

Chapter 2

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ARTICLE I In General

§ 2-1. Seal of the town. [Rev. Ords. 1989, § 2-1]

- (a) The following shall be the design of the seal of the town:
- (a) Around the margin of the seal there shall be a circle, the upper portion containing the words, "Town of New Shoreham, Rhode Island"; the lower portion containing the words, "Incorporated 1672"; within which circle shall be a device representing the island of Block Island, situated in a body of water, with houses, churches, schools and lighthouses reproduced on the island.



- (b) The town clerk shall be ex officio keeper of the town seal and shall affix the seal to all official documents executed on behalf of the town requiring a seal.

§ 2-2. Town residency defined. [Ord. of 12-17-1997; Ord. of 2-2-1998]

- (a) For the purposes of this Revision and all licenses, permits and regulations issued by the town, a resident is defined as one who resides full-time in the town.
- (b) Full-time Block Island residency status is not affected by absence due to enrollment at an educational institution or fulfilling a military obligation providing that the resident is also a registered Block Island voter.
- (c) Full-time Block Island residency status is not affected by absence, whatever the reason, of up to three months in any calendar year providing that the resident is also a registered Block Island voter.
- (d) The town council may, for cause shown, waive the full-time residency requirements for such reasons, including but not limited to family obligations, illness or unusual work circumstances, upon appeal within 30 days from a decision of any board, commission or licensing authority.

§ 2-3. through § 2-15. (Reserved)

**ARTICLE II
Town Council**

**DIVISION 1
GENERALLY**

State law references – Town council, G.L. 1956, § 45-5-1 et seq.; power of town council to regulate public waters, G.L. 1956, § 46-4-6.10.

§ 2-16. Governing body. [Rev. Ords. 1989, § 2-16]

The town council shall be the governing body of the town, which town shall comprise all of the land area of Block Island and the waters therein and adjacent thereto.

§ 2-17. Appointment of officers and committees. [Rev. Ords. 1989, § 2-17]

The town council at its interim December meeting following the town council election and qualification shall appoint the town solicitor, probate judge, harbor master, auctioneers, sealer of weights and measures, packer of fish, field driver, tree warden, fence viewer, and such committees as may from time to time be required.

§ 2-18. Council may serve as police advisory commission; council to serve when required committee, board or commission has not been appointed. [Rev. Ords. 1989, § 2-18]

The town council may serve as the police advisory commission. The town council shall serve as the committee, board or commission for all required purposes for which the council has not appointed a committee, board or commission.

§ 2-19. First warden to preside at meetings of town council and certain committees. [Rev. Ords. 1989, § 2-19]

The first warden, and in his absence the second warden, shall preside at the meetings of the town council and all other committees wherein no other permanent chairman is designated.

§ 2-20. through § 2-35. (Reserved)

**DIVISION 2
MEETINGS**

State law references – Open meetings law, G.L. 1956, § 42-46-1 et seq.; quorum, G.L. 1956, § 45-5-3.

§ 2-36. Time and place of regular meetings; special meetings. [Rev. Ords. 1989, § 2-36; Ord. of 2-22-2005]

- (a) The regular monthly meeting of town council shall be held at a time and place determined by the council and posted annually by the town clerk in the manner required by general law.
- (b) Special meetings and emergency meetings may be called at any time by the first warden, or by any three members of the town council in accordance with the provisions of state law. No business shall be transacted at any special meeting other than that which has been stated in the notice.

State law reference – Notice of meetings, G.L. 1956, § 42-46-6.

§ 2-37. Meetings to be open to public. [Rev. Ords. 1989, § 2-37]

All meetings of the town council shall be open to the public unless closed pursuant to G.L. 1956, §§ 42-46-4 and 42-46-5. Citizens shall have a reasonable opportunity to be heard in such manner and subject to such restrictions as the rules of the town council may provide.

State law reference – Open meetings law, G.L. 1956, § 42-46-1 et seq.

