayor sought to be recalled and shall, if the mayor does not resign within five days thereafter, order an election to be held on a date fixed by them not less than 64 days and not more than 90 days after the date of the city clerk's certificate that a sufficient petition has been filed; provided, however, that if any other city or state election is to occur within 150 days after the date of the certificate, the city council shall postpone the holding of the recall election to the date of such other city or state election. If a vacancy occurs in said office after a recall election has been ordered, the election shall not proceed as provided in this section.
- (d) *Office holder.* The incumbent shall continue to perform the duties of the office until the recall election. If said incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term subject to recall as before. If recalled, the mayor shall be deemed removed and the office vacant. The vacancy created thereby shall be filled in accordance with the provisions of this Charter for filling vacancies in the office of mayor. A person chosen to fill the vacancy caused by such recall shall hold office until the election. Should the person be a candidate in the subsequent election, he or she will not be allowed to have "candidate for re-election" appear on the ballot at such election.
- (e) *Ballot proposition.* The form of the question to be voted upon shall be substantially as follows: "Shall [here insert the name], mayor of the city of Central Falls, be recalled?"
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If a majority of the votes cast upon the question of recall is in the affirmative, the mayor shall be recalled.

- (f) *Repeat of recall.* In the case of a mayor subjected to a recall election and not recalled thereby, no recall petition shall be filed against such mayor until at least 270 days after the election at which the mayor's recall was submitted to the electors of the city.
- (g) *Office holder recalled.* No person who has been recalled from the office of mayor or who has resigned from office while recall proceedings were pending against such person, shall be appointed to any city office or position of employment within two years after such recall or such resignation.

CHAPTER 2. DEPARTMENT OF RECORDS

Sec. 4-200. City clerk.

Sec. 4-201. Records.

Sec. 4-202. Licensing authority.

Sec. 4-200. City clerk.

The city clerk shall be ex officio the recorder of deeds, registrar of vital records, clerk of the council, and purchasing agent.

Sec. 4-201. Records.

The department of records shall keep and maintain:

- (1) All land evidence records of every kind whatsoever now or shall hereafter be required or permitted to be recorded in a public place in charge of or under the control, custody, or supervision of any officer of the city; as provided by state law.
- [(2) Reserved;]
- (3) All records of licenses issued by the city or by any officer or employee thereof, unless otherwise provided by ordinance;
- (4) All records of births, marriages and deaths;
- [(5) Reserved;]
- (6) All records of trade names;
- (7) All records of proceedings in the city council;
- (8) A complete copy of the Code of Ordinances of the city with all amendments thereto properly indexed;
- (9) Such other records as shall by ordinance be required to be kept by the department of records or the city clerk.

Sec. 4-202. Licensing authority.

The city clerk shall issue all licenses, and permits, as by state law or city ordinance shall be required to be issued by the city clerk or the department of records.

CHAPTER 3. LAW DEPARTMENT

Sec. 4-300. Functions.

Sec. 4-301. Codification.

Sec. 4-300. Functions.

The law department shall have the power and its duty shall be to perform the following functions:

- (1) It shall furnish legal advice to the mayor, to the council and to all officers, departments, boards and commissions concerning any matter or thing arising in connection with the exercise of their official duties and except as otherwise expressly provided, shall supervise, direct and control all of the law work of the city.
- (2) The department shall collect by suit or otherwise all debts, taxes and accounts due the city which shall be placed with it for collection by any officer, department, board or commission, and it shall represent the city and the city's interests in all litigation by or against the city and every officer, department, board or commission.
- (3) The department shall prepare or approve all contracts, bonds, and other instruments in writing in which the city is concerned, and shall approve all surety bonds required to be given for protection of the city.
- (4) It shall prosecute any violation or alleged violation within the city of the statutes of the state or the ordinances of the city at the instance and request of the division of police.
- (5) Upon request of the council or of any councilman, or of the mayor, the department shall prepare or assist in preparing any ordinance for introduction into the council, and shall prepare for the consideration of the council comprehensive revisions and codifications of all general ordinances of the city which are then in effect as required by this Charter or by the council.

Sec. 4-301. Codification.

The law department, with the assistance of the city clerk's department, shall prepare and submit to the council for its consideration, a comprehensive revision and codification of all the general ordinances of the city which are still in effect. For this purpose, it may employ the assistance of experts in the field of revision and codification as required by state law.

CHAPTER 4. FINANCE DEPARTMENT

Sec. 4-400. Director of finance.

Sec. 4-401. Annual operating budget, capital program and capital budget.

Sec. 4-402. Reserved.

Sec. 4-403. Divisions.

Sec. 4-404. Tax assessing division.

Sec. 4-405. Division of collections and disbursements.

Sec. 4-406. Accounting division.

Sec. 4-400. Director of finance.

The director of finance shall be the chief financial, accounting and budget officer of the city. He shall be ex officio the city treasurer and collector of taxes, with all the powers and duties imposed upon said officers. He shall be the head of the division of collections and disbursements and shall supervise the other divisions of the finance department.

Sec. 4-401. Annual operating budget, capital program and capital budget.

The director of finance shall:

- (1) Provide estimates of any and all unrestricted revenues to be received in the current and proposed [budget] for the upcoming fiscal year.
- (2) Obtain from all officers, departments, boards and commissions and other agencies receiving appropriations from the city, such information as shall be necessary to enable him to compile for the mayor the information necessary for the preparation and submission to the council of the annual operating budget;
- (3) At such times as he may require, obtain from the heads of each department, and from each board, commission or agency of the city, an itemized estimate of the anticipated revenue and the proposed expenditures necessary to meet their financial needs, detailed by organization units and the character and object of expenditures, accompanied by an inventory of all equipment, materials and supplies on hand and a statement in writing of the work to be done for such proposed appropriation;
- (4) Make inquiries and investigations as to the financial needs, expenditures, estimates of revenues of the officers, departments, boards, commissions or other agencies of the city requesting appropriations from the city;
- (5) Obtain from all officers, departments, boards and commissions and other agencies requesting funds from the city for capital improvements, such information as the mayor shall require to enable him to prepare the capital program and capital budget;
- (6) Prepare and supply to the mayor, city council and department heads, such information as will enable the mayor to keep currently acquainted with the financial conditions and prospective receipts and expenditures of the city during the current fiscal year in order to control expenditures in such a manner as to avoid deficits;
- (7) Arrange for the sale of all bonds of the city or for any borrowing by the city.

Sec. 4-402. Reserved.

Sec. 4-403. Divisions.

The director of finance shall be head of the division of collections and disbursements, and shall have general supervision over the other divisions of the department, but he shall not interfere in the duties of the other divisions specifically granted to the other divisions in this Charter.

Sec. 4-404. Tax assessing division.

The head of the tax assessing division shall be the tax assessor, who shall be appointed by the mayor with the approval of the council, and shall serve at the pleasure of the mayor. The tax assessor shall have knowledge of and experience in the appraisal of real and personal property and, while serving as assessor, shall be bound by a code of ethics established by state law. The tax assessor shall be responsible for the fixing of an assessed valuation on all property liable to taxation and for the preparation of an assessment roll and a tax roll for the city in the manner provided by law and ordinance.

Sec. 4-405. Division of collections and disbursements.

