

## **Bonnet Shores Fire District CHARTER and Related Legislation**

(Amendments Included As of 2012)

State of Rhode Island and Providence Plantations January Session, A.D. 1932

### **AN ACT TO INCORPORATE THE BONNET SHORES FIRE DISTRICT**

It is enacted by the General Assembly as follows:

SECTION 1. All that part of the town of Narragansett, county of Washington, in the State of Rhode Island, lying between the easterly line of Boston Neck Road and Narragansett Bay, comprising approximately 400 acres in area and being more particularly described as follows:

- (1) That land described in that warranty deed from Howard Johnson, et al., to Bonnet Shores, Inc., dated April 27, 1928, and recorded in book 9, pages 352 and 353 in the records of land evidence of said town of Narragansett.
- (2) That land described in that warranty deed from Robert L. Walker to Bonnet Shores, Inc., dated April 28, 1928 and recorded in book 9, pages 354, 355 and 356 in the records of land evidence of said town of Narragansett.
- (3) That land described in the warranty deed from Henry C. Weeks to Bonnet Shores, Inc., dated September 29, 1928, and recorded in book 9, pages 508, 509, 510 and 511 of the records of land evidence of said town of Narragansett.
- (4) Lots numbered 9, 10, 11, 20, 21, 22, 23, 24, 25 and 36 together with the southerly twenty-five feet of lot 19 on that plot entitled "Bonnet Point Land Co. lots at Bonnet point in the town of Narragansett, RI Scale 1 in. -100 ft. October 22, 1914, T. G. Hazard Jr., surveyor" and recorded in the records of land evidence in said town of Narragansett in book 6 between pages 314 and 315, is hereby incorporated into a district to be known as "Bonnet Shores Fire District." Said district may have and enjoy all rights and powers generally had and enjoyed by business corporations and fire districts in the state, including (but without limiting the generalities of the foregoing) the right to acquire, hold and dispose of real and personal property necessary for its corporate purposes; the right to have and use a common seal; the right to sue or be sued; and the right to borrow money from time to time and to issue its notes, bonds or other evidences of indebtedness theretofore. Provided, however, that the debts of said district shall at no time exceed in the aggregate per centum of the valuation of the real estate within said district as hereinafter defined.

~~SECTION 2. Every firm, corporation, unincorporated association and<sup>1</sup> every person, irrespective of sex, of the age of eighteen<sup>2</sup> years,<sup>3</sup> who is possessed in his or her own right of real estate in said district of the value of one Four Hundred (\$400) Dollars<sup>4</sup> over and above all encumbrances, being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion or remainder, the conveyance of which estate shall if by deed, have been recorded at least ninety (90) days, shall thereafter have a right to vote at all meetings of the corporation. Any such firm, corporation or unincorporated association having title to real estate as aforesaid, shall be entitled to cast one (1) vote through its duly authorized representative for such purposes. The duly authorized representative shall present to the Clerk before casting its vote and obtaining a ballot, an authorization by the firm, corporation or unincorporated association, which authorization shall be notarized and clearly identify the person authorized to vote on behalf of said firm, corporation or unincorporated association holding title to real estate.<sup>5</sup>~~

~~Every person or firm qualified to vote as aforesaid shall vote in person, except that a person in common ownership to real estate may vote as the proxy of the other person who has been verified as being in common ownership in said real estate, provided that such proxy shall be in writing and filed with the Clerk at the meeting at which such proxy shall be used.<sup>6</sup> The proxy shall be in a form to be furnished by the Clerk or otherwise approved by the Clerk.<sup>7</sup> All voting shall be by ballot, unless waived by unanimous consent of those present at the meeting and qualified to vote, and the action of a majority at any meeting at which a quorum is present shall bind the District.<sup>8</sup>~~

A. All persons who reside in the Bonnet Shores Fire District, and who are duly registered with, and eligible to vote in general or special elections in the Town of Narragansett, shall have the right to vote for all offices to be elected and on all questions submitted to the electors of the Bonnet Shores Fire District.

B. All persons qualified to vote in the Bonnet Shores Fire District elections who wish to vote shall vote in person, or personally by such other means as may be approved by the Bonnet Shores Fire District Council. No person may cast a ballot on behalf of another person.