§ 2-38. through § 2-50. (Reserved)

**ARTICLE III
Boards, Committees, Commissions**

**DIVISION 1
GENERALLY**

§ 2-51. through § 2-65. (Reserved)

**DIVISION 2
BOARD OF ASSESSMENT REVIEW**

§ 2-66. Created; membership; term; filling of vacancies. [Rev. Ords. 1989, § 2-66]

- (a) There shall be a board of assessment review created and appointed as provided in the § 606 of the Charter. Each appointed member shall hold office until his successor is appointed and qualified.
- (b) Vacancies on the board which may occur for any reason shall be filled by the town council for the unexpired term.

State law reference – Open meetings law, G.L. 1956, § 42-46-1 et seq.

State law reference – Board of assessment review, G.L. 1956, § 44-27-11 et seq.

§ 2-67. Qualifications of members; organization. [Rev. Ords. 1989, § 2-67]

The members of the board of assessment review shall be selected as provided in § 606 of the Charter.

§ 2-68. Powers and duties. [Rev. Ords. 1989, § 2-68; Ord. of 9-17-1997]

- (a) The board of assessment review shall hear and consider appeals from property owners regarding the amount of property assessment as determined by the board of tax assessors. Such appeals shall be filed within three months of the last date appointed for payment without penalty of such tax or the first installment thereof if such tax is payable in installments. If such property owner has not filed an account of all the ratable personal estate owned or possessed within the time prescribed by law, the property owner shall not have the benefit of any appeal regarding the assessment of the ratable personal estate unless:

- (1) That person's real estate has been assessed at a value in excess of the value at which it

- was assessed on the last preceding assessment day, whether then owned by that person or not, and has been assessed, if assessment has been made at a full and fair cash value, at a value in excess of its full and fair cash value, or, if assessment has purportedly been made at a uniform percentage of full and fair cash value, at a percentage in excess of the uniform percentage; or
- (2) The tax assessed is illegal in whole or in part.
 - (2) The appeal shall be limited to a review of the assessment of real estate or to relief with respect to such illegal tax, as the case may be.
- (b) The board shall have authority to administer oaths and receive testimony and exhibits. It shall have the power to change any assessment appealed and reviewed, but only after the board of tax assessors has been given an opportunity to appear before the board or otherwise present its case. This provision shall in no way alter legal requirements existing on the effective date of the ordinance from which this section was derived relative to town council review of abatements. Hearings of the board of assessment review shall be open to the public.
- (c) Nothing herein contained shall be construed in any way to limit or extend the right of a taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the board of tax assessors or subsequently by the board of assessment review, in accordance with the General Laws of Rhode Island, or any other law thereto appertaining, and all amendments and additions to any such laws, for relief from assessments as originally made by the town assessor.

State law reference – Powers and duties, G.L. 1956, §§ 44-27-11, 44-27-12.

§ 2-69. Procedure for appeals. [Rev. Ords. 1989, § 2-69]

- (a) The procedure to be followed in the filing of appeals by property owners from assessments as determined by the board of tax assessors is as follows:
- (1) All appeals to the board of assessment review shall be on petitions provided by such board.
 - (2) All questions on the petitions must be answered fully.
 - (3) A separate petition shall be filed by an owner for each parcel of property for which a review is requested or an appeal taken as provided herein.
 - (4) The landowners of record must file all petitions, or if this is not possible, his mark or the signature of his legal representative must appear, and his title must be affixed thereto.
- (b) All petitions shall be numbered and heard with reference to the town assessor's plat and lot numbers. All petitions will be acknowledged by the board of assessment review by mail. Petitioners will be notified of the date, time and place of the hearing. The landowner of record or his representative must appear at the hearing. If persons other than the owner of record are to appear, then a written authorization filed by the landowner of record must be

presented and recorded with the board.

