

CHAPTER 1.

BOARD OF PUBLIC SAFETY*

* **Editors Note:** The board of public safety was created by section 8-6 of the city Charter (P.L. 1960, ch. 150), which section specifies that the board of public safety shall have all the powers, etc., of the former board of police commissioners and the former bureau of fire.

ARTICLE I.

BOARD OF POLICE COMMISSIONERS

Sec. 1.1. Created; number of members; initial appointments.

There shall be a board of police commissioners for the town of Warwick, consisting of three members, all of whom shall be qualified electors of said town. At the present [1911] session of the general assembly, the governor, with the advice and consent of the senate, shall appoint one member of said board to hold office until the first day of January, A.D. 1916; one member to hold office until the first day of January, A.D. 1915; and one member to hold office until the first day of January, A.D. 1914.
(P.L. 1911, ch. 695, § 1)

Sec. 1.2. Annual election of members.

In the year 1913, and annually thereafter, the electors of the town of Warwick shall, at the annual election to be holden on the first Tuesday after the first Monday in November, elect one member of said board [of police commissioners], to hold office for three years, beginning with the first day of January next succeeding his election, to succeed the member of said board whose term then expires.
(P.L. 1911, ch. 695, § 2)

Sec. 1.3. Members to be sworn; chairman of board.

Said members [of the board of police commissioners] shall be sworn to the faithful performance of their duties according to law. The governor shall designate one of the members of said board so appointed by him in the year 1911, as chairman of such board, and thereafter the members of said board shall annually elect one of their number as chairman of said board upon the election of any new member for a full term.
(P.L. 1911, ch. 695, § 3)

Sec. 1.4. Filling vacancies; removal of members appointed by the governor.

Any vacancy which may occur in said board [of police commissioners] when the senate is not in session shall be filled by the governor until the next session thereof, when he shall, with the advice and consent of the senate, appoint some person to fill such vacancy for the remainder of the term. The members of said board appointed by the governor, may be removed by the governor, with the advice and consent of the senate, for such cause as he shall deem sufficient, and shall express in the order of removal.
(P.L. 1911, ch. 695, § 4)

Sec. 1.5. Appointment of board clerk; duties of clerk.

Said board of police commissioners shall appoint a clerk, who shall be sworn to the faithful performance of his duties, and shall hold office during the pleasure of said board. Said clerk shall keep a record of all proceedings, issue all notices, and attest all papers and orders as said board shall direct, and shall perform such duties as shall be designated by said board.

(P.L. 1911, ch. 695, § 5)

Sec. 1.6. Annual report; records to be open.

Said board [of police commissioners] shall make a detailed report of its proceedings each year, during the month of January, to the governor, and also file a copy of said report with the town clerk of the town of Warwick, which report, as filed, shall become a public record. The records of said board shall at all times be open to the inspection of the governor or to such person or persons whom he may designate in writing.

(P.L. 1911, ch. 695, § 6)

Sec. 1.7. Power to appoint, remove, fix salaries, and make rules and regulations.

The board of police commissioners shall have authority to appoint, remove, and control the chief of police, deputy chief, constables, police constables, police surgeons, police matrons and special liquor officers, and all other attaches of the police department of said town, and to fix the salaries of such officers and agents of the board, and shall have authority to make all necessary rules and regulations for their efficiency, management and direction, not inconsistent with the laws of the state of Rhode Island. All the powers now vested in the town council of said town or other competent authority, concerning the qualification, appointments, removal, organization, compensation, term of office, discipline or control of all attaches of the police department of said town, by the statutes, the state laws, or by special laws relative to said town, or by any ordinance of said town, are hereby conferred and vested in said board.

(P.L. 1911, ch. 695, § 7)

Sec. 1.8. Effect of act on existing officers, etc., and ordinances.

