

CHARTER¹

CHARTER OF THE CITY OF NEWPORT, RHODE ISLAND

PREAMBLE

We, the people of the City of Newport, in order to secure for ourselves the benefits of local self government under the provisions of the Constitution of the State of Rhode Island and Providence Plantations, do ordain and establish this Charter for the government of said City of Newport.

CHAPTER I. GENERAL PROVISIONS.

SECTION 1-1. FORM OF GOVERNMENT.

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this Charter, all powers of the City shall be vested in an elective Council, hereinafter referred to as "the Council," which shall enact local legislation, adopt budgets, determine policies, and appoint the City Manager, who shall execute the laws and administer the government of the City.

SECTION 1-2. POWERS OF CITY.

All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance or resolutions of the Council. The City also shall have all the powers granted to the City by the laws of this State together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or without its corporate limits for any City purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of this State or restricted by this Charter, the City shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is

¹Editor's note(s)—The Charter of the City of Newport, Rhode Island, was approved by the voters on November 4, 1952. Chapter III (Elections) became effective on such date. All other provisions became effective on November 1, 1953. Years appearing in parentheses indicate that the section was enacted, amended or repealed in the year indicated.
At the direction of the City, per email of Sept. 28, 2015, the City of Newport Charter has been revised to reflect gender neutrality.

intended that the City shall have and may exercise all powers which, under the Constitution of this State, it would be competent for this Charter specifically to enumerate.

SECTION 1-3. EXISTING ORDINANCES, RESOLUTIONS, RULES AND REGULATIONS TO CONTINUE IN EFFECT.

Except insofar as they are inconsistent with this Charter, all the ordinances, rules, resolutions and regulations heretofore made by the representative Council or the Board of Aldermen, or any board or commission, shall continue in effect until superseded by action of the Council.

SECTION 1-4. SAVING CLAUSE.

All laws relating to the City of Newport are hereby superseded to the extent that the same are inconsistent with the provisions of this Charter, except such laws that are enacted in accordance with powers reserved to the General Assembly by the Constitution of the State.

CHAPTER II. THE COUNCIL.

SECTION 2-1. THE COUNCIL.

There shall be a Council which shall consist of seven Councilors, one from each of the three wards of the City who shall be elected solely by the qualified electors within their respective wards, and four from the City at large to be elected at large by the qualified electors of the City.

(As amended by Sec. 1, Chapter 242, P.L. 1970; Sec. 1, Chapter 38, P.L. 2003)

SECTION 2-2. TERMS OF OFFICE.

The terms of office of the members of the Council shall be for two years and shall begin on the first day of December next following their election.

(As amended by Sec. 2, Chapter 269, P.L. 1984; Amd. of 11-4-2014.)

SECTION 2-3. VACANCIES.

Any vacancies arising from death, resignation or any reason in the membership of the Council shall be filled by four affirmative votes of the remaining members of the Council within thirty (30) days after the Council learns of the vacancy or, in the event of a tie vote or inability to elect, the vacancy shall be filled as soon thereafter as possible by a majority vote of all the remaining members of the Council; provided, however, the Council shall provide for the public solicitation of applicants.

The Council shall fill any vacancy arising from death, resignation or any reason in the membership of the School Committee within thirty (30) days after learning of the vacancy or as soon thereafter as may be possible by a majority vote of all members of the Council; provided, however, the Council shall provide for the public solicitation of applicants. Any person appointed to fill a vacancy on the School Committee by the Council shall serve only until a person is elected and qualified at the next City election under this Charter.

(As amended by Chapter 170, P.L. 1963; Sec. 1, Chapter 518, P.L. 1986; Sec. 1, Chapter 40, P.L. 2009; Amd. of 11-4-2014.)

SECTION 2-4. COUNCIL COMPENSATION.

Each member of the Council may receive such compensation as established by ordinance. Such compensation shall not be changed during the current term of the Councilors enacting such an ordinance. Compensation may include benefits, such as health, life and dental insurance.

(As amended by Sec. 1, Chapter 526, P.L. 1985; Sec. 1, Chapter 40, P.L. 2009.)

SECTION 2-5. MAYOR; PRESIDING OFFICER.

The Council shall choose one of its members who were elected at large as Chair and another of its members as Vice-Chair. The Chair shall have the Title of Mayor and shall preside at all meetings of the Council and shall be recognized as the official head of the City for all ceremonial purposes. He or she shall sign and execute all contracts or other evidences of indebtedness on behalf of the City, make all proclamations in the name of the City and shall be the executive head of the City to the extent required by this Charter. In the absence of the Mayor, or in case of a disability, the Vice-Chair of the Council shall perform all duties of the Mayor.

(As amended by Sec. 2, Chapter 242, P.L. 1970.)

SECTION 2-6. MAYOR; SALARY.

The Chair shall receive as compensation for the performance of duties as Mayor, in addition to duties as a Council member, such other compensation as the Council shall, by ordinance, prescribe, but such compensation shall not be changed during the current term for which the Mayor was elected. The Vice-Chair, while performing the duties of the Mayor in the absence or disability of the Mayor, shall receive such compensation as the Council may by ordinance prescribe.

(As amended by Sec. 1, Chapter 525, P.L. 1985.)

SECTION 2-7. COUNCIL QUALIFICATIONS.

Council members shall be qualified electors of the City and shall hold no other elective public office. If Council members shall cease to possess any of these qualifications or shall be convicted of a felony or misdemeanor resulting in a jail sentence, their office shall immediately become vacant. A ward Council member shall be an elector and resident of the ward they represent.

(As amended by Sec. 1, Chapter 330, P.L. 1985; Sec. 1, Chapter 35, P.L. 2002.)

SECTION 2-8. ENFORCEMENT BY ELECTORS.

Any twenty (20) qualified electors of the City may file a signed and sworn statement in the office of the City Clerk, charging that any member or members of the Council has or have ceased to possess the qualifications specified in this Charter, or has or have been convicted of any crime as aforesaid, and stating the particulars as to what lack of qualifications or what conviction is charged. The City Clerk shall present such charges to the Council at its next regular meeting, and the Council shall set a place and time for the holding of a public hearing thereon, public notice thereof to be given by the City Clerk, and to be held not less than five nor more than ten (10) days after said meeting of the Council. Members of the Council other than the member or members charged as aforesaid shall be the hearing body and shall be the judge of the qualifications of its members.