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<sup>1</sup> The R.I. General Assembly expanded the pool of qualified voters of the Fire District to include firms, corporations and unincorporated associations when it amended the BSFD Charter in 1985.

<sup>2</sup> The R.I. General Assembly lowered the minimum voting age for qualified voters of the Fire District from twenty-one (21) to eighteen (18) when it amended the BSFD Charter in 1985.

<sup>3</sup> The R.I. General Assembly removed the requirement that a qualified voter be "a citizen of Rhode Island" when it amended the BSFD Charter in 1982. <sup>4</sup> The R.I. General Assembly increased the minimum property value a property owner must own in the Fire District to qualify as a voter at Fire District meetings from \$134.00 to \$400.00 when it amended the BSFD Charter in 1982.

<sup>5</sup> The R.I. General Assembly added this language governing the voting rights of firms, corporations and unincorporated associations when it amended the BSFD Charter in 1985.

<sup>6</sup> The R.I. General Assembly changed the pool of eligible proxy voters at Fire District meetings from spouses (husbands or wives) to owners of common property when it amended the BSFD Charter in 1985.

<sup>7</sup> The R.I. General Assembly added the requirement that the BSFD Clerk must approve all proxy votes when it amended the BSFD Charter in 1985.

<sup>8</sup> The R.I. General Assembly added the requirements that voting at Fire District meetings be conducted by secret ballot and that action taken by a majority of voters at a Fire District meeting shall bind the Fire District when it amended the BSFD Charter in 1985.

C. Nothing in this Section shall bar the Bonnet Shores Fire District Council from establishing methods to allow qualified Bonnet Shores Fire District voters, as defined in this Section, to cast their ballots prior to the date of a Bonnet Shores Fire District election, or to cast their ballots while absent from the Bonnet Shores Fire District provided that:

(1). No such method may expand or alter the voter qualifications imposed in this Section, and;

(2). No such method may permit a voter to cast a ballot on behalf of another.

SECTION 3. The first meeting of the district shall be held at some convenient place within the district on the second Wednesday in May, 1932, at 7 o'clock P.M., eastern standard time (or 8 o'clock P.M. daylight saving time). The annual meeting of the district (if established) to be held in 1933 shall be held on the second Wednesday in May in that year, and thereafter the annual and special meetings of the district shall be held in said Town of Narragansett at such time as shall be specified in the by-laws of the district. Notice of the first meeting shall be given by two or more of the persons qualified to vote within the district and said notice shall state the time and place of meeting and shall be published in some newspaper published in the city of Providence, once a week for two successive weeks, the last publication to be at least five days next before the date of said first meeting. Notice of subsequent annual meetings of the district shall be given in a manner as prescribed in the by-laws of the district. A quorum at the first meeting of the district and at any subsequent meeting, whether annual or special, shall consist of at least fifty<sup>9</sup> voters qualified as aforesaid, present in person, ~~or by proxy (as to those cases where voting by proxy is permitted in accordance with the provisions of Sec. 2 hereof).~~ All voting shall be by ballot unless waived by unanimous consent of those present at the meeting, and qualified to vote, and the action of a majority at any meeting at which a quorum is present shall bind the district.

This act shall take effect upon its passage and all acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 4. At the first meeting of the district the following proposition shall be submitted: "Shall Bonnet Shores Fire District be established according to the act of incorporation passed by the general assembly of the state?" If, (a quorum being present), the majority of ballots cast be in the affirmative said district shall be established according to the provisions of this act, otherwise this act shall become null and void.

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<sup>9</sup> The R.I. General Assembly increased the quorum requirement for Annual and Special Meetings from twenty-five (25) qualified voters to fifty (50) qualified voters when it amended the BSFD Charter in 1982.

SECTION 5. The district may adopt such rules, regulations, ordinances and by-laws as may be reasonably necessary to enable it to fulfill its corporate purposes and may provide a penalty for the breach of such rules, regulations, ordinances or by-laws which for each offence shall be a fine not exceeding fifty<sup>10</sup> dollars, one-half of the fine imposed to be for the use of the district, or imprisonment for a term of not exceeding thirty days, which penalties may be imposed, upon complaint of the district or any of its officers, by the Fourth Division District Court at Washington County.<sup>11</sup> Rules, regulations, ordinances or by-laws may also prescribe the powers and duties of officers and committees of the district; the conduct and control of the district inhabitants and the guarding, destruction<sup>12</sup> or removal of property in times of conflagration or other casualty; the regulation, protection or maintenance of water pipes, hydrants, safety valves, electric wires, poles and similar apparatus and equipment, and the maintenance or use of drains or sewers; the suppression of nuisances; and the protection of life and property.

