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**Sec. 3. Wards.**

**The City of Ansonia shall be divided into three (3) wards, which wards shall be redistricted every ten years, following the decennial census, pursuant to applicable state and federal statutes.**

**Sec. 3A. Ward boundary commission.**

**In January 2015 and thereafter in every October of every year ending in the numeral 2 (two) a ward boundary commission shall be created. The commission shall consist of seven (7) members, not more than a bare majority of whom shall be members of the same political party. The Mayor shall nominate the members subject to aldermanic approval. The commission shall create new wards by adhering to the principal of "one person—one vote." The commission shall submit a proposal after holding two (2) public hearings to the Board of Aldermen no later than the next March thirty-first. The Board of Aldermen shall adopt or revise the proposal by ordinance no later than the next May thirty-first.**

**The ward boundaries described in section 3 shall be in effect until new boundaries are ratified by ordinance, at which time they shall terminate. Following May thirty-first the commission shall cease to exist.**

(Election of 11-8-83)

**Sec. 4. Elector of state deemed freeman of city.**

Every elector of this state, having the qualifications and complying with the requirements prescribed by law entitling him to vote at any city meeting in said city for the election of officers thereof, shall be a freeman of said city.

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### **Sec. 5. Elections to be held pursuant to state election laws; when held; officers to be elected, terms, etc.**

All elections hereafter held within the City and Town of Ansonia shall be held pursuant to the provisions of the general election laws of this state.

On the Tuesday following the first Monday of November of each odd-numbered year, the electors of the several wards of said city shall elect from their number three (3) aldermen, who shall be residents and electors of their representative wards at the time of their election, and at said meeting the electors of said city, voting in their respective wards, shall elect from their number a Mayor, town and city clerk, a treasurer, a board of education, five (5) constables, and such other officers as the laws of this state shall prescribe for election at said time, all of whom, except the board of education, shall hold their offices for the term of two (2) years from the first day of December next succeeding their election and until their successors are elected and qualified, except that the town and city clerk shall hold his office for the term of two (2) years from the first Monday of January next succeeding his election and until his successor is elected and qualified.

(Spl. Act 302, 1905; Spl. Act 369, 1961; election of 11-8-83; election of 11-5-96)

### **Sec. 8. Powers and duties of Mayor generally.**

The Mayor of said city shall be the chief executive officer thereof, and shall have all of the executive powers vested by law or by this Charter, except as otherwise provided or limited by this Charter. The Mayor shall also discharge all the duties imposed upon him by the charter and ordinances of the City and shall have and exercise all other executive and administrative powers conferred by the laws of the state upon any municipal chief executive. The Mayor shall devote the full time necessary to fill the duties of the office including his duty to be vigilant in the execution and enforcement of the laws and ordinances. He shall have power to administer oaths and to take depositions in acknowledgment of these and other instruments in all cases. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process and by the Governor for military purposes.

Except as otherwise provided in this Charter, the duties of the Mayor shall include, but not be limited to:

1. Administration and supervision of all departments, agencies and offices of the City;
2. The enforcement of all laws and ordinances of the City.
3. Causing the laws and ordinances to be executed and enforced; and to conserve the peace within said City;
4. Providing for the good order and efficient government of said City;
5. Calling special meetings of the Board of Aldermen when he may deem it expedient;
6. Recommending the adoption of all such measures connected with the police, security, health, cleanliness, and general well-being of said City, and the improvement of its government and finance, as he shall deem expedient;
7. Communicating to the Board of Aldermen at the end of each fiscal year a general statement of the situation, state, and condition of the City in relation to its government, expenditures, finances, and improvements, which report and recommendations shall be entered upon the records of said City within five days after their reception, and published in such manner as said Board of Aldermen shall order;

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8. Communicating to the Board of Aldermen, during the month of March next succeeding his election, and quarterly thereafter, a general statement of the conditions of the City in relation to its government, finances, public improvements, and affairs, with such recommendations as he may deem proper;
9. Providing an annual report, showing the situation, state, and condition of the City in relation to its government, finances, and improvements, shall be made to the Board of Aldermen on or before the first day in November in each year, and the annual reports of all administrative City officers and boards now required by law to be made shall be made on or before the twenty-fifth day of October in each year;
10. Making recommendations to the Board of Aldermen legislative action and other matters within the jurisdiction of the Board of Aldermen as he or she shall deem necessary in the best interest of the City;
11. Warning all city meetings of the City of Ansonia;
12. Signing all bonds and deeds and all written contracts of the City wherein the amount involved exceeds one thousand dollars;
13. Executing and signing a note or notes of said City for all money borrowed, as provided for by said Charter, which said note or notes shall be countersigned by the treasurer;
14. Either approving or disapproving in writing every vote, resolution, order, or ordinance passed by the Board of Aldermen. If he approves it, or fails to take action within five days after its passage, such vote, resolution, order, or ordinance shall become operative and effectual; if he disapproves it, he shall notify the City Clerk, within said five days, of such disapproval in writing, and shall transmit in writing his reasons therefor to the Board of Aldermen at its next regular meeting, and such vote, resolution, order, or ordinance shall not become operative and effectual unless passed over his veto by an affirmative vote of two-thirds of the Board of Aldermen;
15. Making nominations for appointment to the City's various Boards and Commissions and to fill any vacancies created therein not otherwise provided for by this Charter;
16. Preparation of the Annual Budget of the cite as provided in this Charter;
17. Mediation and resolution of differences between boards, commissions, committees, agencies, authorities and other public bodies within the City government relating to an interpretation of City policies and procedures;
18. By himself or his designee conducting an investigation of available state and federal funds and grants on behalf of the City and advise any of the City's departments, boards and commissions with respect to obtaining said funds and grants;
19. By himself or his designee acting as the bargaining agent and personnel director for the City, with the exception of the Board of Education, in all labor and employment matters, including authority to retain the services of labor consultants and attorneys to assist in such matters;
20. Selection, appointment and hiring of departments heads, except as otherwise provided in

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this Charter;

21. Adopting as well as updating a written policy for recruiting, screening, investigating and hiring all City employees for positions in accordance with approved job descriptions. In addition, the Mayor shall, on a monthly basis, report to the Board of Aldermen regarding employment vacancies, promotions, and recently hired employees;

22. Directing department heads to establish procedures for annual performance evaluations of all subordinate employees. The Mayor shall prepare, obtain and review performance evaluations of all department heads of the City. Before the department head takes any personnel action with regard to any City employee evaluated, he or she shall review all performance evaluations from all sources. The department head shall thereafter take such action, as he or she shall deem appropriate with respect to all employees evaluated.

The Mayor shall have such additional powers and shall perform such other duties as may from time to time be required of him or her by ordinance, provided that the same are not inconsistent with this Charter or the provisions of the Connecticut General Statutes.

(Election of 11-5-96; election of 11-6-01)

### **Sec. 9. Mayor to file nominations for officers and boards; appointment and terms of officers and members of boards. <sup>(2)</sup>**

The Mayor shall, within ten (10) days after his qualification, and at least seventy-two (72) hours prior to a regular meeting of the Board of Aldermen, or a special meeting of the board duly called for that purpose, file with the city clerk the nominations for the following officers and boards as hereinafter specified, such nominators to be confirmed or rejected separately and individually by said Board of Aldermen at its next meeting after they are made. In the event of any nominations being rejected by said board, the Mayor shall, at least seventy-two (72) hours before the next regular meeting of said board, or a special meeting of said board duly called for that purpose, file with the city clerk nominations for other persons in the place of these rejected, unless otherwise provided for in this Act; and in the event of further rejections, shall continue to file nominations in the manner and form aforesaid in place of those rejected until all of the officers and boards provided for in this section shall be confirmed and filed. In the event of the neglect or the refusal of the Mayor to file said nominations as hereinbefore provided, the Board of Aldermen, at its next regular meeting, or a special meeting duly called for that purpose, may fill the vacant offices and boards hereafter specified and confirm other persons in the place of those previously rejected; and said nominations and confirmations shall be made in such manner as to divide said offices and said boards as nearly as possible equally between the two (2) leading political parties. Whenever any vacancy shall occur in any appointive office, it shall be filled for the unexpired term in the same manner as herein provided for nominations and confirmations of said office. The officers to be appointed shall be: A collector of taxes to serve for two (2) years; a city engineer to serve for two (2) years; a corporation counsel to serve for two (2) years; a board of assessment appeals composed of four (4) members, two (2) of who shall be appointed each year to serve for the term of two (2) years; a Board of Apportionment and Taxation, composed of twelve (12) members, four (4) of whom shall be appointed each year to serve for the term of three (3) years; a board of public works, composed of four (4) members, two (2) of whom shall be appointed each year for the term of two (2) years; a board of police commissioners, composed of five (5) members, three (3) to be appointed one (1) year and two (2) to be appointed the following year for terms of two (2) years; term of office of additional members shall be one (1) member for one (1) year; one (1) member for three (3) years. Thereafter, these members shall be appointed to a term of two (2) years, commencing on January 1st; a building inspector to serve for the term of two (2) years; and a board of



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library directors composed of nine (9) members, three (3) of whom shall be appointed each year as provided in section 78 of Number 441 of the Special Acts of 1901;

(Spl. Act 302, 1905; Spl. Act 337, 1949; Spl. Act 369, 1961; election of 11-4-80; election of 11-7-89; election of 11-5-96; election of 11-6-01)

### **Sec. 11. Board of Aldermen**

#### **A. General.**

There shall be a Board of Aldermen in said city, composed of all the Aldermen, who, with the approval of the Mayor, or over his veto as provided for in, this Act, shall exercise all the powers conferred upon said city, except as otherwise provided. Said Aldermen shall be residents and electors of their respective wards at the time of their election, as hereinbefore provided, and no subsequent removal from one ward of the city to another ward of said city shall operate to vacate said office of Aldermen, or deprive any aldermen duly elected from exercising the duties, powers, and privileges of said office of Aldermen.