The director of finance shall be the head of the division of collections and disbursements. The division of collections and disbursements shall:

- (1) Collect all real estate and personal property taxes, penalties and interest due the city.
- (2) Collect any other taxes which now are or may hereafter be imposed by the council in such manner as shall be prescribed by ordinance.
- (3) Collect all fees or charges imposed by or pursuant to statute or ordinance for the issuance by the city of any licenses or permits.
- (4) Collect all other assessments made by the city, and all charges for the recording of instruments, probate fees, copies of instruments or documents, and all other sums due the city, except as may in this Charter otherwise be provided.
- (5) Prepare such bills for taxes, assessments and other charges as the director of finance shall prescribe.
- (6) Receive timely deposits from all departments and agencies of the city for any amounts collected, and it shall be the duty of all departments and agencies of the city to submit along with their deposits, any invoices, statements or financial reports prepared by these departments.
- (7) Submit to the accounting division regular reports of monies received, indicating the official receipt or license numbers whenever such numbers are required to be used by the accounting division.
- (8) Permit, within its discretion, other departments, divisions, boards or commissions to receive directly monies due the city for charges made by such other agencies, provided that regular reports of monies received shall be submitted to the division of collections and disbursements and to the accounting division, indicating the official receipt or license numbers whenever such numbers are required to be used by the accounting division, and all monies collected shall be transmitted to the division of collections and disbursements daily.
- (9) Make daily deposits of all monies received by it in such banks as may be designated by the director of finance, and make daily reports to the accounting division of all sums so deposited together with proof thereof.
- (10) Make payments of money only pursuant to authorization contained in ordinances and on the basis of a duly verified voucher certified by the city's purchasing agent and the head of the appropriate department, board or commission. All checks for the payment of money shall be prepared by the accounting division, signed by the head of the accounting division, or his duly designated representative and cosigned by the director of finance or his designated representative. No payments shall be made and no obligation shall be incurred against any fund, allotment, or appropriation, unless the head of the accounting division shall first certify that there is a sufficient unencumbered balance in such fund, allotment, or appropriation, after taking into consideration all previous expenditures and outstanding obligations, to meet the same.

Sec. 4-406. Accounting division.

The accounting division shall:

- (1) Keep and supervise all accounts which may be required by ordinance or by the mayor for the purposes of administrative direction and financial control, and shall maintain such accounts as will reflect, in detail or in summary, all assets, liabilities, reserves, surpluses, revenues and receipts, appropriations, allotments, expenditures and encumbrances. Such accounting records shall be such as will provide complete fiscal control over all agencies and activities of the city.
- (2) Prescribe the form of receipts, vouchers, bills, claims and systems of control for accounting and financial transactions to be used by each department, division, board, commission or other agency of the city.
- (3) Examine all contracts, purchase orders, and other documents by which the city incurs financial obligations, to ascertain that monies have been duly appropriated and allotted to meet such obligations; that there is sufficient unencumbered balance available in the appropriation applicable thereto; and that there will be such balance available when such obligations become due and payable. All such obligations shall be recorded as encumbrances on the respective appropriations from which such obligations are to be paid.
- (4) Audit all bills, invoices, payrolls, and other evidences of claims, demands or charges against the city, to determine the regularity and correctness of the same.
- (5) Prepare monthly reports of all receipts and expenditures of the city and all appropriations and the charges and encumbrances thereto, and submit the same to the mayor, the council, and the head of each department, board, commission or agency directly concerned. Copies of all such reports shall be filed with the department of records for each month not later than the 15th day of the succeeding month, and shall be public records.
- (6) Keep and maintain all records pertaining to budgetary matters for the director of finance, and assist him in the preparation of the budget and capital budget.

CHAPTER 5. DEPARTMENT OF PUBLIC WORKS

Sec. 4-500. Duties of department.

Sec. 4-501. Traffic and safety.

Sec. 4-500. Duties of department.

There shall be a department of public works which shall have supervision and control of the planning, surveying, construction and reconstructing, altering, paving, repairing, maintenance and inspecting of highways, sidewalks, curbs, storm and sewer drains. It shall have supervision and maintenance of all property, material, apparatus and equipment under its control. It shall be responsible for the maintenance of all parks and shall maintain recreational fields and playgrounds as directed by the department of recreation.

Furnish engineering advice to the mayor, to the council and to all officers, departments, boards and commissions concerning any matter or thing arising in connection with the exercise of their official powers or performance of their official duties. Prepare, keep and maintain proper maps and records pertaining to the location of all streets, sewers, curbing and similar matters.

Sec. 4-501. Traffic and safety.

The department of public works shall make street crossings and maintain traffic signs as directed by the chief of police.

CHAPTER 6. DEPARTMENT OF RECREATION

Sec. 4-600. Duties of department.

Sec. 4-600. Duties of department.

There shall be a department of recreation which shall have supervision and control of planning recreational programs for all city residents; It shall have supervision and maintenance of all property, materials and equipment under its control. It shall be responsible to report any maintenance issues of all parks, recreational fields and playgrounds to the director of public works.

There shall be a director of recreation who shall exercise and perform such duties as may be authorized by ordinance not inconsistent with this Charter. The director under the supervision of the department of human resources shall hire personnel as may be necessary to maintain the department.

CHAPTER 7. DEPARTMENT OF PUBLIC SAFETY

Sec. 4-700. Director of public safety.

Sec. 4-701. Police division.

Sec. 4-702. Fire division.

Sec. 4-703. Code enforcement division.

Sec. 4-700. Director of public safety.

The director of public safety shall be the mayor. He shall have general supervision over the various divisions of the department, and shall exercise such supervision in accordance with the provisions of this Charter specifying the duties and responsibilities of these divisions. He shall, subject to the provisions of article VII of this Charter, have the power to demote, dismiss or suspend the heads of the fire and police divisions. He shall recommend to the board of personnel his choice for the position of police or fire chief from the names certified to him in accordance with the personnel system regulations whenever there is a vacancy.

Sec. 4-701. Police division.

The police division shall consist of colonel/chief of police and such other subordinate officers and personnel as the council shall by ordinance ordain. The police division shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and enforcement of the laws of the state and the ordinances of the city and all rules and regulations made in accordance therewith. All members of the division shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the statutes and laws of the state or by city ordinance. The police division shall operate and maintain, either independently or in conjunction with other cities an efficient police communication system. It shall see that proper traffic signs and signals are erected and properly maintained. The colonel/chief of police shall be in direct command of the division. Subject to the approval of the director of public safety, he/she shall make rules and regulations in conformity with the ordinances of the city, concerning the operation of the division and the conduct of all officers and employees thereof. He/she shall assign all members of the division to their respective posts, shifts, details and duties. He/she shall be responsible for the efficiency, discipline and good conduct of the division and for care and custody of all property used by the division. The uniforms of the members of the police division shall be of such material and style as the chief shall designate. The major/deputy chief of police shall assist the colonel/chief of police and perform such duties as may be assigned to him/her by the colonel/chief of police. In the absence of the colonel/chief of police, he/she shall have all the powers and perform all duties of the colonel/chief. No person shall be appointed a member of the police division who is less than 21 years old.

(10-14-1969, § 1; Ord. of 9-25-1975, § 1)

Sec. 4-702. Fire division.

The fire division shall consist of the fire chief, who shall be the fire marshal, and such other subordinate officers and personnel as may be prescribed by ordinance of the city.

No person shall be appointed a member of the fire division who is less than 21 years of age

The fire division shall be responsible for the protection of life and property within the city from fire and for the enforcement of all laws, ordinances and regulations relating to fire prevention and fire safety. The fire chief shall be in direct command of the fire division. He shall assign all members of the division to their respective posts, shifts, details and duties. With the approval of the director of public safety, he shall make all rules and regulations in conformity with the ordinances of the city concerning the operation of the division and the conduct of all officers and employees thereof. He shall be responsible for the efficiency, discipline and good conduct of the division and for the care and custody of all property used by the division.