- (c) Failure on the part of any petitioner or his legal representative to appear at the time and place designated by the board for a petition to be heard, without prior notification being given to the board, will be recorded as a default by nonappearance. Any petition for which a default is so recorded will not be reheard for a period of one fiscal year. No petition may be resubmitted for any year for which a prior petition was recorded as a default due to the nonappearance of the petitioner or his legal representative.
- (d) At any and all hearings, the petitioner may be represented by his or her attorney and any petitioner may present expert witnesses or any other witnesses who may testify at the hearing before the board. All testimony given before the board shall be under oath and shall be tape recorded.
- (e) The proceedings of the board of assessment review shall be tape recorded and kept in the minutes book provided by the board. The minutes book shall not be removed from the office of the board of assessment review at town hall without the approval of the board.
- (f) All decisions of the board of assessment review shall be made in writing and filed in the office of the town clerk. Notice shall be given in writing to the owner and board of tax assessors. All petitioners shall be notified in writing of the decision of the board and the amount of assessment of their property by the board.

State law reference – Petition in superior court for relief from assessment, G.L. 1956, § 44-5-26.

§ 2-70. through § 2-85. (Reserved)

DIVISION 3
HOUSING BOARD OF REVIEW

§ 2-86. Created; membership. [Rev. Ords. 1989, § 2-86]

The town council shall appoint a housing board of review consisting of five members, and may designate the zoning board of review as the housing review board. In the absence of an appointment, the town council shall serve as the housing board of review.

§ 2-87. through § 2-100. (Reserved)

DIVISION 4
NORTH LIGHT COMMISSION

§ 2-101. Created; membership; duties. [Rev. Ords. 1989, § 2-101]

- (a) There shall be a North Light commission consisting of not less than five members to be appointed by the town council at the interim meeting in December. Appointments or reappointments shall be for a staggered term of three years. In the event of a vacancy due to retirement, death or removal of a member, appointment shall be made for the unexpired term. Members may be reappointed for successive terms and shall hold office until their successors have been duly appointed and qualified.

- (b) The commission shall have responsibility for management, maintenance and use of the North Light house and grounds subject to approval by the town council.

§ 2-102. through § 2-115. (Reserved)

DIVISION 5
PLANNING BOARD

§ 2-116. Created. [Rev. Ords. 1989, § 2-116]

In accordance with G.L. 1956, § 45-22-1 et seq., there is hereby established a planning board for the town.

State law reference – Housing board of review, G.L. 1956, § 45-24.3-16.
State law reference – Planning board, G.L. 1956, § 45-22-1 et seq.

§ 2-117. Membership; terms; vacancies. [Rev. Ords. 1989, § 2-117]

The planning board shall consist of not less than five nor more than seven members who are residents of the town. Appointments shall be made by the town council for terms of five years with not more than two terms expiring each year. A vacancy in the membership of the board shall be filled by the town council for the remainder of the unexpired term. Any planning board member may be removed by the town council for due cause following a public hearing. Failure to attend three consecutive meetings of the board for reasons other than illness or other similar reason shall constitute due cause.

State law reference – Membership, G.L. 1956, § 45-22-3.

§ 2-118. Compensation. [Rev. Ords. 1989, § 2-118]

Members of the planning board may receive such compensation as set by the town council within the limitations of funds appropriated for this purpose. The board members may be reimbursed within the limitations of funds appropriated for expenses incurred in the performance of their duties.

State law reference – Compensation, G.L. 1956, § 45-22-4.

§ 2-119. Organization. [Rev. Ords. 1989, § 2-119]

The planning board shall organize annually by electing from its membership a chairman, a vice-chairman and a secretary. The planning board may adopt bylaws for the performance of the duties prescribed in this division.

State law reference – Similar provisions, G.L. 1956, § 45-22-5.

§ 2-120. Technical assistance. [Rev. Ords. 1989, § 2-120]

Within the limits of the funds appropriated for its use, the planning board may engage technical

or clerical assistance to aid in the discharge of its duties. The planning board may, subject to confirmation of the town council and within the limits of the funds appropriated to it, enter into cooperative agreements with private, state, regional or federal agencies for technical assistance and studies deemed to be in the best interest of the community.

State law reference – Similar provisions, G.L. 1956, § 45-22-5.