(Spl. Act 302, 1905.)

#### **B. President of Board of Aldermen.**

At the beginning of each municipal year said board at its first meeting shall elect a president. In case of the death, resignation, removal, or disability of the Mayor, such president shall perform the duties of said Mayor during his absence, or until another Mayor shall be elected as provided for in this Act, or until such disability be removed.

#### **C. Meetings, quorum, etc., of Board of Aldermen.**

Said Board of Aldermen shall hold regular meetings and may be specially convened at any time by the Mayor or the acting Mayor by a written notice sent to each alderman by the city clerk twenty-four hours previous to the holding of any special meeting, and the Mayor shall call a special meeting whenever requested so to do in writing by a majority of said aldermen. A majority of all the members of said board elected shall constitute a quorum, but any number less than a quorum present at any meeting may adjourn from time to time, not exceeding one week by any one adjournment, and may compel the attendance of absent members in such manner as said board may prescribe.

#### **D. Rules of proceedings, etc., of Board of Aldermen; expulsion of members.**

Said board may determine the rules of its proceedings according to the general principles of parliamentary law, punish its members for disorderly conduct, and, by a two-thirds vote of all the members present and absent, expel a member for due cause, provided, that there shall be no such expulsion or removal except on charges preferred and after a hearing had thereon. The vote taken upon any question before said board, upon the request of one-third of the members present, shall be taken by yeas and nays, and such vote shall be duly recorded.

#### **E. Members of Board of Aldermen prohibited from accepting, etc., bribes.**

Any member of said board, who shall, while holding office therein, directly or indirectly, take or bargain for any fee, compensation, or reward to influence his official action or vote upon any proceeding, vote, resolution, or matter pending in said Board of Aldermen, shall pay the said city a fine of five hundred dollars, and be expelled from said board, and be forever disqualified from holding any office in said city.

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### **F. Attendance and testimony of witnesses, etc., before Board of Aldermen, etc., generally.**

The presiding officer of said board, of the several committees thereof, and of the several boards of said city, shall have power to compel the attendance and testimony of witnesses, and the production of books, papers, and other evidence, in the same manner as a court of justice may, and to administer oaths. The refusal of any witness to testify to any facts within his knowledge, or to produce any books or papers in his possession, or under his control, shall constitute a misdemeanor and shall be punished as such. No witness shall be excused from testifying touching his knowledge of the matter under inquiry, but such testimony shall not be used against him in any prosecution except for perjury.

### **G. Board of Aldermen to elect and confirm by ballot.**

All elections to office or to any position by said board, and all nominations of the Mayor confirmed by said board, shall be made by ballot, and a majority of all the votes cast shall be sufficient to elect or confirm.

(Spl. Act 302, 1905.)

### **H. Powers of Board of Aldermen with regard to supervision and investigation of city departments, officers, etc.; rewards.**

Said board shall have power to supervise and investigate all departments, officers, boards, and employees of the government of the city, and to inquire into charges preferred against the same, and shall have power of access to all records thereto appertaining, and power to compel the attendance of witnesses and the production of books, papers, and other evidence at any meeting of said board or any meeting of said board or any committee thereof. Said Board of Aldermen shall also have power to offer and pay rewards or to authorize the police commissioners of said city to offer and pay rewards to persons furnishing information leading to the arrest and conviction of any person committing crime in said city, provided no such reward shall be paid to any member of the police department of said city, and any such reward so offered shall be reasonable in amount.

(Spl. Act 277, 1913.)

### **I. General powers of Board of Aldermen.**

The Board of Aldermen when assembled according to law shall have power by the affirmative vote of a majority of its members, present, subject to the approval or disapproval of the Mayor as hereinbefore provided, to exercise the powers hereinafter conferred and specified, to make, alter, and repeal ordinances for the purpose of carrying the same into effect, not inconsistent with the provisions of this Act or the statute laws of this state, or with the authority given to the standing boards by this Act, and to prescribe penalties not exceeding one hundred dollars' fine or thirty days' imprisonment, or both, for any violation of the same; and any such violation and any violation of any of the provisions of this Act shall be a misdemeanor and may be proceeded against by criminal complaint, warrant, and judgment for commitment, as in other criminal cases, which ordinances may be for any of the following purposes, to wit: To manage, regulate, and control the finances, property, real and personal of the city; to regulate the assessment and collection of taxes and the enforcement of liens; to provide the mode of keeping the accounts of said city, and of adjusting and paying claims against said city; to provide for the police of said city; to punish resistance, hindrance or obstruction to any public officer in the discharge of his duties; to protect said city from fire; to organize, maintain, and regulate a fire department and fire apparatus; to regulate the construction and the mode of building and the materials used for building or altering buildings within said city, or any part thereof, and the mode of using any building therein and of heating the same, when such regulations seem expedient for the purpose of protecting said city from the damages of fire; to regulate the cleaning of chimneys; to grant permits for the erection, addition to, repair, and enlargement

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of buildings and the removing of the same, and to prevent the erection, addition to, repair, or enlargement or removing thereof, without such permit; to establish and designate districts of said city within which it shall not be lawful to remove any wooden building except by license of said Board of Aldermen; to prohibit the erection or use within said city of buildings which, by reason of their structure or use, are or may become unsafe; to provide for and enforce the disuse, removal, or demolition of such buildings, or of such parts thereof as are or may become unsafe; to provide that before any building shall be erected or altered, the plans and specifications therefor shall be submitted to said building inspector for his approval; to provide that no building shall be erected, repaired, or altered without the approval of the building inspector; to regulate and provide for the convenient and safe egress, in case of fire or other accident, from theaters or other buildings, or buildings designed in whole or in part for public use already erected, or which may be hereafter erected in said city, and to prohibit the use of such buildings as are or may become unsafe by reason of insufficient facilities for egress, or for other cause; to prohibit the carrying of concealed weapons; to regulate the use, keeping, and sale of firearms, explosives, and inflammable materials and dangerous machinery; to make, maintain, and regulate public hydrants, cisterns, wells, pumps, and watering troughs, and to provide the same with water; to protect the same from injury and to prevent any unnecessary waste of water; to protect from injury fire alarm telegraphs in said city and public gas and other lamps therein; to establish building lines in the streets and ways of said city beyond which it shall not be lawful to erect buildings, or other structures; to provide for the laying out, grading, discontinuing, altering, establishing, improving, and maintaining highways, streets, walks, bridges, squares, parks, public grounds, openings for the circulation of air, drains, sewers, gutters, and for the draining, filling up, or raising of low lands; to provide for the assessment of all damages or benefits for any such work or improvement, which shall be a lien upon any estate especially benefited thereby, which lien may be foreclosed at the suit of the city in the same manner as a mortgage upon said estate; to prescribe the forms of proceeding and assessing of damages and benefits in all cases of taking land for public use not especially prescribed in this Act; to make, repair, purify, light, and keep open and safe for public use and travel, and free from obstruction or encroachment, the streets, highways, gutters, sidewalks, and public grounds and places in said city; to regulate the width of all streets, highways, gutters, and sidewalks; to regulate or prohibit all shows, parades, assemblages, processions, and music in said streets or public places; to regulate or prohibit the erection of poles and stringing of wires for telegraph, telephones, electric lights, and for other purposes; to regulate the speed at which animals, carts, bicycles, street cars, or other vehicles shall be ridden or driven in the streets; to regulate or prohibit the running at large of animals in the streets or public places, and to provide for impounding the same; to regulate or prohibit the running at large of dogs in said city, and to provide for the restraining or killing of dogs therein; to license and regulate public hacks, carriages, sleighs, carts, and trucks, and the charges for the use thereof; to provide public stands for public conveyances; to regulate or prohibit the excavation or opening of streets, highways, and public grounds for public or private purposes, and the location of any work or thing therein, whether temporary or permanent, upon, over, or under the surface thereof, and the removal of buildings upon or through the same; to regulate the laying of gas pipes, water pipes, and drains for public or private purposes in the streets of the city; to regulate the planting, protection, and removal of trees, plants, and shrubs in the streets and public places of said city; to provide for the fencing of any lands fronting on a public street, wherever and whenever said aldermen shall deem that public safety requires such fencing; to regulate, license, or prohibit the distribution of handbills, the circulating, posting, and exhibiting of bills and advertisements of all kinds, and the peddling or vending of any goods, wares, merchandise, or other articles in and through the streets of said city; to provide for the sprinkling of streets and parts thereof by the city, and for the assessment of the cost thereof against the abutting property owners; to keep the streets and all public places quiet and free from undue noise; to regulate or prohibit the ringing of bells, the blowing of steam whistles, and the crying of goods or other things, or the making of any disturbing noise; to require owners of property to make connections with gas, water, sewer, or other pipes, and underground electric and other wires, inside of their curb lines before permanent improvements in the streets are made; to regulate the use of sidewalks and all structures in, under, or over the same, and to require the owner or occupant of premises to keep the sidewalks in front of the same free from snow, ice, and other obstructions, and prescribe hours for cleaning the same; to regulate or prohibit the throwing or depositing of sweepings, dust, ashes, offal, dirt, garbage, paper, handbills, dirty liquids, or other material in any street or public place; to regulate or prohibit the use of streets, sidewalks, and public places for signs, signposts, awnings, awning-posts, poles, horse-troughs, steps, railings, entrances, racks, posting handbills, and advertisements and display of goods, wares, and merchandise;