The deputy fire chief shall assist the chief and perform such duties as may be assigned to him by the chief. In the absence of the chief, he shall have all the powers and perform all duties of the chief.

(9-12-1957, § 1; 5-11-1964, § 1)

Sec. 4-703. Code enforcement division.

There shall be in the division of code enforcement a chief enforcing officer and such other subordinate officers and personnel as may be prescribed by ordinances of the

city and state law.

Emergency management division.

There shall be in the division of emergency management a chief officer as may be prescribed by ordinances of the city and federal and state law.

The appointment and duties of the emergency management director shall be established by Ordinance not inconsistent with this Charter.

CHAPTER 8. DEPARTMENT OF COMMUNITY SERVICES

Sec. 4-800. Duties of department.

Sec. 4-800. Duties of department.

There shall be a department of community services. The appointment and duties of the director of community services shall include the supervision and control of Channel One and shall be established by ordinance not inconsistent with this Charter.

CHAPTER 9. PURCHASING BOARD

Sec. 4-900. Purchasing agent.

Sec. 4-901. Functions of the purchasing agent.

Sec. 4-902. Competitive bids.

Sec. 4-903. Contract/small purchase procedures.

Sec. 4-904. Preference to local bidders.

Sec. 4-905. Standards.

Sec. 4-906. Purchases and orders contrary to this Charter void.

Sec. 4-907. Exceptions.

Sec. 4-908. Duties of the purchasing board.

Sec. 4-909. Contracts for privatization of municipal services.

Sec. 4-910. Appeal of purchasing board decision & awards.

Sec. 4-900. Purchasing agent.

The city clerk shall serve as purchasing agent and shall be ex officio nonvoting member of the purchasing board. He/she shall give bond for the faithful performance of his/her duties in the amount fixed by ordinance.

Sec. 4-901. Functions of the purchasing agent.

The purchasing agent shall purchase or contract for all supplies, materials, equipment and contractual service, required by any and all departments offices, boards and other agencies of the city government. The purchasing agent shall sell all supplies, materials and equipment, and real property, (as authorized by the mayor with approval of the city council[]), not needed for public use, and shall have authority to transfer between departments, offices, boards and other agencies of the city government any supplies, materials and equipment not needed by one but necessary to the operation of another or others. He/she shall be responsible to see that all department heads make necessary provisions for the storage of materials and equipment for use in their departments. He/she shall provide for the inspection of all deliveries of supplies, materials and equipment, to determine quantity and quality and conformance with specifications. He/she shall cause to be made and kept current an inventory of all equipment belonging to the city.

Sec. 4-902. Competitive bids.

The purchasing agent shall be required to secure competitive bids as required by the state municipal purchasing act. Except in an emergency, the purchasing agent shall not make any contract or open market purchase until the accounting division certifies that the department or other agency of the city concerned has, to defray the amount of such order, a sufficient unencumbered appropriation balance and a sufficient unencumbered allotment.

Sec. 4-903. Contract/small purchase procedures.

All expenditures for supplies, materials, equipment or contractual services, shall be made on written contracts. All such contracts shall be awarded to the lowest evaluated or responsive bidder, after public advertisement, and receipt of sealed bids, in accordance with the procedure adopted by the purchasing agent and approved by the purchasing board and in accordance with the municipal purchasing act.

Small purchases shall be made by regulations established by the purchasing agent and in accordance with state municipal purchasing act. The amounts that constitute small purchases shall be increased or decreased annually at the same rate as the Boston Regional Consumer Price Index. Procurement requirements shall not be artificially divided so as to constitute a small purchase under this section.

Sec. 4-904. Preference to local bidders.

Bids, specifications and all other factors being equal, preference shall be given to the bidder whose place of business is in the city.

Sec. 4-905. Standards.

The purchasing agent shall, with the assistance of department heads, classify, standardize, and prepare written specifications and general instructions to bidders required for all bids. The purchasing agent with the approval of the purchasing board shall prepare written standards for all supplies, materials and equipment purchased by city departments.

Sec. 4-906. Purchases and orders contrary to this Charter void.

Whenever any department or agency of the city government shall purchase or contract for any supplies, materials, equipment or contractual services, contrary to the provisions of this Charter or the rules or regulations made thereon, such order or contract shall be void and of no effect.

Sec. 4-907. Exceptions.

The trustees of public libraries shall not be subject to the provisions of this chapter in contracting for, or open market purchasing of books, reading materials, or scientific apparatus.

Sec. 4-908. Duties of the purchasing board.

It shall be the duty of the purchasing board to:

- (1) Approve or reject all bids except that the purchasing agent shall have no vote on the award or rejection of any bid, and to establish all policies pertaining to purchases to be implemented by the purchasing agent.
- (2) Have all bids opened in a public meeting in its presence.

Sec. 4-909. Contracts for privatization of municipal services.

All contracts or awards of bids for the privatization of any public or municipal service for the duration of more than 11 months or in excess of \$5,000.00 require the approval of the city council. State statute 45-55-9 [G.L. 1956, § 45-55-9]

(11-7-2000)

Editor's note—

An amendment to the Charter adding § 4-909, which pertained to contracts for privatization of municipal services, was approved by the voters Nov. 7, 2000.

Sec. 4-910. Appeal of purchasing board decision & awards.

The city council shall hear complaints and appeals from bidders who shall claim unfair discrimination against them in any awards, and sustain or overrule the purchasing board in the awarding of any contract.

CHAPTER 10. PERSONNEL BOARD

Sec. 4-1000. Powers and duties.

Sec. 4-1000. Powers and duties.

It shall be the duty of the personnel board to:

- (1) To prepare with the aid of such experts as it deems necessary, personnel regulations for submission to the council.
- (2) Make any investigations concerning personnel administration which it considers desirable, and to submit recommendations to the council.
- (3) To certify the persons appointed to positions in the classified service.

CHAPTER 11. BOARD OF APPEALS

Sec. 4-1100. Appeals.

Sec. 4-1101. Corrections.

Sec. 4-1102. Judicial relief.

Sec. 4-1103. Board meeting.

Sec. 4-1104. Restriction.

Sec. 4-1100. Appeals.

The board of appeals shall hear and consider the appeal of any property owner concerning the amount of his assessed valuation as determined by the tax assessor. The procedure before the board shall be informal and of a nature calculated to effect justice in as simple a manner as possible.

Sec. 4-1101. Corrections.

If it shall appear that the valuation of any property has been incorrectly or inequitably assessed, the board shall determine the correct valuation of such property. The board shall submit its findings to the council and the council may cancel, in whole or in part, the tax based upon such valuation, in order to effect a correction. It shall be the duty of the director of finance to make payment of any refund based upon the action of the council.

Sec. 4-1102. Judicial relief.

The taking of an appeal to the board of appeals or any action thereon shall not be construed to limit the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the tax assessor.

Sec. 4-1103. Board meeting.

The board shall meet on the first business day of the month after the expiration of 20 days subsequent to the date on which taxes become due and payable, and at such times thereafter as may be necessary to hear appeals. No appeal shall be considered unless it is made in writing and is received by the board not later than the time of its first meeting or an adjourned meeting thereof.

Sec. 4-1104. Restriction.