The chief of police, deputy chief, special officers, constables, and police constables, and all other attaches of the police department of said town in office when this act shall take effect, shall continue to hold their several offices until otherwise ordered by said board, and all ordinances of said town, rules, and regulations of the town council thereof, which are then in force for the government and organization of the police, shall continue in force until otherwise ordered by said board.

(P.L. 1911, ch. 695, § 8)

Sec. 1.9. Police powers vested by act.

The members of said board [of police commissioners], the chief of police, and other police officers and constables, and police constables, and special officers appointed by said board, shall have and exercise within the town of Warwick, all the statutory powers of constables, except the power to serve civil process; and shall also have all the powers given to the chief of police, or the members of the police of said town as town watchmen or otherwise, respectively, at the time this act takes effect, by the statutes of the state, the laws relating to said town, or by any ordinance of said town, or otherwise.

(P.L. 1911, ch. 695, § 9)

Sec. 1.10. Board to serve as license commissioners.

Said board [of police commissioners] shall also have and exercise within and for said town, all the power and authority which shall be vested in and conferred by law upon the town council of Warwick as license commissioners of said town on the date of the passage of this act, and from and after the date of its passage and approval by the governor, said town council shall cease to perform such office for said town, and the town council shall order the clerk of said town council to deliver to said board of police commissioners, all their books, records, documents and papers relative to the granting of licenses of every description in said town, and the clerk of the board of police commissioners shall thereafter exercise all the powers and discharge all the duties then conferred upon the clerk of the town council.

(P.L. 1911, ch. 695, § 10)

Sec. 1.11. General licensing powers and duties; appointment of constables.

Said board [of police commissioners] shall also exercise in said town all the power and authority conferred upon said town council thereof, or other competent authority, by the statutes of the state, by special laws relating to said town, by ordinance of said town or otherwise, in respect to the following matters and things, and shall have the like power to make such needful rules and regulations concerning the same as are not inconsistent with the statutes of the state, that is to say, liquor licenses, the licensing of private detectives, pawn brokers, taverns, and victualing-house licenses, the licenses of keepers of shops for the purpose of sale or barter of junk, old metals or any secondhand articles, and dealers therein, the licensing of dogs, newsboys, bootblacks, bowling alleys, pistol galleries, rifle galleries, billiard tables, bagatelle tables, pool tables, scipio tables, or tables of a similar character, when kept in any saloon, shop, or place of business in said town, or when kept for public use or profit; the licensing of persons to sell goods, wares, or merchandise, ice-cream, and other articles and substances on the streets of said town, the licensing of all persons to sell fruits and vegetables from carts and baskets, and the licensing of hawkers and peddlers in said town, in addition to the state license required by law, the licensing or prohibiting the giving publicly, or for pay or advantage of any kind, of boxing, sparring, or wrestling matches for exhibition, or other exhibitions of skill, strength, or endurance of man or beast, theatrical performances, moving pictures, rope or wire dancers, roller skating in rinks or halls, dances, balls, fairs, or any other show or performance, and the appointment of railroad and steamboat police, and of constables under any law, [and] the appointment of constables for any purpose, which constables and police constables shall severally hold their office during the pleasure of said board.

(P.L. 1911, ch. 695, § 11)

Sec. 1.12. Powers when hearing cases; swearing witnesses, issuing subpoenas, etc.

The members of said board [of police commissioners] are hereby severally authorized to administer oaths, and said board, in all cases pending before it, is hereby authorized and empowered to summon witnesses by subpoena, signed by the clerk of said board, and to compel such witnesses to attend and testify in like manner as in the supreme or superior court, and said board is authorized to compel the production of all papers, books, documents, records, certificates or other legal evidence that may be necessary or proper for the determination and decision of any question, or the discharge of any duty required by law of said board, by issuing a subpoena duces tecum signed by the clerk of said board, and every person disobeying any such writ shall be considered as in contempt of said board, and said board may punish any contempt of its authority in

like manner as contempt may be punished in either the supreme or superior court. Any person who shall wilfully swear falsely in any proceeding, matter, or hearing before said board, shall be deemed guilty of the crime of perjury.