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to regulate the numbering of houses, buildings, and lots; to regulate or change the names of streets and parks; to establish and maintain public parks; to provide for lighting the streets, highways, and other public places in said city, and for the care, protection, and preservation of the public lamps, lamp posts, and fixtures; to authorize the closing of any street, alley, or public place, or part thereof, whenever the public safety may require it; to regulate the width of tires on wheels of vehicles; to provide for the health of the city, and the prevention of the spread of contagious and infectious diseases; to prevent nuisances and summarily to abate the same at the expense of the person maintaining them or otherwise; to provide for the inspection of food and to regulate the selling thereof; to regulate or prohibit the location, use, or removal of sinks, cesspools, sties, drains, sewers, privies, barns, and outhouses, and to compel the removal from any place whatever of all nuisances injurious to or offensive to the public, at the expense of the owner of the premises where such nuisance exists, or otherwise; to regulate or prevent the carting of manure or other offensive matter upon any land in the city, and the storing of any manure or other offensive matter in the city; to regulate, license, or prohibit the erection or use of any building within said city, for the purpose of carrying on therein any kind of business, trade, or manufacture which, in the judgment of said Board of Aldermen, shall be prejudicial to public health or safety, or constitute an unreasonable annoyance or injury to those living or owning property in the vicinity; to authorize and require the inspection of gas pipes, water pipes, plumbing, drainage, sewerage, and electrical lines or wires on private property or elsewhere, and to compel them to be repaired or made secure by the owner or occupant; to regulate trade, markets, commerce, and weights and measures; to punish the use of false weights and measures; to license, tax, and regulate branch stores and other concerns established for temporary purposes only; to require bonds from all persons undertaking work of a dangerous character, and to protect the city from any loss by reason of their acts or defaults; to regulate the measuring, inspecting, and manner of selling wood and charcoal, the storing and piling of lumber, and the sale of goods by public auction in said city; to provide for the inspection of produce brought into said city for sale or exportation; to establish quarantine regulations; to regulate the burial and disinterment of the dead, and to protect and preserve burial grounds and the fences, posts, railings, monuments, trees, and shrubbery within and around the same; to preserve the public peace and order; to compel the closing of saloons and other places where spirituous and intoxicating liquors, ale, wine, and lager beer are kept and sold, at such suitable hours during the night season as said Board of Aldermen may designate, and at such other times and on such occasions as the public good, in the opinion of said board, may require; to suppress and prevent vice; to regulate, license, or prohibit all sports, exhibitions, public amusements and performances, and billiard and bowling saloons within said city; to suppress gambling, policy playing, pool selling, gaming and gaming houses, and places and houses of ill-fame or assignation, or houses kept for immoral purposes; to prohibit the use of and to destroy any instruments and devices of gaming, and to restrain fraudulent practices; to protect from injury or defacement all public buildings and other public property; to regulate or prohibit swimming or bathing in public or exposed places within said city; to establish and maintain or license and regulate public bathing houses; to regulate or prohibit coasting and sliding on the streets and public grounds of said city; to prevent and punish trespassers in gardens, cemeteries, public places, and enclosures; to restrain and punish vagrants and beggars; to prevent cruelty to animals; to regulate the construction and operation of street railroads pursuant to the general laws of the state; to provide a public seal; to authorize a census of the city; to receive gifts, donations, and bequests for public purposes and public trusts, and to agree to and prescribe conditions and terms accompanying the same; to make appropriations for public receptions, parades, concerts, and celebrations; to take, occupy, and appropriate for the purposes of sewerage and drainage in said city, at such times and in such manner as the health and convenience of said city may in the judgment of the board require, any and all water courses, natural or artificial, or any portion thereof, within said city; to deepen, clear out, or straighten the same or any portion thereof, for the purposes aforesaid; to establish the bounds thereof within which it shall be unlawful for any person to place a building, part of a building, wall, dam, or obstruction, unless a special license from said Board of Aldermen be obtained; to remove all buildings, parts of buildings, walls, earths, stones, dams, rubbish, and obstructions of every kind that may be situated within the bounds of said water courses, to be designated, as aforesaid; to construct sewers or other artificial channels for the flow of said water in said water courses, and to remove all obstructions to the passage of water in said water courses, sewers or channels; to provide for the manner of warning all city elections, and meetings of the Board of Aldermen, and times and places of holding the same; to prescribe forms of oath for all offices of said city; to prescribe the form of bonds to be given by the treasurer and other city officers of whom bonds are required; to prescribe the duties of all officers and employees of said city, not expressly

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defined by the provisions of this Act; to prescribe the salaries and compensation of all officers and employees of said city not expressly designated by the provisions of this Act, which salaries, so fixed, shall be neither raised nor diminished to take effect during any official term; to prescribe their duties and compensation of employees of the city not otherwise provided for; to provide for the removal or expulsion of any officer on account of corruption or malfeasance in office; to regulate the conduct of elections, subject to the provisions of the general election laws of the state, pursuant to which all city elections shall be held; to prevent illegal voting and disorder at city elections; to do all things necessary to make effectual the powers herein and by law conferred upon said city, except as herein otherwise provided; provided, however, that nothing herein contained shall authorize said Board of Aldermen to enact any ordinance upon any matter which is or shall hereafter be regulated by any public statute, or the power to regulate which has been or shall be conferred upon any other authority by any public statute.

The Board of Aldermen of the City of Ansonia, with the approval of the Mayor, may pension any person who has served as city clerk of said city for twenty-five (25) years and who has attained the age of fifty-five (55) years, such pension shall be one-half (½) of the annual salary of said city clerk. Any person receiving such pension shall be ineligible to hold any other salaried position in the government of said city.

The Board of Aldermen shall adjust the fiscal year of the City of Ansonia to comply with the uniform fiscal year of the state as prescribed in Chapter 110 of the Connecticut General Statutes, as amended, and the Board of Aldermen shall have the power to issue bonds, notes or use any other financial means necessary to change to the above-stated uniform fiscal year. This conversion must be accomplished by 1980.

(Spl. Act 302, 1905; Spl. Act 410, 1955; Spl. Act 193, 1963; Election of 11-2-76)

### **J. City to be highway district; authority of Board of Aldermen as to streets, highways and bridges generally.**

The City of Ansonia shall be a highway district, and the Board of Aldermen shall have sole and exclusive authority and control over all streets, highways, and bridges, and over all parts of streets, highways, and bridges, now or hereafter existing within the limits of said city, and shall have the sole and exclusive power to lay out, make, or order new highways, streets, and bridges within the limits of said city, and to alter, repair, and discontinue all highways, streets, and bridges now or hereafter existing within the limits of said city, subject to the approval of the Mayor, as hereinbefore provided.

### **Sec. 19. Term and compensation of collector of taxes; abatement of unpaid taxes generally; books, postage, etc., used by collector.**

The term of office of the collector of taxes shall be for two years from the first day of March. The tax collector shall, annually, on or before the fifth day of February, render to the Board of Aldermen a statement in writing, showing the amount of taxes that are uncollected, and the names of the persons from whom the same are due, together with such information concerning the ability of such delinquents to pay such overdue taxes as he may have in his possession. It shall thereupon be the duty of the Board of Aldermen at its regular meeting in the month of February, or at a special meeting called for that purpose, to investigate the matter within fifteen days after the time such statement is filed with the city clerk, either by themselves or by a committee by them appointed for that purpose; and said Board of Aldermen shall, at the succeeding meeting of said board, abate all such unpaid taxes as they find for any cause should be abated, and the tax collector shall, within ten days thereafter, pay into the city treasury the amount of the unpaid taxes which are not so abated or continued by lien by direction of the Board of Aldermen; and the tax collector shall thereupon become personally liable for the amount of all unpaid or unsecured taxes, and it shall be the duty of the Mayor to institute suit against him and his bondsman for the collection of said unpaid taxes. A demand for taxes or assessments due, sent by mail, postage paid, directed to a taxpayer at his last known place of residence, and deposited in the post office at Ansonia, shall constitute

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a legal demand for said tax or assessment, and the tax collector shall make and preserve on file in his office a copy of said demand with his doings endorsed thereon. The salary of the collector of taxes, as provided for in section thirty-two of an Act amending the Charter of the City of Ansonia approved June 13, 1905 shall be for the collection of the regular tax, and the compensation for the collection of any other taxes or assessments shall be fixed and determined by the Board of Aldermen. The city shall furnish the collector with all necessary books, printing, postage, and stationery.

(Spl. Act 302, 1905; Spl. Act 369, 1961)

### **Sec. 21. Monthly report required of collector.**

The collector shall report monthly to the Board of Aldermen the amount of taxes and assessments collected by him during the preceding month, together with the amount paid to the treasurer.