No appeal shall be considered by the board of appeals unless the tax levied on the valuation appealed or such portion of the tax as is due and payable has been paid under protest.

CHAPTER 12. BOARD OF CANVASSERS AND REGISTRATION

Sec. 4-1200. Powers and duties.

Sec. 4-1200. Powers and duties.

The powers and duties of the board of canvassers and registration shall be those now or hereafter vested in the canvassing authority of the city by this Charter, by the laws of the state, and any ordinances of the city not in conflict with the provisions of this Charter or state law.

CHAPTER 13. TRUSTEES OF PUBLIC LIBRARIES

Sec. 4-1300. Powers and duties.

Sec. 4-1300. Powers and duties.

The trustees shall take possession of the library, and shall be the legal guardians and custodians of the library. They shall provide suitable rooms for the library, arrange for the proper care of the library, choose one or more competent persons as librarians pursuant to article VII of this Charter and make all needed rules and regulations for the government of the library and the use of the books; provided, that no fee for the use of the books shall ever be exacted. RIGL 29-4-6; appropriations, gift and other funds shall be established as prescribed in title 29 entitled Libraries.

CHAPTER 14. RESERVED

CHAPTER 15. BOARD OF RECREATION

Sec. 4-1500. Powers and duties.

Sec. 4-1500. Powers and duties.

The board of recreation shall:

- (1) Formulate and carry on a comprehensive and coordinated program of active recreation in the parks, playfields, playgrounds and public buildings of the city.
- (2) Cooperate with the school department in coordinating its activities with the recreation program conducted by the school department.
- (3) Cooperate with public and private agencies concerned with recreation.
- (4) Be responsible for the maintenance, improvements and development of the playgrounds, playfields, and other recreational facilities of the city.

CHAPTER 16. BOARD OF RETIREMENT

Sec. 4-1600. Submission of recommendations.

Sec. 4-1601. Administration of retirement benefits.

Sec. 4-1600. Submission of recommendations.

The board of retirement shall from time to time submit to the council its recommendations concerning retirements.

Sec. 4-1601. Administration of retirement benefits.

The board shall administer the retirement system of the city, including those in effect on the effective date of this Charter. No person shall be retired or pensioned without the approval of said board.

ARTICLE V. CITY BORROWING

CHAPTER 1. - SHORT TERM BORROWING

CHAPTER 1. SHORT TERM BORROWING

Sec. 5-100. Tax anticipation borrowing.

Sec. 5-101. Signing bonds and notes.

Sec. 5-100. Tax anticipation borrowing.

The council may, insofar as permitted by law, authorize the borrowing of money in anticipation of the collection of taxes, the funds to be used for the general operating budget of the city; provided, however, that:

- (1) The aggregate indebtedness of the city on such borrowings shall not exceed 80 percent of the anticipated sums to be collected from taxes levied by the city during the fiscal year.
- (2) For the purposes hereof it shall be assumed that the sums to be collected from taxes levied by the city during the fiscal year shall be no greater than the average percentage of such collections during the three prior fiscal years.
- (3) All sums borrowed in anticipation of taxes shall be repaid before the close of the fiscal year in which said sums shall be borrowed.

(7-25-1955, § 1; 5-22-1964, § 1)

Sec. 5-101. Signing bonds and notes.

All bonds issued by the city and all notes of the city shall be signed by the mayor and director of finance.

ARTICLE VI. MUNICIPAL ELECTIONS [2]

Sec. 6-100. Applicability of act.

Sec. 6-101. Definitions.

Sec. 6-102. Time of holding municipal elections.

Sec. 6-103. Terms of office of elected city officers.

Sec. 6-104. Special elections for filling vacancies in offices of mayor and councilmen.

Sec. 6-105. Terms of appointed officers and members of boards and commissions.

Sec. 6-106. Vacancies in appointive offices.

Sec. 6-107. Election of members of school committee.

Sec. 6-108. Vacancies in membership of school committee.

- Sec. 6-109. Time of holding general elections.
- Sec. 6-110. Signatures on nominating petitions.
- Sec. 6-111. Time of filing nominating petitions.
- Sec. 6-112. Candidate's statement.
- Sec. 6-113. Checking of signatures on nominating petitions; filing of additional petitions; validity of signatures.
- Sec. 6-114. Withdrawal of candidates.
- Sec. 6-115. Primary elections to eliminate excess candidates.
- Sec. 6-116. Time of filing of certified lists of candidates.
- Sec. 6-117. Filing of objections to nomination papers.
- Sec. 6-118. Hearings on objections to nomination papers.
- Sec. 6-119. Number of votes allowed electors.
- Sec. 6-120. Election officials—Appointment, eligibility requirements, etc.
- Sec. 6-121. Same—Equal representation.
- Sec. 6-122. Same—Powers, duties and obligations.
- Sec. 6-123. Nomination of candidates by primary elections.
- Sec. 6-124. Selection of candidates for municipal elections.
- Sec. 6-125. Participation in previous partisan election not to bar eligibility to sign nominating petitions.
- Sec. 6-126. Use of voting machines.
- Sec. 6-127. Use of paper ballots.
- Sec. 6-128. Arrangement of names on ballots.
- Sec. 6-129. Political designations prohibited on ballots.
- Sec. 6-130. Applicability of state laws.
- Sec. 6-131. Checking of voting machines and ballots.
- Sec. 6-132. Board of canvassers.
- Sec. 6-133. Provisions as to the general election of January 19, 1954.
- Sec. 6-134. Furnishing of and payment for necessary forms.
- Sec. 6-135. Termination of office of city officials.
- Sec. 6-136. Invalidity of part of act.
- Sec. 6-137. Severability of parts of act.
- Sec. 6-138. Proposition to hold elections in even-numbered years.
- Sec. 6-139. Effectiveness of act.

Sec. 6-100. Applicability of act.

This act shall apply specifically to the City of Central Falls in the state of Rhode Island.

(C. 3239, § 1)

Sec. 6-101. Definitions.

Whenever used in this act, the following words and phrases shall, unless the context otherwise requires, be construed to mean as follows:

"City"—to mean the City of Central Falls.

"Council"—to mean the City Council of the City of Central Falls.

"Charter"—to mean the Home Rule Charter adopted November 4, 1952.

(C. 3239, § 2)

Sec. 6-102. Time of holding municipal elections.

At the municipal election held on the first Tuesday following the first Monday in November in even numbered years there shall be elected such city officers as shall be required or provided by the terms of the Charter or any duly adopted amendments thereto.

(C. 3239, § 3; 11-6-2012)

Sec. 6-103. Terms of office of elected city officers.

The terms of office of such elected city officers shall be those provided by the Charter or any duly adopted amendment thereto; provided, however, that the city officers elected on January 19, 1954, shall serve from February 1, 1954, until the first Monday of January 1956, or until their respective successors shall be duly elected and qualified.

(C. 3239, § 4)

Sec. 6-104. Special elections for filling vacancies in offices of mayor and councilmen.

If a vacancy occurs in the office of mayor and/or councilman more than 180 days before the time of holding the next succeeding regular city election, the board of canvassers shall call a special election for the purpose of filling such vacancy for the remainder of the term, such special election to be held not less than 30 nor more than 50 days after the date of the occurrence of such vacancy. In the event that any state election, regular or special, or any city election for any other purpose shall be held within the said period, the board of canvassers may in its discretion order any special election required by the provisions of this section to be held at the same time as such other city or state election.