SECTION 2-9. OFFICERS NOT TO MAKE CONTRACTS IN WHICH THEY ARE INTERESTED.

No officers or employees of the City shall directly or indirectly make a contract with the City or receive any compensation, discount, bonus, gift, contribution or reward from or any share in, the profits of any person, firm or corporation making or performing such contract unless, immediately upon learning of the existence of such contract, or that such contract is proposed, they shall notify the Council in writing of the nature of their interest in such contract, and shall abstain from doing any official act on behalf of the City with reference thereto. In case of any such interest on the part of any officers whose duty is to sign such contract on behalf of the City, the contract may be signed by any other officer of the City duly authorized by the City Manager. 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.

SECTION 2-10. CONTRACT TO BE VOIDABLE; PENALTIES.

A violation of any provision of the preceding section shall render the contract with respect to which such violation occurs voidable in whole or in part at the option of the City. Any person violating the provisions of said section shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one year, or both. A conviction for a violation of said section shall be deemed a crime involving moral turpitude.

SECTION 2-11. 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 City Manager shall, on behalf of the City, within ten days after the Manager shall acquire knowledge of facts sufficient to make such contract voidable, either ratify or avoid such contract, in whole or in part, by rendering in writing upon said contract the Manager's decision with regard thereto and a reason therefor, and by forwarding forthwith to the City Clerk a copy thereof, which copy shall be a public record. Such decision of the City Manager shall be final.

(As amended by Sec. 1, Chapter 520, P.L. 1985)

SECTION 2-12. ACTION BY RESIDENT OR TAXPAYER.

If the Manager shall fail to perform any act required of him or her by the preceding section of this Charter, any resident or taxpayer may require him or her to perform such act by filing with the City Clerk a demand in writing signed by such resident or taxpayer for such performance, which shall contain a recital of the facts upon which such demand is based.

(Amd. of 11-4-2014.)

SECTION 2-13. POWER OF INITIATIVE.

The electors shall have the power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the Council by a petition signed by qualified electors of the City equal in number to at least ten percent of the number of persons registered to vote at the time of the last regular Municipal election.

SECTION 2-14. POWER OF REFERENDUM.

The electors shall have power to approve or reject at the polls any ordinance passed by the Council, or submitted by the Council to a vote of the electors, such power being known as the referendum. Ordinances submitted to the Council by initiative petition and passed by the Council without change shall be subject to the referendum in the same manner as other ordinances. Within thirty (30) days after the enactment by the Council of any ordinance, a petition signed by qualified electors of the City equal in number to at least ten percent of the number of persons registered to vote at the last regular Municipal election may be filed with the City Clerk requesting that any such ordinance be either repealed or submitted to a vote of the electors. A majority of those casting votes at such election shall determine whether such ordinance is repealed or sustained.

When a referendum petition has been certified as sufficient by the City Clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors, as hereinafter provided.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 2-14a. SIGNATURES ON INITIATIVE AND REFERENDUM PETITIONS.

The signatures on all initiative petitions and referendum petitions under Sections 2-13 and 2-14 of this Charter need not all be affixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator that all signatures appended thereto was made in the presence of the petitioner and is a genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street or other description sufficient to identify the same. The circulator's name shall be notarized and all persons circulating such petitions shall be registered voters of the City. All signatures shall be gathered within a six-month time limit and no question shall be resubmitted within a two-year period from the date of the initial submission of the petition to the City Council.

(Enacted by Sec. 1, Chapter 235, P.L. 1985; Sec. 1, Chapter 40, P.L. 2009.)

SECTION 2-15. CONSIDERATION BY COUNCIL.

Whenever the Council receives a certified initiative or referendum petition from the City Clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The Council shall take final action on the ordinance not later than sixty days after the date on which such ordinance was submitted to the Council by the City Clerk. A referred ordinance shall be reconsidered by the Council and its final vote upon such reconsideration shall be upon the question "Shall the ordinance specified in referendum petition be repealed?"

SECTION 2-16. SUBMISSION TO ELECTORS.

If the Council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than thirty days nor more than one year from the date the Council takes its final vote thereon. The Council may, in its discretion, and if no regular election is to be held within such period shall, provide for a special election.

SECTION 2-17. ORGANIZATION OF COUNCIL.

The Council shall meet on the first day of December following each regular election under this Charter and regularly thereafter at such times as the Council may determine, but not less frequently than once each month. Until the election of a Chair, the Presiding Officer shall be the City Clerk. Special meetings of the Council shall be held upon the written request to the Mayor by three members of the Council. All meetings of the Council shall be open to the public (as required by law) and the record of the proceedings shall be kept by the City Clerk and shall be open to public inspection. All votes for the approval and election of officers shall be by written ballot and all votes for the passage of resolutions and ordinances shall be by roll call vote upon the request of any member.

(As amended by Sec. 1, Chapter 522, P.L. 1985; Amd. of 11-4-2014.)

SECTION 2-18. QUORUM; PROCEDURE.

A simple majority of all the members of the Council shall constitute a quorum. All members of the Council present must vote on any question coming before it, unless they disclose a personal interest therein and are excused by vote of the remaining members or are barred by law.

The Council shall from time to time establish rules for its proceedings.

(As amended by Sec. 1, Chapter 523, P.L. 1985.)

SECTION 2-19. ADJOURNMENT BY LESS THAN QUORUM; COMPELLING ATTENDANCE.

If there is no quorum a majority of the members of the Council present may adjourn from time to time and be authorized to compel the attendance of absent members in such manner and under such penalties as may be prescribed by the rules of the Council.

(As amended by Sec. 1, Chapter 519, P.L. 1985.)

SECTION 2-20. INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS.

Every ordinance and resolution shall be introduced only in written or printed form. No ordinance or resolution shall be so amended in its passage as to change its original purpose. Any ordinance adopting a budget or making appropriations shall be confined to the subject of the budget or the appropriations. No ordinance shall be acted upon until it has been read on two separate days, nor until at least forty-eight hours shall have elapsed between such two readings, except in the case of an emergency ordinance as hereinafter provided. The second reading of such ordinance shall be in full unless a copy thereof shall have been furnished to each member of the Council prior to such reading. The enacting clause of all ordinances shall be "Be it Ordained by the City of Newport."

SECTION 2-21. EMERGENCY MEASURES.