§ 2-121. Duties – Comprehensive plan. [Rev. Ords. 1989, § 2-121]

- (a) The planning board shall have the duties prescribed in G.L. 1956, § 45-25-6, and shall have prepared a comprehensive plan for the development of the town. Such plan, among other things, shows the general arrangement of and goals, objectives and standards for land use, transportation routes and facilities, public facilities and services, renewal or rehabilitation programs, housing programs, including cooperative housing programs not limited to but also involving limited equity cooperative housing designed for low and moderate income residents, conservation areas, historic preservation areas and environmental protection programs, together with a recommended program of actions and improvements deemed necessary to implement the features of the plan.
- (b) The planning board may, at its discretion, hold public hearings on the comprehensive plan or any elements of the comprehensive plan. The comprehensive plan and all elements thereof are in general conformity with the goals, objectives, policies and general arrangements contained in applicable state plan or element thereof.
- (c) The planning board shall use the plan or elements thereof as a guide to its actions in areas relating to the adopted plan or elements. At intervals of no greater than five years, the board shall review the comprehensive plan or elements thereof and make any modifications, amendments or additions deemed necessary in the light of current and projected community development trends and needs.
- (d) Following the adoption of the comprehensive plan or any element thereof by the planning board and upon recommendation of the board, the town council may, following a public hearing, adopt the comprehensive plan or element thereof as a statement of the town policy and a guide for community action in matters relating to community development.
- (e) Any comprehensive plan or element thereof may be modified or amended by the town council following a public hearing. Any such proposed modification or amendment shall be referred to the planning board for its recommendation at least 30 days prior to the date of the public hearing by the town council. Failure of the planning board to forward a recommendation to the town council within the thirty-day period shall be deemed an approval of the proposed modification or amendment by the board. The affirmative vote of at least two-thirds of the town council shall be required to adopt any modification or amendment to the comprehensive plan or element thereof where the planning board has rendered an adverse recommendation.
- (f) Any comprehensive plan or element thereof which has been adopted by the town council prior to May 4, 1972, shall be considered adopted for the purposes of this section. Any adoption, modification or amendment of a comprehensive plan or element thereof subsequent to May 4, 1972, shall be made in accordance with the procedures and

requirements set forth in this section.

State law reference – Duties of planning board, G.L. 1956, § 45-22-7.

§ 2-122. Same – Studies, plans, reports, etc. [Rev. Ords. 1989, § 2-122]

- (a) The planning board shall make studies of the resources and needs of the town with reference to its physical, economic and social growth and development as affecting the health, safety, morals and general welfare of the people. Such studies, plans and reports may concern the following:
- (1) Land use and land use regulation.
 - (2) Transportation facilities.
 - (3) Public utilities.
 - (4) Public facilities and site locations, including recreation areas, schools, fire, police and other principal structures and developments.
 - (5) Blighted areas, including plans for redevelopment, renewal, rehabilitation or conservation.
 - (6) Problems of housing and the development of housing programs.
 - (7) Natural resource conservation.
 - (8) Environmental protection.
 - (9) Protection from disaster.
 - (10) Economic and sociological characteristics.
 - (11) Preservation of historic sites and buildings.
 - (12) Economic development.
- (b) When directed by the town council, the planning board shall prepare an annual capital budget and a comprehensive six-year capital improvements program.
- (c) The planning board shall submit an advisory opinion and recommendation on all zoning matters referred to it and any other matter referred to it by the town council.
- (d) The planning board shall have the authority to call upon other departments, boards and committees of the town and upon regional, state and federal agencies for assistance in the performance of its designated functions and shall cooperate with such city or town, regional, state and federal agencies on matters of community, regional and state planning.
- (e) The planning board shall carry out such other duties as may be assigned to the board from time to time by any act of the general assembly or by any ordinance, code, regulation, order or resolution of the town council.

State law reference – Duties of planning board, G.L. 1956, § 45-22-7.