(C. 3239, § 5)

Sec. 6-105. Terms of appointed officers and members of boards and commissions.

Except as expressly otherwise provided, all appointed officers shall serve at the pleasure of the appointing power and until their successors are qualified and all members of boards and commissions shall serve for the terms for which they were appointed or elected and until their successors are qualified, unless sooner removed for cause.

(C. 3239, § 6)

Sec. 6-106. Vacancies in appointive offices.

A vacancy in an appointive office for a term shall be filled by appointment for the balance of the unexpired term. Such an appointment shall be made in the same manner as an original appointment.

(C. 3239, § 7)

Sec. 6-107. Election of members of school committee.

The school committee shall consist of five members, one of whom shall be elected from each of the five wards as the same are now constituted. The terms of members of the school committee shall begin on the first Monday of January following the year in which they were elected, except that at the election held on January 19, 1954, a member from the first ward shall be elected to serve from February 1, 1954, until the first Monday of January 1956, a member from the second ward and a member from the third ward to serve from February 1, 1954, until the first Monday of January 1958, and a member from the fourth ward and a member from the fifth ward to serve from February 1, 1954, until the first Monday of January 1960 and until their successors are elected and qualified. A member elected to fill a vacancy shall serve for the balance of the unexpired term. At each municipal election to be held on the first Tuesday after the first Monday in November 1955 and in every odd year thereafter, there shall be elected for a term of six years commencing with the first Monday in January then next succeeding a member of the school committee to replace the one whose term shall be expiring.

(C. 3239, § 8)

Sec. 6-108. Vacancies in membership of school committee.

In case of death, resignation, or inability to serve, or removal from the ward from which he was elected, of any member of the school committee, or if for any other cause there shall be a vacancy in the membership of the committee, a majority of the members of the school committee may appoint, as a member of said committee, a person who at the time of his appointment shall be a qualified elector in the ward where such vacancy occurs. Such person shall hold office as a member of the school committee until the first Monday in January, succeeding the municipal election next following his appointment, at which election the unexpired term shall be filled by the electors of the ward so affected.

(C. 3239, § 9)

Sec. 6-109. Time of holding general elections.

The general election for the choice of city shall be held the first Tuesday following the first Monday in November in even numbered years.

(C. 3239, § 10; 11-6-2012)

Sec. 6-110. Signatures on nominating petitions.

Nominating petitions for city officers to be elected at large shall require the signatures of not less than 200 qualified electors of the city. Nominating petitions for city officers, including members of the school committee, to be elected from districts shall require the signatures of not less than 50 qualified electors of the city eligible at the time of signing said petitions to vote in the councilmanic district for which the said officer is being nominated. No elector shall sign more nominating petitions for any office than the number of candidates for said office for which he would be eligible to vote in the municipal election. Should an elector sign more nominating petitions for any office than the number of candidates for said office for which he would be eligible to vote in the municipal election, his signature shall be void except as to the said number of petitions for said office signed by him first filed. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it. The signatures on the nominating petition need not be subscribed to one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, under oath, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be.

(C. 3239, § 11)

Sec. 6-111. Time of filing nominating petitions.

All nominating papers comprising a petition shall be filed as one instrument with the board of canvassers not earlier than 90 days nor later than 60 days preceding a general election, nor earlier than 30 days nor later than 20 days preceding a special election to fill a vacancy. Any signature made earlier than 90 days next preceding a regular election, or earlier than 30 days preceding a special election to fill a vacancy, shall be void. For the election to be held on January 19, 1954, all such nomination papers shall be filed not earlier than November 20, 1953, nor later than 5:00 p.m. on November 27, 1953.

(C. 3239, § 12)

Sec. 6-112. Candidate's statement.

No nominating petition shall be accepted by the board of canvassers unless prior thereto, or simultaneous therewith, the candidate shall file with the board of canvassers a statement indicating his intention to become a candidate.

(C. 3239, § 13)

Sec. 6-113. Checking of signatures on nominating petitions; filing of additional petitions; validity of signatures.

Within five days after the filing of a nominating petition, the board of canvassers shall check all signatures so filed with the list of electors who will have become qualified as such on the date of the election as last canvassed or published according to law, and shall notify each candidate as to the sufficiency of the nominating petition. If the petition shall be valid except that it shall contain an inadequate number of valid signatures, there may be filed by the candidate or on his behalf, an additional petition containing additional signatures; provided, however, that said additional petitions shall be filed on or before the last day for filing nominating petitions and time of filing the original petition shall be deemed to be the time of filing the additional petition.

If any candidate questions the validity or authenticity of any signature on any such nomination paper, the board of canvassers shall forthwith and summarily decide the question, and for this purpose, shall have the same powers as are conferred by the provisions of section 14 of chapter 1886 of the public laws, 1947, as amended.

(C. 3239, § 14)

Sec. 6-114. Withdrawal of candidates.

Any person duly nominated for any public office in the city shall be permitted to withdraw as a candidate provided said withdrawal shall be made in writing and shall be delivered to the board of canvassers not later than 17 days before the date set for the primary election before the general election or the general election to be held on January 19, 1954, and ten days before the date set for the primary election before a special election to fill a vacancy.

(C. 3239, § 15)(Act of General Assembly 1993)

Sec. 6-115. Primary elections to eliminate excess candidates.

If more than twice the number of candidates to be elected to any office shall be nominated, there shall be a primary election to eliminate all candidates in excess of twice the number to be elected to said office. The primary election shall be held in the manner hereinafter provided on the first Tuesday following the first Monday in October before a regular municipal election, and not more than 15 nor less than ten days before the date set for a special election to fill a vacancy; provided, that in the case of the election to be held on January 19, 1954, the primary election shall be held on January 4, 1954.

(C. 3239, § 16)

Sec. 6-116. Time of filing of certified lists of candidates.

All certified lists of candidates shall be filed in the office of the secretary of state by the local board not later than 20 days before the election and/or the primary, as the case may be nor later than 12 days preceding a special election and/or the primary preceding the same. All such lists shall be filed in said office not later than 5:00 p.m. of the last day fixed therefor. For the election to be held on January 19, 1954, such filing shall be not later than 5:00 p.m. of the 14th day before such election and/or primary.

(C. 3239, § 17)

Sec. 6-117. Filing of objections to nomination papers.

When nomination papers have been duly filed, and are in apparent conformity with sec. 14[6-113] of this act, they shall be conclusively presumed to be valid, unless written objections thereto are made as to the eligibility of the candidate or the sufficiency of the nomination papers or the signatures thereon. All such objections shall be filed with the board of canvassers, by 5:00 p.m. on the next business day after the last day fixed for filing such nomination papers as heretofore provided.

(C. 3239, § 18)

Sec. 6-118. Hearings on objections to nomination papers.

All objections to nomination papers shall be considered by the board. The board may at the hearing on such objections summon witnesses, administer oaths, and require the production of books, papers and documents. Such witnesses shall be summoned in the same manner, be paid the same fees, and be subject to the same penalties for default as witnesses before the superior court. A summons may be sworn to and an oath may be administered by the said board. When such objection has been filed, notice thereof shall be forthwith given by registered mail, or by personal service, by the board, to the candidates, addressed to the residence of the candidate as given in the nomination papers, to which objection is made.

Additional notice may also be given by the board if it sees fit to do so. The decision of said board shall be rendered within five days after filing of objections and shall forthwith be certified by the board to the secretary of state.

Following the determination of objection, if any, to the nomination papers, the board shall forthwith certify to the secretary of state, the names and addresses of all candidates who have filed valid nomination papers.