(P.L. 1911, ch. 695, § 12)

Sec. 1.13. Removal of appointees; revocation of licenses.

Said board [of police commissioners] may remove from office at any time any officer appointed by it or placed under its control by law, and may revoke any license granted by it, pursuant to the provisions of section 11 of this act, for violation of the laws of the state, or of any of the rules or regulations made by it concerning the exercise of the privilege conferred by such license.

(P.L. 1911, ch. 695, § 13)

Sec. 1.14. Maximum amount of fee.

In all cases hereinbefore enumerated, in which the maximum fee chargeable for any license or appointment is fixed by the state law, by ordinance of said town or otherwise, said board [of police commissioners] shall charge and collect the maximum amount of fee permissible for such license or appointment at the time this act takes effect until otherwise ordered by said board [of police commissioners].

(P.L. 1911, ch. 695, § 14)

Sec. 1.15. Monthly delivery of license fee funds to treasurer.

Said board [of police commissioners] shall pay over to the town treasurer of said town on the first business day of each month, all moneys and fees received in payment for licenses.

(P.L. 1911, ch. 695, § 15)

Sec. 1.16. Salaries of board members, clerk.

The annual salary of each member of said board [of police commissioners] shall be five hundred dollars (\$50.00) [sic] and said board is hereby authorized to determine the salary of the clerk of said board: Provided, however, that such salary shall not exceed the sum of six hundred dollars (\$600.00). Said salaries shall be paid monthly from the treasury of the town of Warwick out of any sums of money received in accordance with section 15 of this chapter.

(P.L. 1911, ch. 695, § 16)

Cross References: For salary of members of board of public safety, see § 64-5 of the Code of Ordinances.

Sec. 1.17. Office space, etc.; cost of same to be paid by town; board to have charge of police property.

Said board [of police commissioners] shall provide itself with such rooms, furnishings and supplies for, and care for the same, as shall be convenient and suitable for the performance and discharge of said board's duties, the expenses of which, and all other expenses for the maintenance of police, the pay of police, the purchase of supplies and repair of property for police use, and all other incidental expenses of said board shall be paid for by said town treasurer upon requisition of said board, and all police property which said town now has or shall have, shall be placed in charge of said board.

(P.L. 1911, ch. 695, § 17)

Sec. 1.18. Town treasurer authorized to pay salaries under act; salary limitation; use of seal of board.

The town treasurer of the town of Warwick is hereby authorized, empowered and directed to pay the salaries of the members of said board [of police commissioners], the clerk of said board, as specified in Section 16 of this act, the salaries of police officers appointed by said board, or by law, in office at the time of the passage of this act, and thereafter, and all other incidental expenses enumerated in the foregoing section on presentation to the town treasurer of an order from said board certifying such expenses in detail and that such bills or accounts are correct: Provided, however, that the sum or sums so expended by said board shall not in any one year exceed five thousand dollars (\$5,000.00), exclusive of the salaries provided for in Section 16 of this act; and provided, further, that said sum of five thousand dollars or such part thereof as may be expended in any one year, shall be paid by the town treasurer from the moneys received by said board as license fees. Said board shall have a seal and all its processes and orders shall bear the seal of said board and the signature of the clerk.

(P.L. 1911, ch. 695, § 18)

Sec. 1.19. Bond of board members, clerk.

Said [members of the board of police] commissioners shall each give a satisfactory bond in the sum of ten thousand dollars (\$10,000.00) to said town of Warwick, with sureties satisfactory to the town treasurer, and the clerk of said board shall give a like bond, with sureties satisfactory to said board, for the faithful performance of the duties of the office, and the expenses of procuring said bonds shall be paid by the town treasurer from said license fees.

(P.L. 1911, ch. 695, § 19)

Sec. 1.20. Quorum.

Two (2) members of said board [of police commissioners] shall constitute a quorum for the transaction of all business under the provisions of this act.