§ 2-123. Annual reports. [Rev. Ords. 1989, § 2-123]

The planning board shall submit an annual report to the town council summarizing the work of the preceding year and recommending programs, plans and actions for future development. A copy of the annual report shall be forwarded to the state department of community affairs. All studies, plans, and reports of the planning board shall be submitted to the town council and to any other designated agency or official, and thereafter, upon approval of the town council, may be published for general circulation.

State law reference – Similar provisions, G.L. 1956, § 45-22-8.

§ 2-124. through § 2-140. (Reserved)

**ARTICLE IV
Officers and Employees**

**DIVISION 1
GENERALLY**

§ 2-141. Office locations and hours. [Rev. Ords. 1989, § 2-141]

- (a) All boards, committees, agencies, employees, officers and departments of the town shall have an office in a public building or on public property belonging to or leased to the town.
- (b) All of the departments shall provide the town council with the list of the location of the office for the department in a public building, as well as a list of the days and hours during which the office shall be opened for business with the public. The list shall be posted at the town clerk's office and available to all interested parties.
- (c) Any department or town official may file a written request with the town council requesting that it not be subject to the provisions of this section. The town council may, upon written request of any department, board, committee, agency or employee of the town, or on its own motion, allow exceptions to the above provision upon such terms and conditions as it may see fit.

§ 2-142. through § 2-155. (Reserved)

**DIVISION 2
TOWN CLERK**

§ 2-156. Duties – Records. [Rev. Ords. 1989, § 2-156]

- (a) The town clerk, in addition to the duties prescribed by the laws of this state and by other ordinances of this town, shall record all votes, orders, resolutions, ordinances, rules and regulations made and passed by the town council.

State law reference – Public officers and employees, G.L. 1956, § 36-1-1 et seq.

State law references – Clerk of council, G.L. 1956, § 45-5-5; town clerk, G.L. 1956, § 45-7-1 et seq.; clerk of the probate court, G.L. 1956, § 8-9-6; term of office, G.L. 1956, § 45-3-16; vacancies, G.L. 1956, § 45-3-10; microfilming of records, G.L. 1956, § 45-7-9.

- (b) The town clerk shall be responsible for keeping and maintaining, for public inspection, all records of the town, including, but not limited to:
- (1) All land evidence records of every kind whatsoever.
 - (2) All records of personal property mortgages, attachments, assignments, lis pendens notices, conditional sales and liens of every kind whatsoever that are now or shall hereafter be required or permitted to be recorded in a public place in charge of or under the control, custody or supervision of any officer of the town.
 - (3) All records of the probate court.
 - (4) All records of licenses issued by the town or by any officer or employee thereof.
 - (5) All records of births, marriages and deaths.
 - (6) All records of removals.
 - (7) All records of trade names.
 - (8) Such other records as shall by ordinance or laws of the state be required to be kept by the town clerk.

§ 2-157. Same – Issuance of licenses and permits. [Rev. Ords. 1989, § 2-157]

The town clerk shall issue all marriage licenses, burial permits and such other licenses or permits as by ordinance or laws of the state shall be required to be issued by the town clerk and shall perform such other duties as may be required by ordinance or laws of the state.

§ 2-158. through § 2-170. (Reserved)

DIVISION 3
TOWN SOLICITOR

§ 2-171. Appointment; qualifications. [Rev. Ords. 1989, § 2-171]

There shall be a town solicitor appointed as provided in § 703 of the Charter.

§ 2-172. Special counsel. [Rev. Ords. 1989, § 2-172]

The town council may, at the request of any department, board, committee or agency, or on its own motion, appoint a special attorney to advise, assist or represent the department, board, committee or agency or the town council in any matter or cause in which the town solicitor is unable or unwilling to serve. The school committee of the town will have the prerogative of retaining legal counsel of its choice.

§ 2-173. Assistants. [Rev. Ords. 1989, § 2-173]

The town solicitor may from time to time appoint an assistant town solicitor to assist the solicitor in all legal matters concerning the town. Appointment of an assistant town solicitor shall be subject to approval by the town council.