SECTION 6. The district may elect a clerk, three assessors of taxes, a collector of taxes, one or more elections canvassers a district council of ~~or~~ not less than three and no more than seven qualified voters, one or more fire wardens, one or more police officers and such other officers and committees as said district may require for its corporate purposes. Such officers and committees may be elected at the first meeting of the district to hold office until the first annual meeting thereafter; and at such annual meeting and at each subsequent annual meeting of the district officers and committees may be elected in such manner and for such terms of office as may be prescribed in the by-laws. If the by-laws shall so provide, the members of the district council may be divided into groups, one group to be elected annually to hold office for not more than three years. Vacancies in any office may be filled at any annual meeting of the district, or at any special meeting called for that purpose. The district council shall have general supervision and management of the business and affairs of the district and, together with other officers and committees, shall have such further powers and duties as may be created or imposed in the by-laws of the district. The fire wardens shall have such powers and duties as are generally exercised in fire districts within the state, with such additional powers and duties as may be created or imposed in the by-laws of the district.

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<sup>10</sup> The R.I. General Assembly increased the maximum fine the Fire District could impose on violators from twenty dollars (\$20.00) to fifty dollars (\$50.00) when it amended the BSFD Charter in 1982.

<sup>11</sup> The R.I. General Assembly changed the court specified in Section 5 from the “district court of the second judicial district” to the “Fourth Division District Court at Washington County” when it amended the BSFD Charter in 1982.

<sup>12</sup> The R.I. General Assembly added the language “of the district inhabitants and the guarding, destruction” when it amended the BSFD Charter in 1982.

SECTION 7. The district may raise money by taxation of real estate, and buildings or improvements upon leased real estate within the district, provided, that the tax assessed and payable in any one (1)<sup>13</sup> year under the provisions of this act shall not exceed seven (7)<sup>14</sup> mills on each dollar of valuation as hereinafter defined. Taxation may be for any or all of the following purposes:

The maintenance, upkeep and improvement of existing private streets, walks and ways; the establishment and maintenance of additional private streets, walks and ways; the regulation and policing of the same in such manner as to assure the lawful use thereof and to maintain order and preserve peace within the district;

The establishment and/or maintenance, within the district, of a water supply system for domestic use and fire prevention; a fire, police or life saving department; a lighting system; a garbage removal system, or any similar system deemed necessary for the protection of lives and property within the district or for the general improvement; upbuilding and beautifying of district property;

The purchase and/or lease of land for the establishment and maintenance within said district of a private beach and/or bathing facilities;<sup>15</sup>

The purchase and/or construction or erection of any building for recreational purposes for the fire district; and for recreational programs and activities for the benefit of the taxpayers of the Bonnet Shores Fire District;<sup>16</sup>

The purchase and/or lease of land, waters and water rights, buildings and building materials, implements, equipment, apparatus and property of any other kind deemed necessary or desirable for corporate purposes.

SECTION 8. The valuation of taxable property within the district for debt limit purposes and for purposes of district assessment and taxation, shall be that made by the assessors of the town of Narragansett as of December 31st<sup>17</sup> in each year. The district assessors shall assess taxes on all taxable inhabitants and taxable property within the district as of December 31st<sup>18</sup> in each year and the same shall be payable on the first business day of the succeeding October 15th<sup>19</sup> in each year. District taxes shall constitute a lien upon the property assessed and if not paid when due shall carry an interest penalty at the rate imposed from time to time by the town of

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<sup>13</sup> The R.I. General Assembly added the parenthetical "(1)" when it amended the BSFD Charter in 1982.

<sup>14</sup> The R.I. General Assembly added the parenthetical "(7)" when it amended the BSFD Charter in 1982.

<sup>15</sup> The R.I. General Assembly deleted a period (".") and replaced it with a semicolon (";") when it amended the BSFD Charter in 1982.