### **Sec. 23. Collection of amounts due city as special benefits.**

All amounts due to said city as special benefits may be collected by warrant under the hand of the Mayor of the city, directed to the collector thereof, who may enforce the collection of the same in the same manner in which tax warrants are collected. Every such amount shall be a lien upon the property in reference to which it was made; and said lien shall have the same validity and effect, and be enforced in the same way as the tax liens.

### **Sec. 24. Collector to deliver rate bills, etc., to successor, etc.**

Upon the expiration of the term of office of the collector he shall deliver to his immediate successor in office the rate bills not fully collected and the bills and accounts of all assessments of every kind made by the city and in his hands in his official capacity, and thereupon it shall be the duty of the Mayor to issue to said successor warrants for the collection by him of said taxes and assessments; and it shall thereupon become the duty of such successor to collect the same, and his predecessor in office shall be relieved of any liability therefor.

### **Sec. 25. Powers and duties of town clerk generally.**

The town clerk shall have and perform all the powers and duties required by the statute laws of town clerks in this state, and may appoint an assistant as provided for by statute law. He shall also be the city clerk of said city, and also be clerk of the Board of Aldermen, and shall make and keep true records of all the votes and proceedings of said city and of said board. He shall cause the ordinances of said city to be published according to law, and when so published, shall enter upon the records his certificate thereof. He shall make entries upon said records of his own acts in serving notice of orders passed by the Board of Aldermen. He shall also keep a record in a book kept for that purpose of all notices required to be given by this act, together with the return of the person who served the same. He shall do and perform all such duties as may be required of him by this Act, or by any vote of said Board of Aldermen or ordinances of said city. He shall also issue over his signature such licenses and permits as may be granted by said board, and prescribed by the Charter of said city, and shall make a record thereof in a book kept for that purpose, shall collect the money therefor, and shall pay over the moneys received to the treasurer of said city within the first three days of each month. He shall record all amendments to this Charter and ordinances passed by the Board of Aldermen, in a book kept for that purpose.

(Spl. Act 302, 1905; Election 11-4-80)

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### **Sec. 29. Powers and duties of treasurer of city generally.**

The treasurer of said city shall have the same relative powers and perform the same relative duties in said city as town treasurers have and perform in their respective towns. He shall, at the end of each fiscal year, report to the Board of Aldermen a detailed statement of the receipts of money into the treasury and expenditures therefrom during said year, together with an accurate statement of the condition of the treasury at the end of each fiscal year, which report, having been duly audited, shall be recorded and published in like manner with the annual statement of the Mayor. He shall, in a book kept for that purpose, enter the date, amount and time payable of all moneys borrowed by said city upon note or otherwise, together with the name of the payee, and upon the payment of any such loan enter the same in like manner in said book. He shall pay orders drawn upon him by the proper authority, and shall comply with all ordinances and orders of the Board of Aldermen concerning his office.

### **Sec. 30. Finance department.**

There shall be in said city a department of fiscal affairs with the responsibility for the keeping of accounts and financial records of all city departments and agencies; for the assessments and collection of taxes, special assessments and all other revenues; for the custody and disbursements of city funds and money; for the control over expenditures and purchases; and such other powers and duties as may be delegated by the Board of Aldermen through ordinances and/or resolutions. The Mayor shall appoint a comptroller with the consent of the Board of Aldermen whom shall be chosen exclusively on the basis of his executive and administrative qualifications, education, training and experience.

The comptroller shall be the chief fiscal officer of the city and shall have direct supervision over the department of fiscal affairs and the administration of the fiscal affairs of the city. He shall prescribe to the government accounting, auditing, and financial reporting as recommended by the Governmental Accounting Standards Board for all financial transactions for all departments, offices, boards, commissions, agencies, and authorities of the city. The comptroller will also be responsible for the preparation of the operation and capital budgets as provided by this charter.

Financial reports will be prepared monthly and for each fiscal year for the Mayor, Board of Aldermen, Board of Apportionment and Taxation and all city departments including the board of education. The comptroller will be responsible for a system of internal auditing of invoices and for the proper and timely investment of city funds. He will maintain records of all fixed assets and will periodically review all insurance coverage of the city and will recommend to the Mayor adjustments and improvements as can be obtained under the competitive bidding provision of the charter.

The department of fiscal affairs will include a collector of revenues and assessor who will report directly to the comptroller.

No transaction which is a single unit will be divided for the purpose of evading the intent of this section.

The Mayor shall appoint with the approval of the Board of Aldermen, an assessor who shall be qualified by training and experience and who shall serve on a full-time basis. Said assessor shall have all the powers and duties, not inconsistent with this charter conferred or imposed by the General Statutes, as amended, on assessors.

All members of the department of fiscal affairs shall abide by the rules and regulations as prescribed by the City of Ansonia's personnel guidelines as adopted by the Board of Aldermen. They shall be entitled to all benefits that are outlined in the rules and regulations manual.

(Election of 11-4-80)

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**Sec. 34. Powers, etc., of city constables.**

The constables of said city shall, within the limits of the City of Ansonia, have the same power and authority, both criminal and civil, and be subject to the same liabilities and penalties as marshals of counties.

(Election of 11-6-01)

**Sec. 35. Certain duties of constables enumerated.**

Said constables shall serve notices of orders of the Board of Aldermen when directed by the Mayor or clerk.

**Sec. 36. City engineer.**

The city engineer shall make all surveys, maps, plans, drawings, specifications, and estimates relating to public work. He shall superintend the construction and repair of sewers, bridges, and new pavements, and do any other engineering work which the Board of Aldermen or board of public works may require; and shall care for and preserve all maps, papers, and books relating to said office. He may or may not be a resident of said city.

(Spl. Act 302, 1905)

**Sec. 38 Establishment, composition, etc. of Board of Apportionment and Taxation**

In December 2014 the Mayor shall appoint, with the approval of the majority of the Board of Aldermen, a Board of Apportionment and Taxation, consisting of seven (7) members, two (2) of whom shall be appointed to serve for a term of two (2) years, two (2) of whom shall be appointed for a term of three (3) years, and three (3) of whom shall be appointed for a term of four (4) years. Thereafter, in December of each succeeding year, commencing in December 2016, the Mayor shall appoint, with the approval of the Board of Aldermen, members of the Board of Apportionment and Taxation to succeed those members whose terms are expiring, for terms of three (3) years.

Said board shall be divided equally between the two leading political parties and include at least one unaffiliated voters; and all vacancies in said board shall be filled from the political party in which the vacancy occurs, by nomination by the Mayor and confirmation by the Board of Aldermen, as provided for in section nine of this Act.

Regular meetings of the Board of Apportionment and Taxation shall be held at least once a month.

**Sec. 39 Recommendation of transfers; Inter-departmental transfers approved by Mayor**

The Board of Apportionment and Taxation shall be required to make recommendations on all transfers of budgetary appropriations that constitute a net increase of a department's overall budget. Requests for recommendations to the Board of Apportionment and Taxation shall be officially noted in the minutes of the first regular meeting of the Board following the receipt of such requests.

Recommendations on transfers of budgetary appropriations made by the Board of Apportionment and Taxation shall be submitted to the Board of Aldermen and shall appear on the agenda of the next regular meeting of the Board of Aldermen, unless a special meeting of the Board of Aldermen is called for that purpose.



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The Board of Aldermen may alter any recommendation of the Board of Apportionment and Taxation by a vote of two-thirds of its present and voting members. Recommendations not acted on shall be deemed approved by the Board of Aldermen.

Transfers of appropriations within a given department, which do not constitute a net increase in a department's budget, shall not be reviewed by the Board of Apportionment and Taxation or Board of Aldermen. Such transfers shall be reviewed exclusively by the Comptroller and approved or denied in writing by the Mayor.

In the event of an emergency, as defined in this section, a budgetary transfer may be approved by joint approval of the Mayor, Chairman of the Board of Apportionment and Taxation and President of the Board of Aldermen.

An emergency situation is defined as one in which the requested transfer is needed immediately to protect the health and safety of the residents of the City of Ansonia, and in which it would be impractical to call a meeting of the Board of Apportionment and Taxation and Board of Aldermen for the purpose of making recommendations to approve the request.

### **Sec. 40 Chairman, meetings, quorum, etc. of Board of Apportionment and Taxation**

Said Board of Apportionment and Taxation, at its first meeting after the first day of January in each year, shall appoint a chairman, who shall, when present, preside at all meetings of said board. At all meetings of said board four (4) members shall constitute a quorum, and the concurrence of four (4) votes shall be necessary for the transaction of business. Whenever any meeting of the board has been regularly called, and no quorum shall be present, the Mayor may issue a warrant signed by him, directed to the state marshal of New Haven County or some one of his deputies, or to either of the constables, to arrest and bring into such meeting a sufficient number to constitute a quorum.

The members of said board before entering upon their duties shall be sworn to a faithful discharge thereof, and any member of said board, who shall, while holding office, directly or indirectly, take or bargain for any fee, compensation, or reward, to influence his official vote or action upon any resolution or matter pending before said board, shall, upon conviction thereof, pay a fine of five hundred dollars, and be removed by the Mayor from office, and be forever disqualified from holding any office of trust or profit in said city.