§ 2-174. through § 2-190. (Reserved)

**ARTICLE V
Ordinances**

**DIVISION 1
GENERALLY**

State law reference – Ordinances, G.L. 1956, § 45-6-1 et seq.

§ 2-191. **Enacting clause.** [Rev. Ords. 1989, § 2-191]

The enacting style of all ordinances of this town shall be:

"It is ordained by the Town Council of the Town of New Shoreham as follows:.."

§ 2-192. **Enactment and posting.** [Rev. Ords. 1989, § 2-192]

All ordinances shall be enacted and posted as provided in § 409(A) of the Charter.

State law reference – Publication of ordinances, G.L. 1956, § 45-6-7.

§ 2-193. through § 2-201. (Reserved)

**DIVISION 2
CODIFICATION**

§ 2-202. **Adoption of codification.** [Rev. Ords. 1989, § 2-202]

The town council shall adopt a complete codification of ordinances as provided in § 408(F) of the Charter. It may be adopted by an ordinance by reference to a complete codification available at the town clerk's office for inspection by the public. After passage, the adopting ordinance shall be posted as provided in § 409(A) of the Charter.

§ 2-203. **Town council adopts the codification.** [Ord. No. 2012-05, October 17, 2012]

Pursuant to Sec. 2-202 of the New Shoreham Revised Ordinances and § 408(F) of the Charter, the town council adopts a complete codification of ordinances to be known as "The Revised Ordinances of the Town of New Shoreham, Rhode Island 2012." The Revised Ordinances of the Town of New Shoreham, Rhode Island 2012 (excluding ordinances and amendments adopted after January 1, 2012) is available at the town clerk's office for inspection by the public. The complete codification shall be published together with the text of the Charter of New Shoreham of 1672, the text of the Home Rule Charter of the town and all amendments thereto, and all special acts which pertain to the town. The complete codification shall be available to the public through the town's website.

§ 2-204. **Incorporation of amendments by reference.** [Ord. No. 2012-05, October 17, 2012]

Ordinances and amendments to ordinances adopted after January 1, 2012 shall be deemed to be

incorporated in The Revised Ordinances of the Town of New Shoreham, Rhode Island 2012.

§ 2-205. Reference to The Revised Ordinances. [Ord. No. 2012-05, October 17, 2012]

Additions or amendments to The Revised Ordinances of the Town of New Shoreham, Rhode Island 2012 shall be deemed to be incorporated in The Revised Ordinances of the Town of New Shoreham, Rhode Island 2012, so that reference to The Revised Ordinances of the Town of New Shoreham, Rhode Island 2012 shall include additions and amendments.

§ 2-206. Effective date. [Ord. No. 2012-05, October 17, 2012]

This Ordinance shall take effect upon passage.

§ 2-207. through § 2-215. (Reserved)

**ARTICLE VI
Public Property**

**DIVISION 1
GENERALLY**

State law reference – Power to own property, G.L. 1956, § 45-2-4; town council's power to use, lease, dispose of property, G.L. 1956, § 45-2-5.

§ 2-216. through § 2-225. (Reserved)

**DIVISION 2
FIRE AND POLICE STATIONS**

§ 2-226. Trust intent. [Rev. Ords. 1989, § 2-226]

The town council, as authorized and empowered by the electors at annual town meeting, has caused to be erected a fire and police station with public meeting room on Beach Avenue, Block Island, Rhode Island. It is the unanimous opinion of the town council that the care, maintenance, repair, operation and use of the building, facilities and grounds are of vital importance to the community, and further, in order that the facilities may be available and attended at all times, a trust is hereby established.

§ 2-227. Name and purpose of trust. [Rev. Ords. 1967, ch. 35, § 1; Rev. Ords. 1989, § 2-227]

There is hereby created a certain trust to be known as the Block Island Fire and Police Station Trust, which trust shall coordinate with the town council and town manager for the care, maintenance, upkeep, repair and operations of the building and grounds.

