

PART II – CODE OF ORDINANCES
Chapter 51 – PLANNING AND DEVELOPMENT

ARTICLE III. WARWICK LAND TRUST

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Sec. 51-51. Establishment.

Pursuant to Public Laws Chapter 2000-060, the City of Warwick (hereafter called the city) is hereby authorized to establish and amend by ordinance the Warwick Land Trust (hereafter called the Trust), a body politic and corporate and a public instrumentality. The trust shall have the authority to acquire, hold, and manage real property and interests therein, including development rights and easements, situated in the city consisting of open, residential, agricultural, recreational, historical and littoral property, including existing and future well fields and aquifer recharge areas, fresh water marshes, water bodies, and adjoining uplands, wildlife habitats, land or buildings providing access to or views of water bodies, or for bicycling and hiking paths, or for future public recreational use, and land for agricultural use or air space thereof. With the exception of property acquired for public historical preservation, research and/or educational, public access or recreational purposes, the trust shall hold all property or development rights solely as open space or for agricultural uses or for water protection purposes or for public access or to prevent the accelerated residential or commercial development thereof in perpetuity, as the trustees may determine.

(Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-52. Purpose.

The purpose of the trust shall be to preserve open space protect wetlands, water bodies, ground and surface water resources, farm lands, historical or cultural places of interest, scenic views, unusual, exceptional or exemplary natural habitats, provide opportunities for research and education on natural resources on land trust held properties and to secure for the city the goals and objectives established in the comprehensive plan.

(Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-53. Appointment.

The trust shall be administered by nine trustees to be appointed by the city council, with one trustee to be from each ward in the city. The trustees who are first appointed shall be designated to serve for terms of one one-year, two two-year, two three-year, two four-year and two five-year. Thereafter, trustees shall be appointed as aforesaid for a term of office of five years, except that all vacancies occurring during a term shall be filled for the unexpired term. The city council shall appoint persons to serve on the land trust, who are resident electors, on a non-partisan basis. Said members shall serve without

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compensation. The planning director or his or her designee and the parks and recreation director or his or her designee shall serve as ex-officio nonvoting trustees.

(Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-54. Officers.

The trustees shall annually elect a chairman and vice chairman from their members and shall appoint a secretary who may either be a member or a non-member. Copies of all meeting minutes shall be submitted to the mayor and city council and shall be filed with the city clerk and become a permanent record of the city.

(Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-55. Rules and regulations; voting; budget.

The trustees shall adopt rules and regulations governing the conduct of trust affairs, including the acquisition and management of its holdings, not inconsistent with the provisions of this article. All rules and regulations of the trust are subject to the approval of the city council. Decisions of the trustees shall be by majority of those present and voting, except in decisions on the acquisition of land, easements, rights of way and other uses referred to in section I of this trust, which must be by majority vote of all trustees. The trustees shall prepare an operating budget to be sent to the mayor to be incorporated into the annual city budget for review and consideration as provided in the city Charter. The operating budget shall include administrative expenses such as appraisals and environmental assessments as well as capital expenditures such as land purchases.

The funds authorized in this budget will be paid by the city treasurer in accordance with the accepted accounting procedures that are in place in the city at that time.

All funds that are expended for land acquisition referred to in this article, can only be expended after approval by resolution of the city council and the approval of the mayor.

(Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-56. Powers and duties.

The trust shall have the responsibility to recommend to the city council to:

- (1) Purchase, receive by gift, or otherwise acquire fee simple or lesser interests in real property, including development rights as defined in Section 42-82-2 of the General Laws, or any interest in real property consistent with the purposes of this Act, including other development rights or easements of any kind whatsoever;
- (2) Accept gifts, grants or loans of funds or resources or services from any source, public or private, and comply, subject to the provisions of this article, with any terms and conditions thereof;
- (3) Accept from state and/or federal agencies, loans or grants or resources for use in carrying out the trust's purposes and enter into agreement with such agencies respecting any such loans or grants;
- (4) Recommend possible uses for significant parcels of open space land owned or to be owned by the city, including but not limited to: Hunts River, Chipewanoxet, Dawley Farm, Barton Farm, and Confreda Farm; and review and comment on proposals by other departments, boards and commissions for such proposals;
- (5) Employ counsel, auditors, engineers, surveyors, appraisers, private consultants, advisors, secretaries or other personnel needed to perform its duties; provided, however, that expenditures authorized in the land trust budget which are less than \$2,500.00 may be made in

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conformity with municipal and state purchasing laws and with the advice and consent of the planning director;

- (6) Administer and manage land and interests in land held by it in a manner which allows public use and enjoyment consistent with the natural and scenic resources thereof, including conveyance of any such land or interests in land to, and contracts with, nonprofit organizations, provided such land shall continue to be used in a manner consistent with the purposes of this article and with the terms of any grant or devise by which such land was acquired by the trust;
- (7) Dispose of all or any portion of its real property or interests therein held by it, whenever in the opinion of the trustees said lands or properties have become unsuitable or have ceased to be used for the purpose set forth in this article. Such disposition shall be made only by a vote of the trustees in which at least four members vote in favor of such a disposition. Nothing in this subsection shall be construed to authorize the sale, lease or conveyance of lands or improvements held by the trust as part of a charitable trust or acquired by gift or devise for the public use, whether or not such gift of devise is subject to a condition subsequent or reverter;
- (8) Otherwise do all things necessary for the performance of its duties, the fulfillment of its obligations and the conduct of its business.

(Ord. No. O-00-26, § I, 8-8-00; Ord. No. O-02-5, § I, 2-26-02)

Sec. 51-57. Funding.

All funds shall be authorized by the city council through the city's bonding authority or through appropriation to the land trust from the annual city budget for the purpose of financing the activities of the trust under this article. Additional monies or other liquid assets received as voluntary contributions, grants or loans, or proceeds from disposal of real property or interests shall also be available for the purpose of financing the activities of the trust. All operating expenses lawfully incurred by the trust in carrying out the provisions of this Act shall be evidenced by proper vouchers and shall be paid by the treasurer of the city only upon submission of invoices approved by the trust, by the finance director and by the city council in accordance with municipal and state purchasing laws. The treasurer of the city shall prudently invest available assets of the funds, and all income thereon shall accrue to the fund.

Private non-profit land trusts in the city, which were in existence at the time that this ordinance was enacted, shall also be eligible to receive city funds, whether by appropriation or from city bonds.

Dissolution of the trust shall require a public hearing by the city council. At the conclusion of the public hearing the city council shall vote on the matter. Dissolution shall be by enactment of an ordinance, shall require the two-thirds vote of the city council in the affirmative for passage and shall be subject to the veto provisions of the city charter.

Upon termination or dissolution of the trust, the title of all funds and other properties owned by the trust which remain after payment or making provision for payment of all bonds, notes and other obligations of the trust shall vest in the city.

(Ord. No. O-00-26, § I, 8-8-00)

Sec. 51-58. Tax exemption.

The trust and all its revenues, income, and real and personal property used by the trust for furtherance of its public purposes shall be exempt from taxation and special assessments, and the trust shall not be required to pay any tax, excise or assessment to the state or any of its political subdivisions.

(Ord. No. O-00-26, § I, 8-8-00)

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Sec. 51-59. Severability.

The provisions of the Enabling Act and any ordinance adopted thereunder are severable, and if any provision thereof shall be held invalid in any circumstances such invalidity shall not affect any other provisions or circumstances. This Act and any ordinance thereunder shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of Enabling Act and any ordinance thereunder, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

(Ord. No. O-00-26, § I, 8-8-00)