An emergency 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 a preamble thereto, may be passed without a second reading by an affirmative vote of at least five members of the Council. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall be passed as an emergency measure. No situation shall be declared an emergency by the Council except as defined in this section and such definition shall be strictly construed.

SECTION 2-22. AUTHENTICATION AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

Upon its final passage each ordinance or resolution shall be authenticated by the signature of the City Clerk and shall be recorded in a book kept for that purpose.

(As amended by Sec. 1, Chapter 242, P.L. 1985.)

SECTION 2-23. INSPECTION OF PROPOSED ORDINANCES AND RESOLUTIONS BY THE PUBLIC.

After the introduction of any ordinance or resolution in the Council, the City Clerk shall keep available for public inspection a copy of such proposed ordinance or resolution, together with all amendments thereto, which copy shall be a public record. For purposes of this section, "keep available for public inspection" shall include, but not be limited to, the posting of such ordinances or resolutions, with all amendments thereto, on the City's website.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

CHAPTER III. ELECTIONS.

SECTION 3-1. ELECTION LAWS AND CONDUCT OF ELECTIONS.

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 Canvassing Authority and Registration, and the registering, listing, and returning lists of voters, and proof of their qualification 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, so far as they may be applicable, excepting those provisions which are inconsistent with this Charter.

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 Charter 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 Charter.

All municipal elections in the City of Newport, whether primary, general or special, shall be non-partisan and there shall be no party mark or designation upon any declaration of candidacy, nomination, petition or list of candidates. By April 1 in even numbered years, the Canvassing Authority shall issue a schedule of the filing dates for the elections to be held that year.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 3-2. NOMINATION PETITION; SIGNATURES.

The nomination of all candidates for elective office in the primary election provided for by this Charter shall be by petition. The petition of each candidate for ward Councilor, Councilor-at-Large, and School Committee shall be signed by not less than fifty qualified electors of the City. A voter may sign any number of nomination papers for any office the voter may lawfully vote for at the general election.

(As amended by Sec. 1, Chapter 240, P.L. 1985; Sec. 1, Chapter 214, P.L. 1987; Sec. 1, Chapter 35, P.L. 2002.)

SECTION 3-3. PRIMARY ELECTION; CITY COUNCIL.

At any primary election the two ward candidates of each respective ward receiving the highest number of votes shall be deemed and declared to be the candidates for the office of ward Councilor in their respective wards in the general City election. The candidates for Councilor-at-Large receiving the highest number of votes, double the number for each respective office to be filled, shall be deemed and declared to be the candidates for the office of Councilor-at-Large in the general City election.

(Amended November 2004)

SECTION 3-4. PRIMARY ELECTION; SCHOOL COMMITTEE.

At each primary election, the candidates for School Committee receiving the highest number of votes, double the number for each respective office to be filled, shall be deemed and declared to be the candidates for the office of School Committee.

SECTION 3-5. BALLOT ORDER.

The position upon the ballot of the names of the candidates in any primary, general or special City election shall be determined by lot and said names shall be so placed upon said ballot under title of the office to be filled. Said determination of said position by lots shall be conducted by the canvassing authority at which said candidates or their representatives shall be entitled to be present. Candidates shall be notified of the time and place of such drawing at least twenty-four hours in advance thereof.

SECTION 3-6. GENERAL ELECTION DATE.

Municipal elections in the City of Newport shall occur in even-numbered years concurrent with state elections.

SECTION 3-7. WARDS.

The City shall be divided into three wards for purposes of election of City Councilors and the School Committee. Under the direction of the City Council, the ward lines shall be drawn by the Canvassing Authority in such a manner as to preserve as nearly as may be convenient, consistent with well-defined boundaries, with an equal number of residents in each ward. This shall be done in each year when the General Assembly shall re-determine the state representative districts and senatorial districts.

(Amended June 2004)

CHAPTER IV. POWERS OF COUNCIL.

SECTION 4-1. CITY SOLICITOR.

The Council shall, following a City election under this Charter, elect a City Solicitor to serve for a term of office concurrent with the term of office of said Council. The City Solicitor shall be the legal advisor of and attorney

and counsel for the City and all boards, commissions, bureaus, and officers thereof in matters relating to their official powers and duties, the Solicitor shall be a member of the bar of the State of Rhode Island.

SECTION 4-2. PROBATE COURT.

The Council shall elect a Judge of Probate for a term concurrent with the term of office of said Council. The Judge shall be a member of the bar of the State of Rhode Island.

Whenever the Judge of Probate Court is a party, or is interested in any proceeding about to be heard in the Court, or is absent or unable to perform the duties, or there is a vacancy in such office, the duties shall be temporarily performed by the Municipal Court Judge, and the fact of such interest, absence, inability or vacancy shall be recorded in the records of said Court.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 4-3. BOARD OF TAX APPEALS.

There shall be a Board of Tax Appeals for the City of Newport consisting of three members who shall be elected by the Council. Biennially, the Council shall elect a member of said Board for a term of office of six years.

Said Board shall receive and consider appeals from property owners regarding the amounts of their assessed valuation as determined by the Tax Assessor, provided such appeals are properly filed in accordance with state law. Said Board shall have authority to adopt rules and regulations as to the procedure in presenting, considering and disposing of appeals and may hold hearings, administer oaths and receive testimony and exhibits. It shall have the power to order the Tax Assessor to change any assessed valuations appealed and reviewed, but only after the Tax Assessor has been given an opportunity to appear before it or otherwise present the case, provided that this provision shall in no way alter Council power of abatements, as provided by law. Hearings of the Board of Tax Appeals shall be open to the public. Nothing herein contained shall be construed in any way to limit or extend the right of a taxpayer to apply to the superior court in accordance with law for relief from the assessment as originally made by the Tax Assessor.

The members of said Board shall be selected upon the basis of their knowledge of the subject of property taxation and real estate value and shall at the time of their appointment have been residents of the City for at least five years immediately preceding and shall continue as residents during their terms of office. If members of such Board shall cease to be a resident, their office shall thereby become vacant. No member of said Board shall hold any elective public office. The members of said Board shall elect one of their number as Chair. The members of said Board shall receive such compensation as may be fixed from time to time by the Council.

(As amended by Chapter 241, P.L. 1964; Sec. 1, Chapter 35, P.L. 2002.)

SECTION 4-4. PLANNING BOARD.

There shall be a Planning Board to administer the laws and ordinances relating to planning, whose members shall be elected by the Council.

SECTION 4-5. BOARD OF REVIEW.