(Spl. Act 302, 1905; election of 11-6-90, § 1)

### **Sec. 41 Clerk, records, etc. of Board of Apportionment and Taxation**

The clerk of said city shall also be clerk of said Board of Apportionment and Taxation and shall make and keep in suitable books records of all the votes and proceedings of said board, which shall at all times be open to public inspection, and preserved for the records of said city. All of such records shall be, in all courts, evidence of the truth of the matters therein contained, and a certified copy of any such record shall be received in all courts as evidence of the same validity as the original record. Said Board of Apportionment and Taxation may employ the services of a stenographer at a rate of compensation to be established by said board.

(Spl. Act 369, 1961)

### **Sec. 42 Power of Board of Apportionment and Taxation to require information, books, etc. from city officers**

Said Board of Apportionment and Taxation shall have full power to require the different city officers to furnish all the information which they may possess, and to exhibit to said board all books, contracts, reports, and other papers and documents in their respective departments, or in their possession, requisite, in the opinion of said board, to enable said board to discharge the duties

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imposed upon it by this Act; and it is hereby made the duty of all the city officers to furnish and exhibit the same when so required.

### **Sec. 43 Annual Budget Process**

#### **I. Mayor's Budget**

Not later than the Second Monday in February, the Mayor shall submit to the Board of Apportionment and Taxation a proposed fiscal budget. Said fiscal budget shall consist of:

- (1) A budget message outlining the financial policies of the city government and describing in connection therewith the important features of the budget plan;
- (2) Estimates of revenue, presenting in parallel columns the itemized receipts collected in the last-completed fiscal year and receipts estimated to be collected in the current fiscal year and estimates of the receipts estimated to be collected in the ensuing fiscal year;
- (3) Itemized estimates of expenditures presenting in parallel columns the actual expenditures for each department, office, agency or activity during the last fiscal year, the amount estimated to be expended in the current fiscal year and the amount estimated to be expended in the next fiscal year;
- (4) As a separate report thereto, a budget of proposed capital projects for the ensuing fiscal year and for the four fiscal years thereafter. Estimates of the costs of such projects shall be submitted by each department, office or agency of the city government annually as directed by the Mayor. The Mayor shall recommend those capital projects to be undertaken during the ensuing fiscal year and the methods of financing the same.

#### **II. Board of Apportionment and Taxation**

The Board of Apportionment and Taxation, upon receipt of the proposed fiscal budget from the Mayor, shall hold a public hearing on the proposed budget and thereafter review the budget for the purpose of making recommendations.

Not later than the second Tuesday in March, the Board of Apportionment and Taxation shall submit to the Board of Aldermen a proposed fiscal budget in the form prescribed in Section I and make a recommendation as to the tax rate to be fixed for the ensuing fiscal year.

#### **III. Board of Aldermen**

The Board of Aldermen, upon receipt of the proposed fiscal budget from the Board of Apportionment and Taxation, shall review the budget for the purpose of making recommendations. The Board of Aldermen may reduce or delete any item therein by a majority of members present and voting but it will require a vote of two-thirds of the members present and voting to increase the budget or to add any item thereto or increase any item therein.

Not later than the second Tuesday of April, the Board of Aldermen shall hold a public hearing on the proposed budget, prior to which said Board of Aldermen shall cause said estimate to be published in a daily newspaper of general circulation in said city at least once.

Not later than April 30, the Board of Aldermen shall adopt the budget for the ensuing fiscal year and fix the tax rate to be levied on property in the City in the ensuing year.

#### **IV. Referendum**

A public referendum on the budget must be held if the budget approved by the Board of Aldermen represents an increase of three percent (3%) or more in net taxes to be collected from the previous

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year's budget. The referendum vote shall be by machine ballot. The referendum shall be held not more than 5 days after approval by the Board of Aldermen. The referendum questions shall be presented on the ballot as follows.

- a. Shall the city portion of the budget, as recommended by the Board of Aldermen of (dollar amount) for the fiscal year (specify year) be adopted?
- b. Shall the board of education portion of the budget, as recommended by the Board of Aldermen, (of dollar amount) for the City of Ansonia for the fiscal year (specify year) be adopted?

The voters shall be given the option to vote either "Yes" or "No" and additionally the option to vote "too high" or "too low" on each of the budgets.

If both budgets are rejected, both budgets shall be resubmitted to the ballot after revisions by the Board of Aldermen. In case of further rejections, the aforesaid process, under this section, shall be repeated until said budgets are accepted, or until the increase in net taxes to be collected is less than three percent from the previous year's budget.

If only one of the aforesaid portions of the budget passes, that budget shall be deemed to be approved. The budget question that is rejected shall be resubmitted to the ballot after revision by the Board of Aldermen, and resubmitted again after further rejection and further revision by the Board of Aldermen until said budget is accepted or until the increase in "net taxes to be collected" is less than three percent (3%) from the previous year's budget.

If the referendum vote rejects the budget, or either part thereof, the rejected portion shall be reconsidered by the Board of Aldermen within five (5) calendar days. In case of further rejection this process shall be continued using a five (5) calendar day period of reconsideration by the Board of Aldermen until the budget is adopted.

### **V. Non-Adoption of Budget**

If the budget is not adopted by June 20 the city shall send out real estate tax bills based on the same taxation figures and adjusted mill rate of the prior fiscal year, which would include adjustments for the new revenues, debt service, and legal obligations for the next fiscal year, which begins July 1. After the complete budget is passed the balance of the real estate plus personal property and motor vehicle tax bills shall be sent out based on any change brought about by referendum vote.

### **Sec. 44. Board of public works generally.**

There shall be a board of public works in said city, consisting of four persons nominated by the Mayor and confirmed by the Board of Aldermen, as provided for in section nine of this Act. Said board shall, at its first meeting, and annually thereafter, elect a president from its own members, who shall preside at all meetings of said board. It shall also elect a clerk, who may or may not be a member of said board, and who shall keep a record of all votes passed by said board, together with any other matter or transactions which it may deem important to be recorded. He shall receive such compensation as said board may determine. He shall keep on file any and all papers and documents that may be brought before said board for action. Said board of public works shall execute and perform any and all reasonable orders and directions given to it by the Board of Aldermen.

(Spl. Act 302, 1905.)

**Sec. 45. Meetings of board of public works; quorum.**

Said board of public works shall hold meetings at least once a month, and as much oftener as the public interest may demand.

Three members, exclusive of the Mayor, shall constitute a quorum, and the concurrence of three members shall be necessary for the transaction of business.

**Sec. 46. Powers and duties of board of public works generally.**

Said board of public works is hereby authorized and empowered, and it is hereby made its duty, subject to the provisions of this Act, and saving to the Board of Aldermen such powers as are given to it in this Act, to make such rules and regulations as shall be deemed necessary for its government and the government and control of all persons employed under or by its authority; to audit and adjust all bills incurred by it and to certify monthly the same to the city clerk; to have the care, management, and control of all streets, alleys, sidewalks, avenues, bridges, public grounds and parks in said city, and to provide for, regulate and superintend the opening, grading, improving, building, repairing, cleaning, sprinkling, and lighting of the same; to have charge and control of the construction, repairing, cleaning, and general supervision of all sewers, drains, culverts, sluiceways, catch basins, and manholes, and of the protection, repairing, cleaning, heating, and lighting of all public buildings of said city, except such as are, by the provisions of this Act, under the control of some other officer or board; to make and preserve all surveys, maps, plans, drawings, documents, and estimates that may relate to any work done or proposed to be done under the authority or direction of said board; to superintend, regulate, and direct as to the laying and repairing and keeping in repair of all railway tracks laid upon the streets of said city, and to require that the person or corporation building and operating such railway tracks shall comply with the laws of this state and with any vote or ordinance passed by said city relating to any railway tracks located in the streets of said city; to fix, regulate, and superintend the place and manner of laying down and taking up of water, gas, or other pipes, conduits, and things in, over, upon, or under the streets and other public places in said city, and of keeping the same in repair; and generally to do any and all things necessary or convenient in the execution of the powers described in this section.

**Sec. 47. Purchases and employment of personnel by board of public works; monthly statement required of board.**

Said board of public works shall purchase any and all tools and implements and supplies that may be necessary to carry out the provisions of this Act. It shall transmit monthly to the city clerk a detailed statement of all moneys expended by its direction during the preceding month.

**Sec. 49. Superintendent of public works.**

The superintendent of public works shall be hired by the Mayor and shall perform his duties under the direction of the Mayor and he may be removed at any time by said Mayor for just cause, and the Mayor shall be the sole judge as to such cause and the expediency of such removal. The superintendent of public works shall be required to have the following qualifications: A four-year degree from a recognized college or university to civil engineering or a closely related field plus five (5) years of progressively responsible public works administration experience including at least three (3) years in supervisor capacity, or, a high school diploma or the equivalent plus ten (10) years of progressively responsible public works administration experience including at least five (5) years in a supervisory capacity, or, any combination of experience and training which provides a demonstrated potential for performing the duties of the class.

He shall receive such compensation as may be fixed by said board, subject to the approval of the board of the aldermen, and he may be a resident of the city. Said superintendent shall be vigilant and attentive to keep the streets and sidewalks of said city at all times, so far as possible, free from defects

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and safe for public travel. It shall be his duty to see that the ordinances of said city relative to ice and snow and nuisances committed upon or allowed to be or remain upon said streets and sidewalks shall be obeyed, and that all such nuisances shall be forthwith spared.