(C. 3239, § 19)

Sec. 6-119. Number of votes allowed electors.

At all elections, each qualified elector shall be entitled to cast one vote for each officer to be elected at large, and one vote for each officer including a member of the school committee to be elected in the district in which he shall reside and be qualified to vote. At all primaries, each qualified elector shall be entitled to vote for the same number of candidates for each office for which he would be entitled to vote at the election following said primary.

(C. 3239, § 20)

Sec. 6-120. Election officials—Appointment, eligibility requirements, etc.

At least 15 days before any general municipal election and the primary election preceding any general municipal election, and at least five days before any special election to fill a vacancy and the primary election preceding such a special election, and, in the case of the election to be held on January 19, 1954, at least seven days before said election and the primary preceding said election, the board of canvassers shall appoint for each polling place a warden, a clerk and not less than six supervisors. Said election officials shall be selected from lists of qualified persons presented to the board of canvassers by the candidates for office, and the board of canvassers shall designate the number of names to be contained on said lists, but it shall not require any candidate to submit more names than twice the number of election officials to be designated by said candidate. All election officials shall be qualified electors in the voting districts in which they shall be designated to serve; provided, however, that if any candidate shall certify that he has been unable to obtain a sufficient number of available election officials for any voting district who are qualified electors of the district, he may include in his list furnished to the board of canvassers qualified electors of the city who are not qualified electors of the voting district, and such persons shall be eligible to serve in said voting district; and wherever herein it shall be provided that any candidate shall be entitled to designate an election official, it shall be construed to mean that the board of canvassers shall appoint such official from a list submitted by the candidate.

(C. 3239, § 21)

Sec. 6-121. Same—Equal representation.

Wardens, clerks and supervisors for the various polling places shall be designated by the board of canvassers so that there shall be equal representation for all candidates; provided, that no candidate shall be represented by both a warden and clerk at the same polling place.

(C. 3239, § 22)

Sec. 6-122. Same—Powers, duties and obligations.

The election officials so appointed shall be sworn and shall have all of the powers, perform all of the duties and be subject to all of the obligations as are conferred upon and required of them by law.

(C. 3239, § 23)

Sec. 6-123. Nomination of candidates by primary elections.

The number of persons, being twice the number to be elected to the particular office, receiving individually the highest number of votes cast in the primary election for individual candidates shall be declared to be candidates to be voted upon at the election.

(C. 3239, § 24)

Sec. 6-124. Selection of candidates for municipal elections.

The candidates for election at all municipal elections shall be the persons nominated where no primary was required, and the persons receiving the highest number of votes in the primary election as provided in section 24[6-123] hereof.

(C. 3239, § 25)

Sec. 6-125. Participation in previous partisan election not to bar eligibility to sign nominating petitions.

No person shall be ineligible to sign a nominating petition, or to participate in any manner in a primary election preceding an election without party designation as provided in this act because said person has signed a nominating petition or nominating papers or has participated in a partisan primary election, whether with or without a party designation. No person shall be ineligible to sign nomination papers, or to participate in a partisan primary election by reason of having signed a nominating petitioner having participated in a primary election preceding an election without party designation as provided in this act. Except as aforesaid, eligibility to participate in partisan primaries shall continue as now provided by law unless or until modified by statute.

(C. 3239, § 26)

Sec. 6-126. Use of voting machines.

Voting machines which shall have been approved by the state board of elections shall be used at all elections and primary elections unless the number of candidates shall be such as to make the use of voting machines impracticable or impossible.

(C. 3239, § 27)

Sec. 6-127. Use of paper ballots.

If voting machines cannot be used at any election, then paper ballots shall be prepared by the board of canvassers and shall be used in said elections or primary elections.

(C. 3239, § 28)

Sec. 6-128. Arrangement of names on ballots.

The names of all candidates, whether at primary elections, and whether voting machines or paper ballots shall be used, shall be arranged in the following manner: candidates for different offices shall appear in different horizontal columns, and shall be arranged horizontally in alphabetical order opposite the office designation. If all names of candidates for the same office cannot be placed on voting machines in the same column, then as few columns as necessary shall be used, and as nearly as possible an equal number of candidates shall appear in each column.

(C. 3239, § 29)

Sec. 6-129. Political designations prohibited on ballots.

There shall be no party or political designation placed upon any voting machine or paper ballot used in any primary election or election, and all candidates for office in the city, except as herein otherwise specifically provided, shall be deemed to be candidates without party or political designation.

(C. 3239, § 30)

Sec. 6-130. Applicability of state laws.

The provisions of the laws of the State of Rhode Island pertaining to elections and related matters, including the rights and qualifications of voters; the registration of voters; the board of canvassers and registration, and the registering, listing, and returning lists of voters, and proof of their qualifications to vote; canvassing the rights and correcting the list of voters; elective meetings; the hours of opening and closing the polls; voting machines; absentee voting, and crimes, penalties and forfeitures under the election laws, and any and all other provisions of the laws of the State of Rhode Island relating to the qualifications of electors, registration, the manner of voting, the duties of election officials and all other particulars in respect to preparation for, conducting and management of elections, shall govern every city primary, general and special election, including the election to be held on January 19, 1954, and the primary preceding the same, so far as they may be applicable, excepting those provisions which are inconsistent with this act.

Whenever in said election laws and related matters reference is made to any political party, or reference is made to voting machines as being prepared for voting purposes in accordance with political party designation, or any reference of whatever kind and designation is made in said election laws and related matters to any political party or political designation, for the purpose of this act only, each and every such reference to a political party shall be held to be eliminated from said election laws in accordance with the provisions of this act providing for nonpartisan elections.

(C. 3239, § 31)

Sec. 6-131. Checking of voting machines and ballots.

When voting machines are used a representative of each candidate shall be permitted to check the machines to be used at a time and place designated by the board of canvassers or the election officials of the state, before they shall be sealed. Such representatives, and representatives of the press, shall further be permitted to check the accuracy of the votes tabulated upon said machines before said vote shall become official. If paper ballots shall be used, after counting, the ballots shall be re-deposited in the ballot boxes and the ballot boxes shall be sealed at the various polling places and shall be delivered to the board of canvassers by the proper election officials. No paper ballot shall be considered invalid unless it fails to clearly indicate the intent of the voter. All votes shall be counted and tabulated in accordance with existing laws, and in the case of paper ballots, they shall be resealed in containers by voting districts in the presence of the representatives of candidates and the press, and shall be kept intact for a period of two years unless both reopened and later resealed in the presence of the representatives of candidates and the press for purposes of recount or unless reopened pursuant to the order of any court.

The number of persons to be elected to any office receiving severally the highest number of votes cast for candidates for said office, shall be deemed elected, and the board of canvassers shall certify the persons so elected by delivery to each of them of a certificate of election, and by transmitting to the city clerk a complete list of all persons so elected.

(C. 3239, § 32)

Sec. 6-132. Board of canvassers.

