

ARTICLE XVI. GENERAL PROVISIONS

Sec. 1. Amending the charter.

Amendments to this charter shall be made in the manner provided by the constitution of the state in article of amendment, Article XXV, Section 8.

Sec. 2. Specific provisions shall prevail.

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

Sec. 3. Laws affecting officers.

(1) Any powers, duties or functions which are required by law to be exercised, performed or administered by a particular officer or officers of the town shall be carried out by the officer or officers who by this charter or by ordinance or by law are responsible for the same, regardless of the title or designation of the office.

(2) All elected town officers shall be qualified electors of the town.

(3) The terms of office of all officers, members of boards, commissions and committees of the town appointed with the approval of or elected by the town council shall be concurrent with the terms of the town council unless otherwise provided in this charter.

Sec. 4. Oath of office.

Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the town clerk:

“ You _____ (naming the person) _____ do solemnly swear (or affirm) that you will be true and faithful unto this State and support the laws and Constitution of the United States; and that you will well and truly execute the office (naming the office) for the term for which you have been elected (or appointed), or until another be engaged in your place, or until you be legally discharged therefrom; so help you God (or this affirmation you make and give upon peril of the penalty of perjury).”

Sec. 5. Officials, bonds.

The town council shall require a bond, in such amount and with such surety as the town council may specify, from all persons entrusted with the collection, custody or disbursements of any of the town monies and may require such bond from such other officials and employees as it may deem advisable and all as required by law. The premiums on such bonds shall be paid by the town unless provided otherwise.

(Amend. of 11-2-2010)

Sec. 6. Publicity of records.

All records and accounts of every office, department, board, agency, or commission shall be open to public inspection at all reasonable times during business hours, except:

(1) Records of the police department and solicitors office, disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

(2) Records and documents of the welfare office pertaining to ease histories, the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.
(Amend. of 11-4-75)

Editor's note - Although the amending enactment designated this section as §6.1, it was treated by the editor as amending former §6 and so has been numbered 6; and section designated as 6.2 in the ordinance, redesignated 6.1 by the editor.

Sec. 6.1. Copies of public records.

Any person inspecting public records shall be permitted to make written copies and abstracts of any public records. Any person shall also have the right to obtain a copy upon payment of a fee. Such fee shall be a reasonable charge for the preparation of the copy.

(Amend. of 11-4-75)

Note—See editor's note, § 6.

Sec. 7. Severability clause.

If any section or part of a section of this charter shall be held invalid by a court of competent jurisdiction such holding shall not affect the remainder of this charter, nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Sec. 8. Financial interest prohibited.

(a) *Contracts with the town:* No elected official or employee of the town, member of any board or commission of the town or resident of the town, holding elective or appointive office in or being in the employ of the state or federal government, except notaries public, members of the National Guard, and members of the Armed Forces shall except as in this charter, may be specifically provided:

- (1) Directly or indirectly make any contract with the town, except his own employment contract.
- (2) Receive any commission, discount, bonus, gift, contribution or award, or share in the profits of any person, corporation, or partnership making or performing such a contract.

(b) *Contracts by the town:* The town shall not enter into any contract with any elected official or employee of the town, member of any board or commission of the town, or resident of the town holding elective or appointive office in or being in the employ of the state or federal government, except notaries public, members of the National Guard and members of the Armed Forces, other than employment contracts.

(c) *Effect of stock ownership in contracting corporation:* When a contractor with the town shall be a corporation, 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 the foregoing sections.

(d) *Penalties:* Every contractual obligation incurred in violation of the provisions of this section shall be illegal and void. If any appointed official or employee of the Town shall knowingly undertake a contractual obligation in violation of the provisions of this section, it shall be grounds for his or her removal. -

(Amend. of 11-4-75)

Editor's note—The amendment of Nov. 4, 1975, designated the provisions herein lettered (a)—(d) as §§ 8.1—8.4, the latter section using the word “section” as including all four sections, and apparently superseding former § 8, which treatment has been accorded the amendment at the editor's discretion.

Sec. 9. Codification of ordinances.

The town council, not later than January 1, 1972, and at least every tenth year thereafter, shall cause to be prepared a revision or codification of the ordinances of the town which are appropriate for continuation as local laws of the town. Such revisions or codification shall be prepared under the supervision of the town solicitor, but the town council may authorize the town solicitor to contract for the services of persons or organizations experienced in the revision and codification of ordinances and statutes.