(Spl. Act 302, 1905; election of 11-7-89)

### **Sec. 51. Board of education generally.**

There shall be in said city a Board of Education which shall have the care, management and control of all the schools located in said town and shall have the powers conferred and the duties imposed on Boards of Education by the General Statutes.

(Spl. Act 156, 1919; Spl. Act 29, 1925)

### **Sec. 54. Meetings of board of education.**

Said board shall hold regular meetings every month, and such special meetings from time to time as it may appoint or the Mayor may call.

(Spl. Act 302, 1905.)

### **Sec. 55. Organization of board of education.**

Said board shall, at its first meeting after its appointment and annually thereafter, elect from its number a president who shall preside at all meetings of said board. It shall also appoint from its number a clerk, who shall keep a record in a book for that purpose of all votes, acts, and transactions of said board, and shall perform any and all other duties imposed upon him by said board or by the provisions of this Act. Said board shall elect one or more suitable persons truant officers, to act as such in enforcing the general statutes regarding school attendance.

(Spl. Act 302, 1905.)

### **Sec. 57. Powers and duties of board of education generally.**

Said board of education shall have the entire charge and direction of all the public schools in said city and of the expenditure of all moneys appropriated for the support of the same, and shall keep all the school buildings and apparatus used therein in good condition and repair, and shall have and possess all the powers and be subject to all of the general duties of boards of education, school committees, and school visitors in this state, so far as the same are consistent with the provisions of this Charter. It shall make its own by-laws, define the duties of its officers and committees, and prescribe such rules and regulations for discipline in said public schools as are not inconsistent with the laws of this state or of this Charter.

### **Sec. 58. Annual estimate of school expenses.**

Said board of education shall, during the month of September in each year, submit to the Board of Aldermen of said city a detailed estimate of the expenses for the support of said schools during the ensuing year for which appropriation shall be made, specifying so far as possible the items of such expense.

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### **Sec. 59. Report of proceedings and statement of receipts and disbursements to be submitted by board of education annually.**

Said board of education shall, annually, at the end of each fiscal year, transmit to the Mayor a full report of its proceedings during said year, together with a statement showing the total amount of money received and expended for the support of said schools.

### **Sec. 61. Director of Health.**

The director of health shall exercise within the city all the authority and shall be subject to all the duties conferred upon and required of town health officers or boards of health. Pursuant to the General Statutes, the city may enter into a health district which shall act as the city's department of health, and its director shall act as the city's director of health.

### **Sec. 67. Police department generally.**

There shall be in said city, a police department, which shall consist of five (5) commissioners, one chief, and such numbers of lieutenants, sergeants, detective sergeants, detectives, and patrolmen as the Board of Aldermen shall from time to time determine, all of whom shall be appointed by the Mayor and confirmed by the Board of Aldermen. In the absence of the chief, the chief shall designate a lieutenant who shall be second in command to fulfill such duties of said chief. When the office of chief is vacated, the Mayor (by using the personnel policy of said city) shall appoint a successor with the approval of the Board of Aldermen.

When the office of lieutenant, detective sergeant, sergeant and detective are vacated, the Mayor, (after proper testing procedures) shall appoint any police officer of said city who has been a member of said department for three (3) years, with the approval of the Board of Aldermen.

(Spl. Act 302, 1905; Spl. Act 306, 1931; Spl. Act 216, 1949; Spl. Act 148, 1963; Spl. Act 166, 1969, § 1; Election of 11-4-80)

### **Sec. 69. Action by police commissioners when complaint filed against member of police department; monthly report of expenses to be submitted by police commissioners.**

Whenever written complaint shall be presented to said police commissioners, signed by any three (3) residents of said city, charging any member of said department with a refusal or neglect to discharge the duties imposed upon him, it shall be the duty of said commissioners to fix a day and place for a hearing upon such charges, and shall notify such accused member to appear before them at the time and place named. If said commissioners shall find such charges are true, they shall thereupon impose such punishment as in their judgment will be just. Said commissioners shall have power to summon witnesses and to compel the production of books, papers, or documents bearing upon said charges, in the same manner and to the same extent as a court may do in the trial of any action, civil or criminal. Said commissioners shall monthly certify to the Board of Aldermen the total amount of expenses incurred by them during the preceding month, giving details so far as possible.

### **Sec. 70. Duties of police generally; neglect, etc., of duty.**

It shall be the duty of the members of said police department to be vigilant, alert, and active in the discharge of the duties imposed upon them by the laws of this state, or by the ordinances of said city, and any refusal or neglect to discharge said duties, without good cause therefor, shall be sufficient to justify said commissioners to impose the punishment authorized by this charter or any ordinance of the city.

**Sec. 72. Mayor ex officio member of police commission.**

The Mayor shall be ex officio member of said police commission with the power to break any tie vote. (Election of 11-4-80)

**Sec. 73. Board of assessment appeals.**

The board of assessment appeals of said city shall possess all the powers and shall annually perform all the duties in and for said city imposed by law upon boards of assessment appeals of towns, respectively, and all laws of the state conferring powers and imposing duties upon boards of assessment appeals shall be applicable to said board of assessment appeals of said city.

(Spl. Act 302, 1905; Spl. Act 474, 1927; Spl. Act 13, 1945; Spl. Act 366, 1963; Election of 11-4-80)

**Sec. 75. Corporation counsel.**

- (a) There shall be in said city a corporation counsel who shall be nominated by the Mayor and confirmed by the Board of Aldermen, as provided for in section 9 of this Charter. He shall be at the time of his election a resident elector of said city and an attorney and counselor-at-law of this state. He shall hold no other office in the city government during his term. He shall be the legal adviser of the city and its departments, and it shall be his duty to represent said city in all civil actions in any court wherein said city is interested, except as otherwise provided, and to give his written opinion upon any legal question which may be submitted to him by the Mayor or by the Board of Aldermen, or by any department, or by any public official with the written consent of the Mayor. All opinions so given by him shall be recorded in an indexed book, which book shall be kept in the office of the corporation counsel and shall be the property of the city, and such opinions as the Mayor may direct shall be published in the year book issued next after such opinions are given. He shall, when so directed by the Mayor or Board of Aldermen, represent the city in all matters pending before the General Assembly affecting the interests of said city, and he shall perform all other legal services which may be required of him by the Board of Aldermen or by law or ordinance. He shall annually, on or before the tenth day of October, make a written report to the Mayor of his doings for the year ended on the thirtieth of September next preceding, showing the condition of all unfinished business in his hands.
- (b) In addition to said corporation counsel there may be one or more assistants to the corporation counsel as the Mayor shall from time to time determine necessary each of whom shall have all of the qualifications of the corporation counsel as herein set forth and who may be appointed for a specific task, a limited time or a full term as may be deemed proper, their compensation to be determined by the Mayor with concurrence of the Board of Aldermen. Said assistant or assistants shall be appointed by the Mayor and confirmed by the Board of Aldermen.

(Spl. Act 302, 1905; Spl. Act 166, 1969, § 2.)

**Sec. 78. Board of library directors generally; Stokes Directors.**

There shall be in said city a department of the public library, which shall be under the management and control of a board of nine library directors, who shall serve without pay. Said board of directors shall have charge of all property of said city used for the purposes of said library, and shall direct the expenditures of all money placed in its disposal by the city, from whatever source derived, and of all money and property which may be donated by private individuals to said library. The directors of said public library shall be appointed by the Mayor in the manner provided in section 9 of this Charter and shall hold office for three years until the first day of January next following, and until their successors are appointed and confirmed. The Mayor shall fill any vacancies in said board of library directors caused by death, resignation, removal or otherwise, for the unexpired term, as provided for in section 9 of this Charter. Those persons holding offices of library director from the date of passage of this Act shall continue to hold such office until the expiration of their terms. Upon the passage of this Act, the Mayor of the City of Ansonia shall appoint, in the manner specified in section 9 of this Charter, three directors of

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said public library who shall be known and designated in such appointment and in all subsequent appointments as Stokes Directors. One of said appointees shall serve for a term of one year from the first day of January 1961; one of said appointees shall serve for a term of two years from the first day of January 1961, and one of said appointees shall serve for a term of three years from the first day of January 1961, and thereafter the term of each such Stokes Director shall be three years.

(Spl. Act 302, 1905; Spl. Act 236, 1961.)

### **Sec. 79. Powers, duties, etc., of board of library directors; annual report.**

Said board of library directors shall make and enforce such rules, and regulations as it may deem proper for the management, protection, and preservation of the property of said library, and the management and use of the rooms thereof, and shall have all the rights and powers and be liable to the performance of all duties and obligations belonging by statute law to directors of public libraries in cities in this state, and not inconsistent with this Act. Said board of library directors shall annually report in writing to the Mayor of said city the condition of said library, the circulations of books, and generally the operation of said library for the preceding year.

(Spl. Act 193, 1963.)

### **Sec. 80. Organization of board of library directors; appointment, etc., of librarians and other employees.**

Said board of library directors shall, by ballot, biennially, at such time and place as may be prescribed in the by-laws, elect one of its number, who shall be a resident of said city, to be president, who shall hold office until his successor is elected; and said board shall elect a secretary, a treasurer, and such other officers as it may deem necessary, all of whom shall serve without pay, and shall fix the duties and compensation of such librarian and employees. The offices of secretary and treasurer may be held by the same person.