§ 2-228. Trustees – Membership. [Rev. Ords. 1967, ch. 35, § 2; Rev. Ords. 1989, § 2-228]

There shall be no less than six trustees at any time appointed by the town council. One trustee shall be a duly elected and qualified member of the town council. Two trustees shall be nominated by the Block Island Volunteer Fire Department. Two trustees shall be nominated by

the Block Island Volunteer Fire Department Auxiliary. One trustee shall be the chief of police or be nominated by the chief of police.

§ 2-229. Same – Terms; quorum. [Rev. Ords. 1967, ch. 35, § 2; Rev. Ords. 1989, § 2-229]

- (a) The terms of appointment for the trustees shall be for a period of three years. Vacancies occurring during the term shall be filled by the town council in like manner, which appointment shall be for the remaining term of the trusteeship vacated.
- (b) The trustees shall determine and establish amongst themselves the terms to be held by the original trustees, two of whom shall hold office for one year, two for two years, and two for three years. Any trustee may succeed himself, upon being renominated and appointed. All trustees shall continue to hold office until their successor has been appointed. Three trustees shall constitute a quorum for the conduct of business.

§ 2-230. Same – Officers. [Rev. Ords. 1967, ch. 35, § 2; Rev. Ords. 1989, § 2-230]

At the first meeting or as soon thereafter as practicable the trustees shall elect a chairman, treasurer and secretary from among the membership.

§ 2-231. Use of buildings and grounds. [Rev. Ords. 1967, ch. 35, § 4; Rev. Ords. 1989, § 2-232]

The building is primarily for the use and housing of the volunteer fire department, firefighting apparatus, rescue equipment and police department. The trust may make the buildings, facilities and grounds available for use by other town or civic organizations when not needed for the primary purposes upon such terms and conditions as may be set from time to time by the trust. Such use of the buildings and grounds shall not interfere with or in any way obstruct the operations of the fire, rescue and police departments or their vehicles, apparatus and equipment.

§ 2-232. Amendment of trust. [Rev. Ords. 1967, ch. 35, § 5; Rev. Ords. 1989, § 2-233]

This division may be amended or repealed at any regular or special meeting of the town council held following written notice by the town clerk to the secretary of the trust. The notice shall be mailed or delivered no less than 10 days prior to the meeting.

§ 2-233. through § 2-240. (Reserved)

DIVISION 3
CAPITAL IMPROVEMENTS

State law reference – Reserve funds, G.L. 1956, § 45-11-1.

§ 2-241. Definition of capital improvement program. [Ord. of 11-15-1990; Ord. of 2-3-1997; amended 2-16-2022 by Ord. No. 2022-02]

- (a) A capital improvement program is the town's plan for short and long range physical development. The capital improvement program links the town's comprehensive plan and fiscal plan to physical development. It provides a mechanism for estimating capital

requirements and planning, scheduling and implementation of projects over a six-year period; develops revenue policy for proposed improvements; monitors the progress of capital projects; and informs the public of proposed capital improvements. Capital improvement projects are items that have a useful life of at least five years and have a cost in excess of \$25,000.00.

(b) Capital improvement projects include the following activities:

- (1) The acquisition or lease of land.
- (2) The construction of a new building or facility, including the cost of engineers, architects, site planning and other preconstruction costs.
- (3) Major improvement, renovation, rehabilitation or extension of an existing building or facility in excess of \$25,000.00. and beyond normal maintenance, repair or replacement.
- (4) The purchase of a major item or piece of equipment that has a useful life of at least five years and has a cost in excess of \$25,000.00 and represents a change in program beyond normal repair or replacement.

§ 2-242. Participants in capital improvement program. [Ord. of 11-15-1990; Ord. of 2-3-1997; amended 2-16-2022 by Ord. No. 2022-02]

The Block Island Water Company, sewer commission, school committee, Block Island health services, Block Island volunteer fire and rescue department, library board of trustees, fire/police trust, town council, police, harbors, clerk, building official, finance, town manager, recreation commission, North Light commission and any agency, department, division, board, commission or office which is involved in any municipal capital improvement project as defined in § 2-241 shall submit requests for the capital improvement program. This division will apply to any agency, department, division, board, commission or office created subsequent to the adoption of this division.