Sec. 10. Appointment and discharge of subordinates.

Unless otherwise provided in this charter, each elected officer, department head, board or other agency may appoint, dismiss, suspend or demote his or their deputies, clerks, assistants and subordinates serving under his or their supervision or control, subject to appeal to the board of personnel review as herein provided.

Sec. 11. Dual office holding.

(1) No employee of the town shall hold an elective office in the town government while he is in the employ of the town.

(2) No person shall be eligible to hold any paid office or employment in the town government who holds any other town office or civil office—legislative, executive or judicial—in either the state or federal government, except that of notary public or member of the national guard or

military reserve, except that this particular restriction (section 11(2)) may be waived by the appointing authority for good cause after a public hearing thereon.

Sec. 12. Printing of charter upon the ballot.

It shall not be necessary for the full text of a charter or amendments to a charter to be printed upon the ballot. Any digest or description thereof or any question or statement which substantially expresses the purpose or identifies the subject matter to be voted upon shall be sufficient.

Sec. 13. Hours of work.

All paid personnel holding office or employment in the town government, other than an elective office, shall be required to engage in the actual work of their offices or employments during regular business hours to the extent that their services may be necessary for the full and complete discharge of their duties. The town council, upon recommendation of the town administrator shall determine which officers and employees of the town shall not be required to devote their full time to the duties of their respective offices, except as provided by this charter.

Sec. 14 Tenure of office guaranteed.

No tenure of office heretofore guaranteed by law to any employee of the Town of North Smithfield employed as of March 6, 1968 shall be abridged or diminished by the adoption of this charter, except that the removal of any person so employed for cause shall be in accordance with the provisions contained herein.

Sec. 15. Medical insurance for part-time officials or employees; funding.

No town funds shall be expended to purchase any life, health or medical insurance for any part-time elected or appointed officials or employees.
(Amend. of 11-3-87)

Sec. 16. Salary and related benefits for part-time elected officials.

The salary and related benefits approved by the town council shall serve as the maximum allowed amounts to be expended for all part-time elected officials.
(Amend. of 11-3-87; Amend. of 11-2-2010)

Sec. 17. Right to enact ordinances.

The right to enact ordinances is hereby granted to the qualified electors of the town by initiative, provided that such power shall not extend to the budget or capital programs or to any ordinance relating to the appropriation of money, or to the levy of taxes or to the salaries and benefits of town officials or employees. The initiative shall be exercised in the following manner:

- (a) Whenever 500 qualified electors of the town petition the town council to enact a

proposed ordinance, it shall be the duty of the town council to consider such proposed ordinance within 70 days of receipt. Receipt, for the purpose of this subsection, shall be defined as the reading of said petition at the next regularly scheduled meeting of the town council.

- (b) The signatures on any initiative petition provided for in this subsection may be on separate papers; provided, however, that each such separate paper shall contain a full and correct copy of the title and text of the proposed ordinance and all such separate papers shall be bound together and filed as one instrument with the town clerk. To each said separate paper there shall be attached a signed statement of the circulator thereof, who states therein under oath, that each signature appended to said paper was made in the presence of the circulator.
- (c) In the event that the town council shall fail to enact such proposed ordinance without amendment, and upon the receipt by the town clerk of a notarized referendum petition signed by an additional five percent of the qualified electors of the town, the town council shall submit such proposed ordinance to a vote of the people of the town at the next general election; provided, however, that said ballot referendum petition must be filed at least 60 days prior to the date fixed for such general election.
- (d) The ballots used when voting upon such proposed ordinance shall include an ordinance title which shall state the purpose or intent of such ordinance, the question, "Shall the ordinance pass?" and shall set forth on separate lines the words "Yes" and "No."
- (e) If a majority of the electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid binding ordinance of the town; an ordinance so adopted shall not be altered or modified by the town council within one year after the adoption of the ordinance at said general election.
- (f) The town council may, by ordinance, make such other further regulations for carrying out the provisions of this section as are not inconsistent herewith.

(Res. of 11-8-94)

Sec. 18. Gender References.

Whenever the context so requires, reference herein to the masculine gender shall include the feminine gender and vice versa or in either case the neuter; and the singular shall include the plural and vice versa.

(Amend. of 11-2-2010)