<sup>16</sup> The R.I. General Assembly added this subsection, which specifically empowers the Fire District to construct buildings for the recreational benefit of its taxpayers, when it amended the BSFD Charter in 1982.

<sup>17</sup> The R.I. General Assembly changed the tax assessment date from June 15<sup>th</sup> to December 31<sup>st</sup> when it amended the BSFD Charter in 1982.

<sup>18</sup> The R.I. General Assembly changed the tax assessment date from June 15<sup>th</sup> to December 31<sup>st</sup> when it amended the BSFD Charter in 1982.

<sup>19</sup> The R.I. General Assembly changed the due date for BSFD taxes from August 1<sup>st</sup> to October 15<sup>th</sup> when it amended the BSFD Charter in 1982.

Narragansett. The owner of assessable land, where on a lessee shall have erected a movable building or improvement shall be liable for the district tax assessed against such building or improvement. If any person against whom a district tax has been assessed shall establish, in manner as provided by law, that the valuation placed upon his assessable property within the district by the town tax assessors is excessive and that in consequence the town must refund or rebate a portion of its tax thereon, such person shall be entitled to receive and shall receive from the district a refund or rebate of his district tax in like proportion. In the assessment and collection of district taxes its officers shall follow generally the practice and procedure adopted by corresponding officers in the town of Narragansett. Provided, however, that the district may adopt such reasonable by-laws with respect to the assessment, collection and payment of taxes as it deems proper.

SECTION 9. This act shall take effect from and after its acceptance by ballot as aforesaid and when there shall have been filed with the secretary of state a certificate of the clerk of the district which shall disclose such acceptance.

In the event that said district shall be established as provided in section 4 hereof, no amendment of this act shall be effective as to said district unless and until the same shall be accepted by the affirmative vote of a majority of the voters of said district present ~~(or represented by proxy as provided in section 2 hereof)~~ at a special or annual meeting of said district duly held within two years after the passage of such amendment, at which meeting a quorum shall be present, and in the notice of which meeting there shall be contained the statement that the acceptance or rejection of such amendment is to be voted upon, and until there shall have been filed with the secretary of state a certificate of the clerk of the district that such amendment has been accepted as aforesaid.

SECTION 10. The Bonnet Shores Fire District Council is hereby authorized and empowered to appoint a harbormaster and to ordain and establish such by-laws, rules, regulations, fees and compensation as such council may deem necessary and expedient for carrying out the provisions hereof. The jurisdiction, powers and duties of such harbormaster shall include but not be limited to the regulations of speed, management, and control of all vessels and the size, type, location and use of all anchorages and moorings within the waters immediately adjacent and contiguous to the Bonnet Shores Fire District including, without limiting the generality of the foregoing, the authority and power to regulate and control water skiing in such confines.

Such harbormaster shall have such other and additional powers and jurisdiction as may be granted from time to time by the town of Narragansett. The jurisdiction boundaries of the harbormaster's authority shall be from the most easterly point of land of the Bonnet Shores Fire District, a boundary line shall be drawn northerly and southerly, taking the northern most point of said District, taking a line due easterly from that point and further taking a point from the furthest southern extension of the said district drawing a line due easterly and due westerly where said lines shall intersect all areas bounded therein.<sup>20</sup>

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<sup>20</sup> The R.I. General Assembly added Section 10 to the BSFD Charter in 1974.

SECTION 11. The amendments to this act shall take effect from and after their acceptance by ballot by the residents and qualified voters of the Bonnet Shores Fire District, and when there shall have been filed with the secretary of state a certificate of the Clerk of the Bonnet Shores Fire District which shall disclose such acceptance. The election to approve or reject these amendments shall be conducted in the following manner:

a. Electorate: The electorate for this election shall include:

All persons who, at the time of said election, reside in the Bonnet Shores Fire District and who are duly registered with, and eligible to vote in general or special elections in the Town of Narragansett.

The electorate shall not include:

1. Corporations, trusts, partnerships, LLCs or other corporate entities or

2. Individuals who do not reside in the Bonnet Shores Fire District and who do not otherwise qualify to vote as set forth above.

b.—Date: Said election shall be held at a Special Meeting of the Bonnet Shores Fire District, which Special Meeting shall be held before the next Annual Meeting of the Bonnet Shores Fire District.