There shall be a Board of Review to administer the laws and ordinances relating to zoning, whose members shall be elected by the Council.

SECTION 4-6. CANVASSING AUTHORITY.

There shall be a Canvassing Authority as provided by the provisions of the Constitution and laws of the State. The Council shall elect one member for a term of two years, one member for a term of four years and one member for a term of six years. On the first day in November following all subsequent elections the Council shall elect a member of the Canvassing Authority for a term of six years. All powers and duties now vested in the Board of Canvassers and Registration shall vest in the Canvassing Authority. The Council may designate one member to be Clerk.

(Amd. of 11-4-2014.)

SECTION 4-7. TRUST AND INVESTMENT COMMISSION.

There shall be a Trust and Investment Commission, which commission shall consist of five members who shall be chosen on the basis of their knowledge of investments and financial management. This commission shall have custody and control of all funds now held or hereafter held for the payment of pensions and health benefits and premiums for city and school department employees; and said commission shall have the power to sell, exchange, invest or reinvest said funds and to receive, collect, and hold all income thereof and to pay and appropriate the same in such manner and for the purposes prescribed by law or by said will, deed, gift or indenture. Said commission shall have such other powers and duties, and its members shall be appointed and serve for such terms, as the council may by said ordinance prescribe.

(As amended by Sec. 1, Chapter 443, P.L. 1989; Sec. 1, Chapter 40, P.L. 2009.)

SECTION 4-8. OTHER BOARDS AND COMMISSIONS.

In addition to the Boards and Commissions named in this Chapter, the Council may establish such Boards and Commissions as it deems necessary, on a permanent or ad hoc basis, and elect members thereto, and may retire those Boards and Commissions so established by it.

(Enacted by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 4-9. LICENSE COMMISSIONERS.

The Council shall have and exercise all the powers and duties conferred by law, general or special, upon License Commissioners.

SECTION 4-10. POWER OF COUNCIL TO INVESTIGATE.

The Council, or any committee duly authorized by the Council, shall have power to conduct an investigation into the financial transactions or conduct of any office or department of the City government and it may require the City Manager or any department or division head to furnish such information as it shall request.

SECTION 4-11. COUNCIL NOT TO INTERFERE WITH ADMINISTRATION.

Neither the Council nor any of its members shall direct or request the appointment of persons to, or their removal from office by the City Manager or by any of his or her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City or interfere in any way with any administrative division or department. Except for the purpose of inquiry, the Council and its members

shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any Councilor violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars (\$1,000.00) or be imprisoned for not more than sixty (60) days, or both, and shall forthwith cease to be a Councilor.

(As amended by Sec. 1, Chapter 35, P.L. 2002; Sec. 1, Chapter 40, P.L. 2009.)

SECTION 4-12. POWER TO COMPEL TESTIMONY.

In connection with any investigation which may be conducted by the Council, or any committee thereof, the Council or committee may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas which shall be signed by the Mayor or the Chair of any such committee. If witnesses shall refuse to testify to any facts within their knowledge, or to produce any papers or books in their possession, or under their control, relating to matters under inquiry, before the Council, or any such committee, the Council by resolution may cite such witness in contempt and upon conviction thereof such witness shall be fined not more than one thousand dollars (\$1,000.00) or be imprisoned for not more than sixty (60) days, or both. Witnesses shall not be excused from giving information touching upon their knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against them in any subsequent criminal prosecution except for perjury committed upon such inquiry, unless witnesses shall, in writing at the time of so testifying, waive their rights not to have such testimony used against them.

(As amended by Sec. 1, Chapter 35, P.L. 2002; Sec. 1, Chapter 40, P.L. 2009.)

SECTION 4-13. PUBLIC HEARINGS.

When any ordinance or resolution shall be referred by the Council to a committee for further investigation, said committee may hold public hearings thereon. If a petition shall be presented to the City Clerk signed by at least fifty (50) qualified electors of the City, then said committee shall hold a public hearing or hearings thereon. The City Clerk shall give notice thereof at least two days in advance of any such public hearing by posting a notice thereof on a bulletin board placed conspicuously in the City Clerk's office so as to be clearly visible to members of the public.

SECTION 4-14. POWER OF THE COUNCIL TO MERGE DEPARTMENTS.

Notwithstanding any other provision of this Charter to the contrary, the City Council shall have the authority to merge common duties, functions and/or services of any agency or department of the City and another department or agency of the City, including but not limited to any department or agency established by or enumerated in this Charter or by the Constitution and state laws.

(Amd. of 11-4-2014.)

CHAPTER V. THE CITY MANAGER.

SECTION 5-1. ENGAGEMENT.

The Council is authorized and directed to enter into an agreement, for such term as the Council may specify, for the engagement of a person selected on the basis of executive and administrative qualifications and experience in and the knowledge of generally accepted practices in municipal administration to act as City Manager. The

relationship between the City and the City Manager shall be contractual and not that between a municipality and a civil officer.

SECTION 5-2. REMOVAL.

The Manager may be removed by a majority vote of all the members of the Council.

SECTION 5-3. CHIEF ADMINISTRATIVE OFFICER.

The Manager shall be the chief administrative officer of the City and shall be responsible to the Council for the administration and management, and shall have control and supervision of all administrative departments, divisions, offices and agencies subject to the Manager's jurisdiction, except as otherwise provided by this Charter.

SECTION 5-4. DUTIES.

The duties of the Manager shall include the following:

- (a) To see that the laws and ordinances are enforced;
- (b) To see that all terms and conditions imposed in favor of the City in any contract or franchise are faithfully kept and performed;
- (c) To keep the Council informed at all times concerning the financial condition and needs of the City and other pertinent matters relating to its administration;
- (d) To recommend to the Council such measures as the Manager may consider necessary or expedient;
- (e) To prepare and recommend to the Council an annual budget;
- (f) To prepare and present to the Council a comprehensive annual report of the financial transactions and other activities of the City following the close of each fiscal year;
- (g) To make any study or investigation which in the Manager's opinion may be for the best interest of the City or which may be ordered by the Council;
- (h) To approve all rules and regulations of the several administrative officers and departments under the Manager's jurisdiction before they shall become effective;
- (i) To perform such other duties as may be required of him or her by the Council.

SECTION 5-5. ATTENDANCE AT COUNCIL MEETINGS.

It shall be the duty of the City Manager to attend meetings of the Council.