The canvassing authority of the city shall be the board of canvassers and registration, which shall consist of three members, not more than two of whom shall be adherents of the same political party, which board shall have all of the powers and duties as are now, or hereafter may be, vested in said board by law. Upon the expiration of the term of office of a member of said board there shall be appointed by the mayor, or the duly elected executive officer of the city, with the approval of the council, a member to succeed the member whose term thus expires, in the following manner:

Each appointee shall be an adherent of one of the political parties which receives in the next previous general election for state senator not less than 25 percent of the total vote cast in the city for state senator from the city. No later than 14 days before the date of the first regularly scheduled meeting of the council next preceding the expiration of the term of office of a member of the board, and within 14 days after the occurrence of a vacancy on said board, the chairman of the city committee of each of the political parties aforesaid, shall submit to the mayor or said officer the names of five persons for each member of said board to be filled. If the chairman of any of said political parties shall fail to submit names as aforesaid, then within 48 hours thereafter, a majority of the members of the city committee of said political party may submit such a list to the mayor or said officer. The mayor or said officer shall then submit to the council from said lists the names of the persons appointed by him to said board. If the council shall refuse to approve the appointment of any person to said board, the mayor or said officer shall submit to the council another person named on one of said lists. If the council shall refuse to approve the appointment of the second name so submitted, the mayor or said officer may appoint any other person on said lists to said board without the approval of the council. If the chairman of the city committee of a political party entitled to an appointment to said board shall fail or refuse to submit a list of names as aforesaid, the mayor or said officer shall appoint to said board with the approval of a majority of the members of the council, any person known by him to be a member of the political party entitled to said appointment.

No person shall be appointed or serve as a member of said board as an officer or employee of the United States or of this state or of any city or town of this state, provided that he may act as clerk thereof. Any member of said board who becomes a candidate for election to any public office and who fails to file a declination of said candidacy within the time allowed by law, shall be disqualified from holding membership upon said board and his successor shall be appointed forthwith.

Every person appointed shall before entering upon his duties he [be] sworn to the faithful performance thereof and a record of such oath shall be kept by the clerk of said board.

Vacancies in the said board shall be filled for the remainder of the unexpired term in the same manner as for newly appointed members of the board.

(C. 3239, § 34)

Sec. 6-133. Provisions as to the general election of January 19, 1954.

For the purpose of the election to be held on January 19, 1954, and for the primary preceding said election (and for such purpose only)

- (a) Between the 60th and 30th days preceding the election, the board shall complete the filing of the registration cards, and cause the preliminary list of voters to be posted at least ten days before said primary in accordance with the provisions of section 5 of chapter 2870 of the public laws of 1951, as amended.
- (b) Between the tenth and fifth days preceding the primary the board shall meet and canvass the preliminary list in accordance with the provisions of section 6 of said chapter 2870, as amended.
- (c) The provisions of section 16 of said chapter 2870, as amended shall not apply.
- (d) The board of canvassers shall certify to the secretary of state not later than 14 days before the election and/or the primary, as the case may be, the names and addresses of the candidates in accordance with the provisions of section 6 of chapter 318 of the general laws, 1938, as amended.
- (e) The board of canvassers shall tabulate the election returns forthwith, and any candidate may challenge the correctness of the result within 2 days in accordance with the provisions of section 14 of said chapter 318, as amended.

(C. 3239, § 35)

Sec. 6-134. Furnishing of and payment for necessary forms.

The board of canvassers shall prescribe and furnish all forms to be used in said elections in conformance with law, which forms shall be paid for by the city.

(C. 3239, § 36)

Sec. 6-135. Termination of office of city officials.

The terms of office of all elected and appointed officials of the city, except members of political committees and the members of the board of canvassers, which board shall have the duty of conducting the first election in this act provided, shall terminate upon the 1st day of February, 1954, but shall be continued in office until their respective successors have qualified.

(C. 3239, § 37)

Sec. 6-136. Invalidity of part of act.

If any provision of this act, or the application of such provision to any person or circumstance is held invalid, the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

(C. 3239, § 38)

Sec. 6-137. Severability of parts of act.

If any part, subdivision or section of this act shall be declared unconstitutional, the validity of the remaining parts shall not be affected thereby.

(C. 3239, § 39)

Sec. 6-138. Proposition to hold elections in even-numbered years.

At the general state election to be held on the first Tuesday after the first Monday in November, A. D. 1954, the following proposition shall be submitted to the qualified electors of the city of Central Falls:

"Shall candidates for elective public office in the city of Central Falls provided for in the Charter be elected under party labels at the general state elections to be held on the 1st Tuesday after the 1st Monday in November in the even numbered years?"

The secretary of state shall prepare appropriate ballot labels for the submission of said question and the board of canvassers shall, after said election, notify the secretary of state of the result of the vote upon the question hereby submitted.

(C. 3239, § 40)

Sec. 6-139. Effectiveness of act.

This act shall take effect upon its passage, and all acts and parts of acts inconsistent herewith, insofar as the same shall apply to the city of Central Falls, are hereby modified or repealed as the case shall be; and all other acts and parts of acts, insofar as the same shall not be inconsistent herewith, shall apply to nominations and elections of all municipal officers of said city of Central Falls.

(C. 3239, § 41)

FOOTNOTE(S):

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Editor's note— Article VI of the original Home Rule Charter was declared unconstitutional in *State ex rel. Messier v. Turrow et al.*, 99 A. (2d) 484. Subsequently, the Legislature, in a Special November Session, 1953, enacted chapter 3239 entitled as follows: "An Act pertaining to municipal primaries and elections in the City of Central Falls, and validating certain provisions in the City of Central Falls Home Rule Charter. This Act is set out herein, in place of the original Article VI, for the benefit of the user of this volume. The section numbers appearing at the beginning of each section of this article are unofficial. The official numbers are carried at the end of each section in the form of historical citations. (Back)

ARTICLE VII. PERSONNEL SYSTEM/DEPARTMENT OF HUMAN RESOURCES

Sec. 7-100. Purpose.

Sec. 7-101. Employment basis.

Sec. 7-102. Present employees continued in office.

Sec. 7-100. Purpose.

In order to establish a system of personnel administration in compliance with state, federal, city council and all collective bargaining agreements. It shall be administered under the supervision of the director of human resources

Sec. 7-101. Employment basis.

All appointments and promotions of employees in the personnel system, except for the fire and police divisions, shall be made by the department heads, boards and commissions in accordance with the state, federal, city council and all collective bargaining agreements as applicable. Demotions, dismissals and suspensions of employees shall be made by the heads of the respective departments, except that in the department of public safety, suspensions, demotions and dismissals shall be made by the heads of the police division and fire division within their respective divisions. Demotions and dismissals of employees in the personnel system after the completion of the required probationary period of service, or suspension from service, shall be for just cause only.

Sec. 7-102. Present employees continued in office.

All persons who, at the time this Charter takes effect, are holding positions hereby placed in the classified service of the city, including policemen and firemen, shall hold such positions as though appointed in accordance with the provisions hereof; any vacancies thereafter occurring shall be filled in the manner herein provided.

ARTICLE VIII. PROHIBITED ACTIVITIES

CHAPTER 1. - PROHIBITED ACTIVITIES OF ELECTED OFFICIALS AND EMPLOYEES

CHAPTER 2. - ENFORCEMENTS

CHAPTER 1. PROHIBITED ACTIVITIES OF ELECTED OFFICIALS AND EMPLOYEES

Sec. 8-100. Dual office holding.

Sec. 8-101. Permitted activities.

Sec. 8-102. Officers not to sign contracts in which they are interested.

Sec. 8-103. Contracts in violation of section 8-102 to be voidable; penalties.

Sec. 8-104. Ratification or avoidance of contract.

Sec. 8-105. Fees.

Sec. 8-106. Gratuities.

Sec. 8-107. City property.

Sec. 8-108. Corrupt practices.

Sec. 8-100. Dual office holding.