(P.L. 1911, ch. 695, § 20)

Sec. 1.21. Effective date; repealer; effect of act on existing licenses, etc.

This act shall take effect on and after its passage, and all acts and parts of acts, including special acts, relative to said town, inconsistent herewith are hereby repealed: Provided, however, that nothing herein contained shall in any way invalidate or annul any license for the sale of intoxicating liquors or licenses of any other nature which have lawfully been issued by the town council of said town of Warwick at any time in the current year prior to the passage of this act; and provided, further, that all applications for licenses and transfer of licenses, and all other remonstrances against the same or other business pending before said town council on the passage of this act shall be transmitted to said board of police commissioners for adjudication and determination.

(P.L. 1911, ch. 695, § 21)

ARTICLE II.

BUREAU OF FIRE

Sec. 1.22. Bureau of fire created; membership; partisan representation.

There shall be a bureau of fire for the city of Warwick, hereinafter referred to as said bureau, consisting of three members, no more than two of whom shall be of the same political party all of whom shall be qualified electors of said city, which is authorized and empowered to provide fire protection for the city of Warwick. (P.L. 1953, ch. 3136, § 1)

Sec. 1.23. Appointment and removal of members of the bureau of fire; term, compensation, duties, duty of city council.

The city council of said city of Warwick are [is] authorized, empowered and directed to provide by ordinance for the appointment and removal of said members [of the bureau of fire] the terms of office, and the compensation of said members; and the duties of said members. (P.L. 1953, ch. 3136, § 2)

Sec. 1.24. City council to provide for fire chief and subordinates; appointment, promotion, etc.

The city council shall also provide by ordinance for a chief, and other subordinate members and officials as it deems necessary for the proper operation of a fire department; the appointment, promotion, demotion, hiring and removal of any and all such subordinate members; provided, however, that the ordinance shall require that all personnel of the fire alarm department, and the "permanent drivers" so called, presently employed, shall become members of the Warwick fire department at their present pay and work classifications. (P.L. 1953, ch. 3136, § 3)

Sec. 1.25. Removal, suspension, reduction in rank of fire department members.

Any member of the fire department, including the chief, shall be subject to reduction in rank or removal from office by the bureau at any regular or special meeting thereof, for misconduct, incapacity, infraction of the rules, neglect of duty or insubordination of such character as said bureau [of fire] may deem a disqualification for said office; and all such reductions or removals shall be made by said bureau [of fire] upon charges made in writing, and a copy served upon said member so charged, at least 5 days before the date of hearing. Said hearing shall be held at the next regular or special meeting of the bureau which shall be held no later than 30 days of said reduction in rank or removal from office. Said member shall have the right to be represented by counsel. Provided, however, the chief shall have the right to suspend any subordinate officers or members for cause and any such suspended officer or member shall be entitled to a hearing before the bureau as provided for in this section. (P.L. 1955, ch. 3554, § 1)

Sec. 1.26. Authority of city council to make rules and regulations governing the fire department.

The city council of the city of Warwick may by ordinance make all needful rules and regulations for the discipline, efficiency, management and direction of said fire department, or delegate such authority to the

bureau [of fire]; establish pay schedules, pension fund, or other benefit, which rules and regulations shall be administered by members of said bureau.

(P.L. 1953, ch. 3136, § 5)

Sec. 1.27. Providing fire protection in areas where there exists a fire district.

Nothing contained herein [P.L. 1953, ch. 3136, as amended] shall be construed to permit the said bureau [of fire] to provide fire protection for any area in the city of Warwick wherein there is an existing fire district created by the general assembly for the state of Rhode Island.

(P.L. 1953, ch. 3136, § 6)

Sec. 1.28. Effective date of act; repealer.

This act [P.L. 1953, ch. 3136, as amended] shall take effect upon its passage and all acts and parts of acts inconsistent herewith are hereby repealed.

(P.L. 1953, ch. 3136, § 7)