(As amended by Sec. 1, Chapter 35, P.L. 2002.)

SECTION 5-6. APPOINTMENT OF ADMINISTRATIVE OFFICERS.

Except as otherwise provided by this Charter the Manager shall appoint all administrative officers and heads of departments including the City Clerk and Probate Clerk. All such appointments shall be for indefinite terms at the pleasure of the Manager.

Notice of the appointment by the Manager of any department head or other principal officer shall be in writing and filed with the City Clerk.

The Manager may serve as the head of any administrative department.

SECTION 5-7. ABSENCE OR DISABILITY OF MANAGER.

The Manager may designate an administrative officer of the City to exercise and perform the powers and duties during the Manager's temporary absence or disability. In the event that the City Manager is unable to make such a designation, then the Council shall be empowered to make such a designation. Such designation shall be made in writing and filed with the City Clerk. Any such designation shall not be for a period greater than thirty (30) days.

(As amended by Sec. 1, Chapter 35, P.L. 2002.)

SECTION 5-8. ACTING MANAGER.

The Council shall appoint some capable person as Acting Manager during a vacancy in the office. Such appointment shall be on a temporary basis until a Manager has been appointed and has assumed the duties of City Manager. Such person while in the capacity of Acting Manager shall have all the powers and duties conferred by this Charter on the City Manager.

CHAPTER VI. GENERAL ADMINISTRATIVE PROVISIONS.

SECTION 6-1. APPOINTMENT AND DISCHARGE OF SUBORDINATES.

There shall be a personnel merit system, the provisions of which shall be prescribed by ordinance to ensure that employment in the City government is based upon equal opportunity and based on merit and fitness, free of personal and political consideration; and to further ensure that all personnel actions are based on a comprehensive evaluation of an individual's qualifications to perform the duties and responsibilities of the position.

(As amended by Sec. 1, Chapter 527, P.L. 1985.)

SECTION 6-2. COMPENSATION OF EMPLOYEES.

The Council shall have the power to fix the compensation of all officers and employees of the City.

(As amended by Sec. 1, Chapter 35, P.L. 2002.)

SECTION 6-4. OATH OF OFFICE.

Every officer, elected or appointed, shall take and subscribe the following oath of office: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the State of Rhode Island and Providence Plantations, and that I will faithfully discharge the duties of such office to the best of my ability," and shall file such oath, duly certified by the officer before whom it was taken, as a public record in the office of the City Clerk.

SECTION 6-5. SURRENDER OF BOOKS, PAPERS, MONEY AND EFFECTS.

Whenever any officers or employees shall resign or be removed from office, or the term for which they shall have been elected or appointed shall expire, they shall, immediately, surrender to their successor in office all the books, papers, moneys and effects of the City in their custody. In the event there is no successor said books,

papers, moneys and effects shall be surrendered to the City Manager. Every person violating this provision shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one year.

SECTION 6-6. ANNUAL REPORTS.

The director of each department, and the head of each authority, division, board, committee, commission and bureau shall render to the City Manager an annual report in writing of the operations of their respective authorities, departments, divisions, boards, committees, commissions or bureaus, and a copy of such report shall be furnished to each member of the Council and to the City Clerk. All copies filed with the City Clerk shall be public records.

(Amd. of 11-4-2014.)

SECTION 6-7. REMOVAL OF OFFICERS.

The City Manager may, when necessary for the good of the service, suspend or remove any officer appointed by him.

The Council may for cause suspend or remove from office any officer of the City elected by it.

CHAPTER VII. ADMINISTRATIVE DEPARTMENTS.²

SECTION 7-1. DEPARTMENTS AND DIVISIONS.

There shall be such departments and divisions as the Council may, by ordinance, establish on the recommendation of the City Manager.

(Enacted by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 7-2. DIRECTORS OF DEPARTMENTS.

At the head of each department there shall be a director who shall have supervision and control of the department subject to the direction of the City Manager. Two or more departments may be headed by the same individual, and directors may serve as chiefs of divisions. Special qualifications for selection of directors of departments may be established by ordinance, however, the police and fire chiefs shall be appointed from candidates who have a minimum of five years continuous service in their field.

(Enacted by Sec. 1, Chapter 40, P.L. 2009.)

²Editor's note(s)—Sec. 1 of Chapter 40, P.L. 2009, deleted §§ 7-1—7-10 and enacted new provisions to read as herein set out. Former §§ 7-1—7-10 pertained to the same subject matter and derived from the original Charter, adopted Nov. 4, 1952, as amended by Sec. 1, Chapter 38, P.L. 2003.

SECTION 7-3. DEPARTMENTAL DIVISIONS.

The work of each department may be distributed among such Divisions as may be established by ordinance upon recommendation of the City Manager. Pending passage of an ordinance, the City Manager may establish temporary divisions.

(Enacted by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 7-4. CONTINUANCE.

The Departments and Divisions that existed as of January 1, 2008, shall continue in existence until such time as the Council passes an ordinance changing such Departments and Divisions pursuant to § 7-1 hereof.

(Enacted by Sec. 1, Chapter 40, P.L. 2009.)

CHAPTER VIII. SCHOOLS.

SECTION 8-1. SCHOOL COMMITTEE.

The school system shall be administered by a School Committee elected as herein provided. Powers heretofore exercised by the School Committee, together with all rights, duties, liabilities, obligations and privileges thereof shall continue hereunder unabridged, unaltered and unamended, provided however that the School Committee shall not obligate the City in excess of appropriations made by the Council for school purposes.

Nothing contained herein shall be construed to prohibit the School Committee from expending funds received from the Federal or State government or other municipalities within the State or from individual or private sources.

SECTION 8-2. TERM OF OFFICE.

There shall be a School Committee composed of seven members to administer the laws and ordinances related to the public education function. The Committee members shall be elected at-large by the qualified electors of the City in accordance with the general Municipal election and shall serve two-year terms.

(Enacted by Sec. 1, Chapter 518, P.L. 1986.)

SECTION 8-3. SCHOOL COMMITTEE COMPENSATION.

Each member of the School Committee may receive compensation as established by the City Council. Such compensation shall not be changed during the current term of the elected member. Compensation may include benefits, such as health, life and dental insurance.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

CHAPTER IX. FINANCE.

SECTION 9-1. FISCAL YEAR AND STRATEGIC PLAN.

The Council shall provide by ordinance for the fiscal year of the City.