### **Sec. 81. Library appropriations and expenditures.**

The Board of Apportionment and Taxation of the City of Ansonia shall annually appropriate a sum of money, not less than three thousand dollars, for the care, maintenance, and support of said public library, and may from time to time, appropriate, in addition thereto, sums of money for building purposes, repairs, or improvements in real estate and fixtures, which in its discretion it may deem reasonable. All moneys, which have been or shall be appropriated by said city for library purposes, shall by the treasurer of said city, be paid over to the treasurer appointed by the board of library directors. No payments shall be made by said treasurer appointed by said board of library directors, except upon bills or orders approved in such manner as may be provided in the by-laws, and all bills and vouchers for expenses incurred shall be kept on file as may be provided in the by-laws, and shall be subject to inspection by the Mayor, the city treasurer, the corporation counsel, and any member of the board of directors of said library. The board of directors of said library shall not, on account of city appropriations or as chargeable thereto, expend any money in excess of the money therefor appropriated by said Board of Apportionment and Taxation for the use of said library; except, however, that any funds not derived from city appropriations may be expended to such an amount and for such purposes as said board of directors shall deem that the interests of said library may require.

(Spl. Act 302, 1905; Spl. Act 98, 1959.)

### **Sec. 82. Donations to library generally.**

The Mayor and Board of Aldermen of said city are authorized and empowered, in the name and behalf of said city, to accept any real estate which may be donated to said city for any of the purposes



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mentioned in this Act, under such terms, conditions, agreements, and stipulations with reference thereto and the management thereof and in the name of said library, as they may deem to the advantage of said city and are not inconsistent with this Act. All moneys, books, and other personal property donated to said city for library purposes, or to said library, may be accepted by said board of directors under such conditions, restrictions, and stipulations as they shall deem advantageous to said library and said city.

### **Sec. 83. Permanent funds and trusts for benefit of library.**

The board of library directors of said city shall, subject to the qualifications hereinafter contained, be a board of trustees of any permanent fund or any trust for said public library, and shall receive, hold, manage, invest, and reinvest, in the manner provided by law with reference to the investment of trust funds in this state any money or other property which by devise, bequest, or donation shall be given for the establishment of any permanent fund, or in trust for the benefit of said public library, unless otherwise provided by the terms of such devise, bequest, or donation. Such fund shall be kept as a separate fund, and said board shall annually report in writing the condition of said fund, its disposition, and the manner of its investment, to the Mayor of said city. The income of said fund shall semi-annually be turned over to said board of directors for the use of said library, or as specified in the terms of any devise, bequest, or donation thereof. Should any income of said fund not be expended in any one year, such unexpended income shall be subject at any time to the order of said board of directors. Any and all absolute donations of money or other personal property, whether by gift, bequest, or devise, shall be held, managed, and used as said board of directors may deem expedient.

### **Sec. 95. Opening and laying out streets and highways.**

No person shall open or lay out, within the limits of said city, any public or private way except in the manner herein provided for the laying out of streets and highways. Any person violating this section shall pay a penalty of fifty dollars (\$50.00) for each and every day such public or private way shall remain open in violation of this section. Said city shall not be liable for any damages sustained upon, or by reason of, any street or highway that shall hereafter be opened unless the same shall have been laid out as herein provided. The Board of Aldermen shall not be authorized to lay out any new highway or street unless at least one-half ( $\frac{1}{2}$ ) of all the damages occasioned by such layout, and not less than one-half ( $\frac{1}{2}$ ) of the estimated expense of bringing said street to the grade adopted, can be assessed upon property benefited by said layout. Whenever a new street shall be laid out within the limits of said city, the Board of Aldermen shall, at the time of adopting such layout, fix and establish the grade of such new street.

### **Sec. 97. Powers of Board of Aldermen as to construction, etc., of public squares, parks, sidewalks, sewers, etc.; paving, etc., streets, etc.; establishing building lines.**

Said Board of Aldermen shall have power and authority to order the laying out, construction, or alteration of public squares, parks, side or other walks, bridges, sewers, gutters, and drains within said city, and to order the paving, macadamizing, or otherwise improving any public street, pathway, or highway, and the paving of any sidewalk within said city; and may establish building lines beyond which it shall be unlawful to erect any building; but no building line shall be established unless all the damages awarded to the owners of land injured by the establishment of said lines can be balanced by benefits assessed upon property situated upon said street benefited thereby.

### **Sec. 98. Powers of Board of Aldermen in connection with drainage.**

Said Board of Aldermen shall have power to order and make any alterations or changes in the channel or banks of any stream or water course within the limits of said city and to acquire and take any land to accomplish said alterations or changes, for the purpose of widening, changing, enlarging, or deepening the channel of any such stream or water course, whenever it shall deem the same necessary to carry off the water and prevent damage to the streets, walks, squares, public grounds, or any public

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property in said city; also to take any land that may be necessary for the construction, maintaining, and keeping in repair of any drain or drains, sewers, gutters, or passageways for surface water that it may deem necessary to carry off surface water from the highways, streets, walks, squares, and public grounds within said city, and to drain such water across or over any land to some stream or water course within said city, provided, that compensation shall be made for any land so taken. The provisions of sections 112 to 115 of said number 441 of the Special Acts of 1901, as amended, shall apply to this section.

(Spl. Act 21, 1955.)

### **Sec. 99. Special assessments for street, etc., improvements generally.**

Said Board of Aldermen may, by itself or by a committee, upon the execution of any order for the paving, macadamizing, or otherwise improving any public street or highway or sidewalk within said city, other than ordinary repairs, or for the alteration or construction of any other public work authorized by this Act, other than the construction of sewers, and for the discontinuance of any highway, including the layout of a new highway in place thereof, and for the construction of any sewer or drain, if necessary, assess upon the property which, in the judgment of said Board of Aldermen, is especially benefited thereby, a proportional and reasonable part of the expense thereof, and shall estimate the particular amount of said expense to be paid by the person owning such property upon such assessment. In making such assessment it shall be the duty of the Board of Aldermen or said committee to assess, as benefits, such sums as may be assessed for damages, together with not less than two-thirds of the estimated cost of such improvements upon the property which is especially benefited thereby; provided, said board can find sufficient benefits accruing to any property benefited thereby upon which to assess the same.

### **Sec. 100. Authority of Board of Aldermen as to sidewalks, gutters and crosswalks generally.**

Said Board of Aldermen shall have power and authority from time to time, as public convenience and necessity may require, to determine and fix the grade, width, height, and level of all sidewalks and gutters in and upon streets and highways of said city, and may at the expense of said city, lay out, construct, raise, flag, pave, or make in a suitable manner any crosswalk in said city.

### **Sec. 101. Laying sidewalks, curbs and gutters; special assessments for sidewalks, curbs and gutters.**

The Board of Aldermen shall have authority, as public convenience and necessity may require, to order sidewalks, curbs and gutters to be laid upon the streets and highways in said city according to their course, width, height, level and grade and of such material as it shall determine. Whenever any sidewalk, curb or gutter shall be ordered laid by the Board of Aldermen, the superintendent of public works shall execute such order in a thorough and workmanlike manner and as economically as possible and shall report in writing the expense thereof to the Board of Aldermen who shall investigate the same and approve of it for such amount as it shall deem proper. Said Board of Aldermen shall then assess two-thirds of the expense thereof against the persons and property specially benefited thereby in the judgment of said board. Such sums so assessed shall be ordered paid into the city treasury within such time as said board shall order. The publication of such assessment twice in a newspaper published in New Haven County and having a circulation in said city shall be sufficient notice to all parties in interest.

(Spl. Act 474, 1927.)

### **Sec. 103. Changing grade, relaying, etc., of sidewalks, curbs or gutters.**

Whenever any sidewalk, curb or gutter shall have been laid by order of the Board of Aldermen in accordance with a grade duly established by law, and said Board of Aldermen shall deem it necessary at

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any time within ten years thereafter to alter or change the grade of such sidewalk, curb or gutter, such change, alteration or relaying shall be done at the expense of said city, provided, where such an alteration or grading or relaying of any sidewalk, curb, or gutter shall be made necessary by any change or alteration of any street line, the expense thereof shall be chargeable as is provided by law.

(Spl. Act 474, 1927.)

### **Sec. 107. Power of Board of Aldermen with regard to designation of building lines; building lines generally.**

The Board of Aldermen of said city shall have the power to designate a line or lines on the land adjoining any highway or street in said city, between which line and said highway or street no building or part thereof, or any stoop or part thereof, shall be erected or stationed. Any person violating this section shall forfeit and pay, for the use of said city, a fine not exceeding one hundred dollars, to be recovered in an action brought for that purpose before the Superior Court.<sup>3</sup> All buildings hereafter erected in violation of this section may be removed at the owner's expense, such expense to be a lien on the real estate of the violator. <sup>2</sup>

(Spl. Act 465, 1911.)

### **Sec. 108. Construction, maintenance, etc., of sewers and drains generally.**

The Board of Aldermen shall have power by itself or by a committee to lay out, construct, maintain, keep, and repair sewers and drains through or along any street, highway, public or private ground, within or without said city, and said city is hereby empowered to take, occupy, and appropriate for the purpose of drainage or sewerage any and all water courses, natural or artificial, or any portion thereof within said city, and when necessary to public health to cause the sewers and drains of said city to empty into rivers and water courses without the limits of said city, and when said sewers or drains shall be laid through any lands or shall be made to empty into any water courses within or without the limits of said city, the damage thereby done to the owner of said lands and water courses shall be assessed as hereinafter provided.