No person shall, at the same time, be an elected or appointed officer of the city and a city employee, or hold any other elective or appointive office or employment carrying a salary, whether municipal, state or federal, except that of constable, notary public, member of the state militia, public school teacher, or member of the military or naval forces of the United States, unless and until he shall have resigned his office, except as otherwise provided in this Charter. This provision shall be construed to be in accordance with state and federal law.

Sec. 8-101. Permitted activities.

Nothing herein contained shall be construed to prohibit any elected or appointed official of the city or employee of the city from being appointed to any commission or committee of the city, state or federal government for the purpose of making any investigation or study, provided there shall be no remuneration attached to such services and provided further, that no such elected official or employee of the city shall be appointed to any independent board or commission of the city unless specifically authorized in this Charter.

Sec. 8-102. Officers not to sign contracts in which they are interested.

No member of the city council and no officer or employee of the city shall (1) directly or indirectly make a contract with the city, other than his or her own contract of employment service, or (2) receive any commission, discount, bonus, gift, contribution or award from, or any share in, the profits of any person making or performing such contract, unless such member, officer or employee immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify in writing the city council of the nature of his interest in such contract, and shall abstain from doing any official act on behalf of the city or of the other contracting party with reference thereto. In case of such interest on the part of an officer whose duty it is to sign such contract on behalf of the city, the contract may be signed by any other officer of the city duly authorized thereunto by the mayor; provided, however, that when a contractor with the city is a corporation or a voluntary stock association, the ownership of less than five percent of the stock or shares actually issued shall not be considered as involving an interest in the contract within the meaning of this section, and such ownership shall not affect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

Sec. 8-103. Contracts in violation of section 8-102 to be voidable; penalties.

A violation of any provision of section 8-102 shall render the contract with respect to which such violation occurs voidable in whole or in part at the option of the city.

Sec. 8-104. Ratification or avoidance of contract.

Whenever any contract made by or on behalf of the city is voidable under the terms of this Charter, the mayor shall on behalf of the city, within ten days after the execution of such contract, or within ten days after he/she shall acquire knowledge of facts sufficient to make such contract voidable, whichever event shall happen last, either ratify or avoid such contract, in whole or in part, by rendering in writing upon said contract his/her decision with regard thereto and his/her reasons therefor, and by forwarding forthwith to the city clerk a copy thereof, which copy shall be a public record. Such decision of the mayor shall be final and shall not be subject to review by any court.

Sec. 8-105. Fees.

No officer or employee of the city shall collect any fees or perquisites for his own use, but such fees or perquisites, collectible under law, shall be paid into the city treasury, except fees of auctioneers and constables, and such other officers or employees as may be authorized thereto by ordinance.

Sec. 8-106. Gratuities.

No officer or employee of the city shall solicit or accept any compensation or gratuity in the form of money or otherwise for any act or omission in the course of his public work.

Sec. 8-107. City property.

No officer or employee of the city shall use city property for private purposes; and no officer or employee of the city shall use public facilities for the purpose of conducting private business.

Sec. 8-108. Corrupt practices.

No employee of the city shall solicit contributions of money, property, or services for any political party or campaign, nor shall any person solicit from any employee of the city any such contribution.

CHAPTER 2. ENFORCEMENTS

Sec. 8-200. Complaints by citizens.

Sec. 8-201. Penalties.

Sec. 8-200. Complaints by citizens.

Any qualified elector of the city may file a sworn statement in the office of the city clerk charging that any elected officer of the city has ceased to possess the qualifications specified in section 8-100 of this Charter, or has been convicted of a crime as set forth in said section, or that there has been a violation of any of the other sections of chapter 1 of this article, which said statement shall set out the particulars as to the charges made. The city clerk shall present such charges to the council.

Sec. 8-201. Penalties.

A violation of any of the prohibitions of chapter 1 of this article shall be punishable pursuant to Rhode Island Law.

ARTICLE IX. PUBLIC RECORDS

Sec. 9-100. Public inspection of records.

Sec. 9-101. Copies.

Sec. 9-102. Right to judicial relief.

Sec. 9-100. Public inspection of records.

As provided by state open records laws.

Sec. 9-101. Copies.

As provided by state open records laws.

Sec. 9-102. Right to judicial relief.

As provided by state open records laws.

ARTICLE X. MISCELLANEOUS

CHAPTER 1. - SEVERABILITY AND ACTS SUPERSEDED

CHAPTER 2. - EFFECTIVE DATES

CHAPTER 1. SEVERABILITY AND ACTS SUPERSEDED

Sec. 10-100. Severability.

Sec. 10-101. Previous charter superseded.

Sec. 10-102. Statutes and ordinances superseded.

Sec. 10-100. Severability.

If this Charter cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding invalid any part or parts thereof, the remaining provisions of this Charter shall be given full force and effect as completely as if the part or parts held invalid had not been included herein. If it shall be finally determined by a court of competent jurisdiction that any provisions of this Charter transferring to an office, department, board or commission the powers and duties heretofore exercised and performed by an officer, department, board or commission abolished by this Charter are invalid, the provisions abolishing such office, department, board or commission shall thereby become inoperative, and that in such event, such office, department, board or commission shall not be abolished but shall continue as prior to the adoption of this Charter. The remaining provisions of this Charter shall in any such case be given force and effect.

Sec. 10-101. Previous charter superseded.

This Charter shall supersede all previous charters and amendments thereto.

Sec. 10-102. Statutes and ordinances superseded.

This Charter shall supersede all statutes or parts of statutes, local, special or general, and all ordinances of the city, to the extent that they are inconsistent with this Charter; and all statutes and ordinances not inconsistent with this Charter shall continue in full force and effect until the council shall otherwise ordain.

CHAPTER 2. EFFECTIVE DATES

Sec. 10-200. Schedule.

Sec. 10-201. Transitional provision.

Secs. 10-300—305. Reserved.

Sec. 10-306. Specific provisions.

Sec. 10-307. Canvassing authority.

Sec. 10-200. Schedule.

This Charter shall become effective on the first Monday of January 2007, except in the following particulars:

- (1) The mayor, members of the council and shall be elected under the provisions of this Charter, and for that purpose, all provisions of this Charter pertaining to elections and the manner of conducting elections shall become effective immediately upon the adoption of this Charter by the electors. The board of canvassers and registration, as then constituted, shall have all the powers and duties of the board of canvassers and registration as in this Charter provided for the purpose of conducting said election.
- (2) All appropriations made in the budget ordinance for the fiscal year commencing July 1, 2006 shall be made to the then existing officers, departments, boards and commissions of the city or their successors under this Charter. Provisions shall also be made in the budget ordinance for the fiscal year commencing July 1, 2006 for any offices, departments, boards or commissions created by this Charter to exercise new functions, and any such provision may be increased in 2007 notwithstanding any other provisions of this Charter.
- (3) The provisions of subdivision (1) of section 5-100 shall be effective for the fiscal year commencing July 1, 2006.

Sec. 10-201. Transitional provision.

If upon the effective date of any section or provision of this Charter there shall not be an official appointed upon whom any duty is placed by said section or provision, it shall be the duty of the mayor to designate the official or employee of the city who shall perform temporarily the said duty.

Secs. 10-300—305. Reserved.

Sec. 10-306. Specific provisions.

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms, the specific provisions shall prevail.

Sec. 10-307. Canvassing authority.

Whenever the board of canvassers or canvassing authority is used in this Charter, it shall be taken to mean the board of canvassers and registration.