The Council is responsible for having, approving and adhering to a five-year strategic plan for the City and scheduling progress review workshops. The strategic plan should be updated and approved each year no later than the first council meeting in March. Implementation should be managed by the City Manager. The strategic plan will include:

- Vision and Mission Statements
- Long-term goals projecting forward at least five years
- Short-term goals with two-year projections
- Corresponding revenue and expense projections
- Milestones and individuals/departments accountable
- Performance measurements

The City's Strategic Plan will be reviewed periodically and progress reported no less often than annually at a public hearing.

(As amended by Sec. 1, Chapter 40, P.L. 2009; Amd. of 11-4-2014.)

SECTION 9-2. PREPARATION OF BUDGET.

The Manager shall prepare and submit to the Council, at least 180 days prior to the beginning of each fiscal year, a projection of the change in revenues from the current fiscal year to the next fiscal years as well as a projection of anticipated significant expense changes.

The Council shall provide to the Manager, at least 150 days prior to the beginning of each fiscal year, a list of its top priority projects and its administrative expense increase/decrease guidelines for the next fiscal year. This shall include the maximum amount of revenue that may be allocated to the Capital Improvement Program (see Section 9-19).

The Manager shall prepare and submit to the Council, at least seventy-five days prior to the beginning of each fiscal year, a proposed budget and a budget message containing an explanation of proposed financial policies and the important features of the budget plan. The Manager shall submit at the same time an appropriation ordinance making provision for the conduct of the City government for the ensuing year. Revenues and expenses related to the Council's priorities shall be highlighted.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 9-3. CONTENTS OF BUDGET.

The proposed budget shall contain the following:

- (a) A report and recommendation by the Manager relative to the items contained in the budget;
- (b) An estimate by the Manager of tax revenues to be received;
- (c) An itemized estimate of other revenues to be received which shall contain a schedule of estimated income from trust and pension funds and the application thereof;

-
- (d) A schedule of bond debt retirement and bond interest accruing during the fiscal year and a schedule of appropriations required to sinking fund and a schedule of capital expenditures and the plan for financing the same.

SECTION 9-4. PUBLIC HEARING ON BUDGET.

9-4.1 The Council, at least 60 days prior to the beginning of each fiscal year, shall hold a public hearing on the Manager's proposed budget.

9-4.2 The Manager, at least 30 days prior to the beginning of each fiscal year, shall prepare and present to the Council a revised budget and revenue projection based upon the Council's instructions following the public hearing.

9-4.3 The Council, at least 20 days prior to the beginning of each fiscal year and prior to the Council approving a final budget and appropriation ordinance, shall hold a public hearing on the revised budget.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 9-5. COUNCIL MAY REVISE PROPOSED BUDGET.

The Council may insert new items or may increase or decrease the items of the budget as presented by the Manager, but, if it shall increase the total proposed expenditures, it also shall provide for increasing the total anticipated revenues at least to equal the total proposed expenditures.

Any changes approved by the Council shall be noted on a "Budget Revision Schedule", with the City Councilor who proposed the change identified. The Budget Revision Schedule should be appended to the final budget document.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 9-6. BUDGET AND APPROPRIATION ORDINANCE TO BE PUBLIC RECORD.

Upon final passage of the appropriation ordinance, such changes as have been made in the ordinance as originally proposed also shall be made in the budget. A copy of the budget and appropriation ordinance shall be placed on file as a public record in the office of the City Clerk.

SECTION 9-7. AUTHORITY TO SPEND.

The appropriation ordinance shall show the anticipated revenues and authorized expenditures in such summary form as the Council may consider necessary for effective budgetary control. The expenditures as authorized shall constitute authority for the several offices, departments and agencies to spend the amounts provided in the budget without further action by the Council.

SECTION 9-8. BUDGETARY CONTROL.

The Finance Department shall exercise budgetary control over each office, department and agency and shall cause separate accounts to be kept for the items of appropriation, each of which shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance. Unless the Finance Department shall certify that there is a sufficient unencumbered balance and available funds in any account no appropriation shall be valid and no expenditure shall be made.

The City Manager shall, no more than 30 days after the end of each fiscal month, prepare and submit to the Council a budget analytical report that identifies any significant variances between actual and budgeted revenue and expenses. The City Manager shall, no more than 30 days after the end of the 2nd fiscal quarter, prepare for the City Council a Financial Analysis Report that identifies any significant mid-year revenue and expense budget variances and projects any significant fiscal year-end revenue and expense variances. The Council will hold a public hearing on that report no later than 15 days following receipt of the report.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

SECTION 9-9. WORK PROGRAM.

Before the beginning of the fiscal year the head of each office, department and agency shall submit to the Finance Department a work program for the year which shall show requested allotments of appropriations by quarterly periods for the entire fiscal year. The Finance Department shall review the requested allotments and may revise or change such allotments before approving the same. The Department shall authorize all expenditures to be made on the basis of approved allotments and not otherwise.

SECTION 9-10. REVISING APPROPRIATIONS.

The approved allotments may be revised by the Finance Department during the fiscal year and, if it shall ascertain that total available income for the year will be less than total appropriations, it shall recommend to the Manager the reconsideration and revision of the several work programs and appropriations so as to prevent the making of expenditures in excess of income.

SECTION 9-11. REDUCTION IN APPROPRIATIONS.

Upon notification by the Manager that actual revenue receipts will not equal the original estimates upon which appropriations were based, the Council shall make such reductions in appropriations as will prevent the occurrence of a deficit.

SECTION 9-12. TRANSFER OF APPROPRIATIONS BETWEEN DEPARTMENTS.

The Council by vote of five members and upon the recommendation of the City Manager may transfer any unencumbered appropriation, balance or portion thereof from any office, department, agency or division to another.

SECTION 9-13. TRANSFER OF APPROPRIATIONS WITHIN DEPARTMENT.

The Finance Department, upon request by any department or agency and with the approval of the City Manager, shall have authority to transfer any unencumbered balance or portion thereof between appropriation items within the same department or agency, subject to limitations set by City ordinance.

(As amended by Sec. 1, Chapter 524, P.L. 1985.)

SECTION 9-14. LIMITATION ON RIGHT TO EXPEND OR CONTRACT.

No office, department or agency shall expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves expenditure of money during the fiscal year in excess of the amounts appropriated, other than for capital improvements to be financed in whole or in part by the issuance of bonds and the making of contracts and leases approved by the Council.