§ 2-243. Processing of requests for capital improvements. [Ord. of 11-15-1990; Ord. of 2-3-1997; amended 2-16-2022 by Ord. No. 2022-02]

(a) Financial analysis and target budgeting.

- (1) The financial goal is to level town capital spending so that the amount requested from town general funds at the annual financial town meeting is predictable year to year. However, when supplemented by grants, loans and other non-tax funds, actual capital spending may vary considerably.
- (2) The town manager, will meet with department heads and the finance director to establish a target amount to be appropriated from town general revenues toward the capital improvement program; to determine the status of current and projected projects; to determine grants received, to seek any that are available; and to determine the level of debt for general bond obligation.
- (3) The town manager will meet with department heads and the finance director to review completed projects for close out and determination of use of any remaining

funds, including appropriation of completed project funds for new projects to be authorized or de-authorized and return of project funds to original sources.

- (b) Compilation and understanding of requests. Participants shall submit requests for proposed capital improvement projects to the town manager. The town manager will review and develop a compilation of requests and the expected source of funding for each project. The town manager shall refer the list to the Planning Board. The Planning Board shall review the list during a public meeting. Following the meeting, the Planning Board shall submit in writing to the Town Manager:
 - (1) A determination as to the consistency of the Capital Improvement Program with the Comprehensive Plan, including a list of projects, if any, with justification as to why they may be inconsistent,
 - (2) Any relevant concerns raised during the public meeting, and
 - (3) Any suggested additions or subtractions to the Capital Improvement Program.
- (c) Two-stage process for major capital projects. Requests for capital improvement projects as defined in § 2-241(b)(2) and (3) shall be submitted in two stages, typically one or more years apart.
 - (1) Stage I requests shall be for planning funds sufficient to provide a conceptual design and detailed cost estimate prepared by professional consultants or other qualified experts.
 - (2) Stage II requests shall be for authorization and funding to implement a project based on a Stage I conceptual design and budget. Before a request for Stage II authorization can be submitted, the results of the Stage I studies shall be presented to the town council at a meeting called to include opportunity for public comment.

Where timing does not allow a year's delay between Stage I and Stage II, a combined request may be submitted, with the requirement that, if appropriated, the same two-stage process will be followed and no expenditure of the Stage II portion of the appropriation can proceed until the Stage I conceptual design and cost estimates have been presented to a meeting of the town council.

§ 2-244. Prioritization and scheduling of projects. [Ord. of 11-15-1990; Ord. of 2-3-1997; amended 2-16-2022 by Ord. No. 2022-02]

- (a) The town manager shall develop ranking criteria and use those values to establish a priority for all projects, based on an analysis of the effect of each project on the community:
 - (1) Protection of life and property.
 - (2) Maintenance of public health.
 - (3) Conservation of natural resources.
 - (4) Provision of necessary public services.
 - (5) Replacement or improvement of obsolete facilities.

- (6) Reduction of municipal operating costs.
 - (7) Public comfort and convenience.
 - (8) Provision of public recreation.
 - (9) Social, cultural, or aesthetic values.
 - (10) Promotional or tourism value.
 - (11) Supports local year-round economy.
 - (12) Resiliency to natural hazards including sea level rise.
- (b) Prior to February 1 of each year, the town manager, shall establish priorities and a schedule for the different requests to develop a six-year capital improvement program. The breakdown for each year will specifically separate the amount of funds for each project expected to come from town general funds as distinct from other sources. The town manager shall consider this recommended capital budget in assembling other capital budget proposals for submission to the town council, but shall not be bound by the recommendations of the planning board on any project.

§ 2-245. (Reserved) [Ord. of 11-15-1990; Ord. of 2-3-1997; deleted 2-16-2022 by Ord. No. 2022-02]

Editor's Note: Ord. No. 2022-02 deleted material previously codified herein regarding mandatory referral to planning board.