SECTION 9-15. EXAMINATION OF PURCHASE ORDERS.

The Finance Department shall examine all purchase orders, payrolls, and other items of proposed expenditures. Any proposed expenditure not specifically authorized by an appropriation or by the intent of the budget shall be disapproved by the Finance Department and no payment of any item so disapproved shall be made by any officer of the City.

SECTION 9-16. APPROPRIATION ORDINANCE NOT PASSED.

If at the termination of any fiscal year the appropriations necessary for the support of the City for the ensuing fiscal year shall not be made, the several amounts appropriated in the last appropriation ordinance for the objects and purposes therein specified shall be deemed to be re-appropriated for the ensuing fiscal year. However, if a decrease in revenue for the next fiscal year is anticipated, all such appropriations shall be reduced in proportion to the anticipated revenue decrease.

(Amd. of 11-4-2014.)

SECTION 9-17. GENERAL FUND.

The General Fund shall comprise the resources and liabilities of the City not specifically belonging to other funds. Capital funds and other special funds may be created by ordinance and the Council shall specify the source of receipts and the purposes for which expenditures from special funds shall be made. All revenues of the City not required to be paid into any other fund shall be paid into the General Fund.

SECTION 9-18. BALANCES LAPSE.

All General Fund balances of appropriations, except an appropriation for a Capital Improvement, shall lapse at the end of the fiscal year to the extent that they shall not have been expended or encumbered. All such balances shall revert to the General Fund and shall be subject to reappropriation. An appropriation for a Capital Improvement shall continue in force until expended, revised, or repealed; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

(As amended by Sec. 1, Chapter 35, P.L. 2002.)

SECTION 9-19. CAPITAL IMPROVEMENT PROGRAM.

No later than February 1 of each year, the City Manager shall prepare and submit to the City Council a five-year capital improvement program, including a capital budget.

The City Council, by resolution, shall adopt in concept a capital improvement program on or before the first regularly scheduled Council meeting in April; the first year of the program shall be incorporated into the proposed operating budget for the ensuing fiscal year. The City Council, at least one week before the adoption in concept of the capital improvement program, shall hold a public hearing thereon.

No later than February 15 the City Manager shall publish in a newspaper of general circulation a general summary of the capital improvement program and a notice stating:

- (1) The date, time and place for a public hearing on the program; and
- (2) The location where copies of the program are available for inspection.

(Supp. No. 72, 11-21)

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The definition of capital improvement, the contents of the program, and the general criteria used in determining priorities of projects, shall be prescribed by ordinance.

(As amended by Sec. 1, Chapter 241, P.L. 1985.)

SECTION 9-20. REFUNDING.

The City may borrow money by pledging the credit and property of the City for the purpose of refunding its bonded indebtedness.

SECTION 9-21. BOND LIMITATION WITHOUT REFERENDUM.

No bonds shall be issued pledging the credit of the City in any one fiscal year in an amount exceeding three-hundredths of one percent of the total assessed valuation of the City for the preceding fiscal year, unless a question describing the amount and purpose of the bonds is submitted to a vote of the electors at either a general or special election and approved by a majority of the electors voting at said election; provided, however, that no bonds shall be issued under this paragraph that would cause the total outstanding principal amount of bonds issued without voter approval to exceed fifteen-hundredths of one percent of the total assessed valuation of the City for the preceding fiscal year. And further, these bonds may be used only to fund capital items having a useful life at least equal to the terms of the bond. This section shall not apply to notes issued in anticipation of revenues or other temporary notes issued in accordance with State law, nor to any obligations of the City under any lease, lease purchase or similar agreement issued under State law.

Notwithstanding the foregoing provisions, the City may also issue bonds for water or sewer purposes without voter approval, provided that no such bonds shall be issued in any one fiscal year without such approval in an amount exceeding ten (10) percent of the appropriate use charge of the City for the preceding fiscal year. And further, these bonds may be used only to fund capital items having a useful life at least equal to the term of the bond. No bonds issued for water or sewer purposes shall be included in determining the total amount of bonds outstanding for the purposes of the debt limit imposed by the preceding paragraph.

(As amended by Sec. 1, Chapter 239, P.L. 1985.)

SECTION 9-22. ANNUAL AUDIT.

The Council shall cause to be made an annual independent audit of the books, accounts and other evidences of financial transactions of the City, to be conducted by either State auditors or a certified public accountant having no personal interest therein. Such examination shall conform with generally accepted auditing standards and shall include all procedures necessary for the auditors to express an informed opinion of the financial practices and accounts. A copy of the audit report shall be filed with the City Clerk and shall be a public record.

SECTION 9-23. COMPETITIVE BIDDING.

Before any purchase of or contract for supplies, materials or equipment is made on behalf of the city, opportunity shall be given for competitive bidding under such rules and regulations and with such exceptions as the council may prescribe by ordinance.

All contract actions shall follow competitive bidding requirements of the Rhode Island General Laws. Procurements, not to exceed an aggregate amount of ten thousand dollars (\$10,000.00) for construction and five thousand dollars (\$5,000.00) for all other purchases, may be made in accordance with small purchase regulations promulgated by the City under such rules and regulations and with such exceptions as the Council may prescribe by ordinance. Procurements shall not be artificially divided so as to constitute a small purchase under this section.

Procurements of between five thousand dollars (\$5,000.00) and ten thousand dollars (\$10,000.00) shall follow the competitive bidding requirements of the Rhode Island General Laws and shall be awarded by an Award Committee consisting of the Purchasing Agent, a requesting Department Representative and a disinterested City employee selected by the City Manager. The Award Committee shall have power to award or reject all bids and advertises for new bids within their threshold dollar limit. Alterations in any contract entered into may be made within the threshold dollar limit when authorized by the Award Committee on a written recommendation from the City Manager or the Manager's designee.

Procurements of above ten thousand dollars (\$10,000.00) shall follow the competitive bidding requirements of the Rhode Island General Laws and shall be awarded by the Council. The Council shall have power to award or reject all bids and advertise for new bids. Alterations to any contract entered into may be made when authorized by the Council on a written recommendation of the City Manager or the Manager's designee.

(As amended by Sec. 1, Chapter 123, P.L. 1983; Sec. 1, Chapter 444, P.L. 1989; Sec. 1, Chapter 40, P.L. 2009.)

SECTION 9-24. REQUISITIONS.

All purchase actions and contracts executed on behalf of the City shall be pursuant to a requisition in written or electronic form. These requisitions shall originate from the head of the office, department or agency whose appropriations will be charged.

(As amended by Sec. 1, Chapter 40, P.L. 2009.)

CHAPTER X. MISCELLANEOUS.

SECTION 10-1. TERMS OF OFFICE.

Except for the Canvassing Authority, all elected and appointive officers elected or appointed for a definite term shall enter upon their term of office on the first day of December next following a City election, or as soon thereafter as may be practical, and shall serve until their successors are elected or appointed and qualified. All appointive officers appointed for an indefinite terms shall serve until their successors are appointed and qualified.

(As amended by Sec. 2, Chapter 269, P.L. 1984; Amd. of 11-4-2014.)

SECTION 10-2. SEPARABILITY.

It is hereby declared to be the intention of the electors of the City of Newport that each provision of this Charter is separable and if for any reason any such provision or provisions shall hereafter be declared illegal by any court of proper jurisdiction, all other provisions of this Charter shall remain in full force and effect.

SECTION 10-3. CONSTRUCTION.

Whenever in any general law, public law or other act of the General Assembly, or in any document, instrument, record or proceeding, there shall appear the words "Representative Council," or the words "Representative Council of the City of Newport," or "City Council," or "Board of Aldermen" in relation to the City, such words shall be construed to refer to, include and describe the Council hereby established.

Wherever in this Charter the term "Councilman" or "Councilmen" shall appear, such words shall be construed to refer to "Councilor," or the plural, as appropriate.

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

(As amended by Sec. 1, Chapter 35, P.L. 2002.)

SECTION 10-4. EXISTING COMMISSIONS AND BOARDS.

All commissions and boards in existence on the first day of November, 1953, shall continue in existence until discharged by action of the Council.

SECTION 10-5. CONTINUANCE OF PRESENT OFFICERS.

REPEALED by Sec. 1, Chapter 40, P.L. 2009.

SECTION 10-6. APPOINTMENT TO VACANCIES.

Appointments to fill vacancies in offices shall be for the respective unexpired terms only, and shall be made by the original appointing power unless otherwise provided.

SECTION 10-7. QUALIFICATIONS OF ELECTIVE OR APPOINTIVE OFFICERS.

If any elective or appointive officer of the City or of a ward thereof shall cease to be a resident of the City or their respective ward, the office held by said elective or appointive officer shall be declared vacant. After a public hearing and for due cause, the Council shall have the power to remove any appointive officer.

(As amended by Sec. 1, Chapter 35, P.L. 200; Amd. of 11-4-2014.)

SECTION 10-8. TERMS OF OFFICE OF PRESENT ELECTIVE OFFICERS; TERMINATION.

REPEALED by Sec. 1, Chapter 40, P.L. 2009.

SECTION 10-9. WHEN CHARTER EFFECTIVE.

REPEALED by Sec. 1, Chapter 40, P.L. 2009.

SECTION 10-10. CHARTER REVIEW.

The Council shall provide for periodic review of this charter by appointing a Charter Review Commission no more than 10 years from the date of appointment of the most recent Charter Review Commission.

(As amended by Sec. 1, Chapter 35, P.L. 2002.)

CHAPTER XI. MUNICIPAL COURT.

SECTION 11-1. ESTABLISHED.

- (1) The City Council of the City of Newport may establish a municipal court and confer upon such court original jurisdiction, notwithstanding any other provisions of the general laws, to hear and determine causes involving violation of any ordinance, including minimum housing, historical area zoning and zoning

ordinances, of said city and any violation of the provisions of Chapter 45-24.3 entitled, "The Rhode Island Housing Maintenance and Occupancy Code" and to hear and determine proceedings brought pursuant to Section 23-27.3-122.2 and to have jurisdiction conferred on courts therein; provided, however, that any defendant found guilty of any offense, excluding violations of said minimum housing ordinances or Chapter 45-24.3 within the jurisdiction of said court, may within seven days of such conviction, file an appeal from said conviction to the Newport Superior Court and be entitled in the latter court to a trial de novo; and provided, further, however, that any defendant found guilty of any violation of a minimum housing ordinance or of said Chapter 45-24.3, may within seven days of such conviction, file an appeal from said conviction to the second division of the district court and be entitled to a trial de novo in accordance with Section 8-8-3(a)(4) and 8-8-3.2.

- (2) With respect to violations of either municipal ordinances dealing with minimum housing, historical area zoning or zoning ordinances or Chapter 45-24.3 et seq. of this title dealing with housing maintenance and occupancy or Chapter 45-24 et seq. of this title dealing with the enforcement of zoning regulations or Section 23-27.3-122.2 regarding prosecution of violations of the state building code, the city council may confer upon said municipal court, in furtherance of the aforesaid jurisdiction, the power to proceed according to equity:
- (a) To restrain, prevent, enjoin, abate or correct a violation;
 - (b) To order the repair, vacation or demolition of any dwelling existing in violation; or
 - (c) To otherwise compel compliance with all of the provisions of said ordinances and statutes;
 - (d) To hear causes pursuant to Chapter 12-4-1 and order the posting of recognizance to keep the peace in accordance with said chapter.
 - (e) To require that all fines or costs ordered to be paid by landowners of real property located in the City, by final judgment of the municipal court in any proceeding dealing with minimum housing, historical area zoning, zoning or Chapter 45-24.3, regarding housing maintenance and occupancy or prosecutions pursuant to Section 23-27.3-122.2, shall constitute a lien on the property in the City giving rise to the violation in question.
- (3) The City Council of the City of Newport shall be authorized and empowered to appoint a judge of said municipal court. The City Council of said city shall be authorized and empowered to enact ordinances governing the personnel, operation and procedure to be followed in said court and to establish a schedule of fees and costs. Said ordinances may contain procedures for the disposition of offenses without the necessity of personal appearance of the offender before the court. Said municipal court may impose a sentence not to exceed thirty (30) days in jail and/or impose a fine not in excess of one thousand dollars (\$1,000.00) and/or require community service or any combination thereof. Said court shall be empowered to administer oaths, compel the attendance of witnesses and punish persons for contempt.

(Editorially amended, June supplement; Enacted by Sec. 1, Chapter 511, P.L. 1987; as amended by Sec. 1, Chapter 91, P.L., 1993; Sec. 1, Chapter 477, P.L. 1998.)