### **Sec. 109. Connections with sewers and drains; unauthorized construction or use of drains or sewers generally.**

The Board of Aldermen shall have power to order the owners of buildings situated upon any street or any highway within said city, where any sewer or drain shall have been made, to make connections with any sewer or drain, so that the entire sewerage of such buildings will flow into the same, and to supervise the laying of such connections. No person shall construct any drain or sewer of any kind through or from any building or upon any street in said city or use or permit the same to be used without the consent of the said Board of Aldermen or its designated agent.

(Spl. Act 369, 1961.)

### **Sec. 111. Permit required for construction of sewer or drain.**

No person shall hereafter construct any sewer or drain of any kind upon or from any premises in said city or use or permit any said sewer or drain to be used without a permit by said Board of Aldermen or its designated agent. Any person or persons constructing a sewer or drain without said permit shall forfeit and pay for the use of said city a fine of twenty-five dollars (\$25.00) for such construction and a fine of five dollars (\$5.00) for each day that such sewer or drain is used or permitted to be used without such permit being given.

(Spl. Act 369, 1961)

**Sec. 112. Notice of proposed public improvements; hearing.**

Before said Board of Aldermen, or any committee thereof, shall determine to lay out, alter, extend, enlarge, pave, or macadamize, change, or discontinue any highway, street, avenue, or public walk, or to establish or change the grade of any such street, highway, or avenue, or to construct any sewer or sewers, or to discontinue any building line in said city, or to assess benefits and damages therefor, said board or said committee shall cause a notice signed by the Mayor or by the city clerk of said city, describing in general terms the nature of the action proposed to be taken, and specifying the time and place when and where the persons whose land is proposed to be taken or affected by any such improvement may appear before said board or before said committee and be heard in relation thereto, which notice shall be published not less than three times in some newspaper published in said city, at least ten (10) days before the time fixed in said notice for said hearing, and said publication shall be legal and sufficient notice to all persons and corporations interested therein, or said notice may be served by any proper officer or indifferent person upon the owner of any of said lands, if a resident of said city, by leaving with him, or at his usual place of abode, a copy thereof at least ten days before said hearing, and if not a resident, then upon the person in possession or charge of said premises, and also by sending by mail, postage paid, to such owner, if his address can be learned, a copy of such notice at least ten (10) days before the time fixed in said notice for such hearing, which shall also be legal notice to all persons and corporations interested therein. At the time and place mentioned in said notice, and at any meeting adjourned therefrom said Board of Aldermen, or said committee, shall hear any and all persons in interest who may appear and desire to be heard in relation thereto. Said Board of Aldermen, or said committee, shall thereupon determine whether the particular improvement described in said notice shall be made.

(Spl. Act 302, 1929)

**Sec. 113. Survey and map of improvements to be made, etc.; appraisal and assessment of damages and benefits; time for payment of benefits, etc.**

If said Board of Aldermen shall decide to make any improvement described in the next preceding section after such hearing, it shall thereupon cause a survey and map of the same to be made and filed with the clerk of said city and a particular description thereof to be recorded upon the records of said Board of Aldermen, and may pass any order to make such action effective. And said Board of Aldermen shall at the same time appraise and assess all damages and benefits that may arise or accrue in consequence of making any such improvement and may fix the time in which such benefits shall be paid and may fix and establish a rate of interest on any unpaid balance during said period of time.

(Spl. Act 369, 1961; Election of 6-16-77)

**Sec. 114. Report of committee describing improvement and containing estimate and appraisal of benefits and damages.**

If such proposed improvement shall be decided upon by a committee appointed by said Board of Aldermen, or if said committee shall estimate, appraise, and assess damages and benefits arising or accruing in consequence of any such improvement, they shall thereupon make a written report to said Board of Aldermen describing the particular improvement decided upon by them, together with an estimate and appraisal of benefits and damages arising or accruing from the same. Said Board of Aldermen may accept, reject, modify, change, or alter such report or such estimate and appraisal of damages and benefits, and may make such improvement to correspond with such modification, improvement, or change. And the action of said Board of Aldermen in making any such improvement and the assessment of such damages and benefits recommended by said committee shall have the same effect as if made by itself.

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### **Sec. 115. Notice after passage of order relative to improvement, etc.**

It shall be the duty of the city clerk, within five days after the passage of any order relative to such improvement or the assessment of damages and benefits, to give written notice thereof to any and all persons affected thereby, which notice may be given by depositing a copy thereof in the post office at Ansonia, postage prepaid, and addressed to the person or persons named in said notice, or the city clerk may cause said notice, signed by him, to be printed at least three times in a newspaper published and circulating in the City of Ansonia, within five days after the passage of said order as aforesaid, which publication shall be due and legal notice to any and all persons affected by said order. No such order shall be deemed to have been passed until the Mayor has approved the same or failed to disapprove it within five days thereafter as provided in this Act. If any persons, upon the passage of said order, shall be assessed for benefits, said notice shall contain the names of the persons thus assessed with the amount of their assessments.

(Spl. Act 302, 1905; Spl. Act 428, 1907.)

### **Sec. 116. Appeal from order directing an improvement, etc.**

An appeal shall be allowed to any person aggrieved from any order directing an improvement as described in sections 98 and 112, as amended, 113 and 114 of this Act or from any assessment or appraisal of damages and benefits made in consequence thereof, which appeal shall be taken to the Superior Court, at the next regular return day, or next but one, following the passage of the vote or order appealed from, and said appeal shall be proceeded with by said court in the same manner as in civil actions brought to said court. All such appeals shall be privileged cases and the corporation counsel shall cause such appeals to be heard as speedily as possible. No appeal shall prevent the making of any public improvement during the pending of such an appeal and the city may immediately enter upon, take and hold any real property or interest therein which it determines is necessary for use in connection with the making of said public improvement.

(Spl. Acts 21, 391, 1955.)

### **Sec. 119. Payment of damages resulting from improvement; amount of benefits not to exceed damages, etc.**

The Board of Aldermen shall order the damages assessed to be paid to any person to whom they are appraised, or his authorized agent, from the city treasury within sixty days thereafter. And in case any person shall refuse or neglect to receive the same within said time it shall be retained in the city treasury subject to his order; provided always, that the whole amount of the benefits assessed from any improvement authorized by this Act shall not exceed the whole amount of damages appraised or assessed in consequence thereof, together with the estimated cost of constructing and completing such improvement.

### **Sec. 120. Payment of special benefits.**

Any sums assessed by said Board of Aldermen as special benefits shall be ordered paid into the city treasury within such time as said board shall order.

### **Sec. 121. Petition for construction, etc., of sidewalk or gutter generally; notice of pendency of petition.**

Whenever a petition shall be presented to said Board of Aldermen to designate and fix the width, course, height, level, or to establish or change a grade of any sidewalk or gutter in and upon any highway in said city, or for the construction of any sidewalk or gutter, or for an order to compel the owners of land

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fronting on such sidewalk to make, flag, pave, or curb such sidewalk pursuant to the provisions of this Act, such petition shall be continued to the next regular meeting of said board, and notice of the pendency of said petition shall be given to all parties interested therein to appear and be heard if they see cause at the next regular meeting aforesaid. A notice signed by the city clerk and published in a newspaper published in said city at least five days before said meeting shall be deemed sufficient notice of the pendency of such petition.

### **Sec. 122. Compliance by Board of Aldermen with petition provided for by preceding section.**

If it shall appear at such next regular meeting that two-thirds in number of the persons owning property situated on the street, highway, or avenue described in such petition are in favor of having the work done as prayed for in said petition, it shall thereupon be the duty of said Board of Aldermen to comply with the prayer of said petition and to pass an order fixing and establishing the width, course, height, level, or grade of such sidewalk or gutter, or to cause the construction of any such sidewalk or gutter, or to compel the owners of property fronting on such sidewalk to pave or flag the same in such manner and within such time as said board may determine.

### **Sec. 123. Property owners may be required to furnish safeguards along sidewalks; time limit may be imposed for complying with order referred to in preceding section; notice of such time limit.**

Said Board of Aldermen may compel the property owners to provide such safeguards along sidewalks as public safety may require, and may limit such time as it may deem reasonable for the carrying out of such orders, notice of which shall be given by leaving a true and attested copy of such order personally with or at the usual place of abode of such owner, within five days after the passage of the same, by any proper officer or indifferent person. If such owner be a non-resident of said city a true and attested copy of such order deposited in the post office at Ansonia, postage paid, addressed to such person at his last known place of residence, and a like true and attested copy left with the person having charge of such property or occupying the same, shall be deemed to be sufficient.

### **Sec. 124. Repairs to sidewalks, curbs and gutters.**

All necessary repairs to sidewalks, curbs, and gutters shall be made by said city, when the property owner shall fail to make the same, upon order of the Board of Aldermen, and the expense thereof shall be paid by said property owner.

(Spl. Act 277, 1913.)

### **Sec. 125. Laying out, procuring, maintaining, etc., public parks.**

The Board of Aldermen shall lay out, alter, exchange, extend, manage, improve, and maintain all public parks, and may procure by gift, purchase, lease, exchange, or other contract, or by condemnation, in the same manner and form as specified in this Charter for the layout, extension, and alteration of streets, land for the same, both in and outside the limits of said city; and all expenses incurred in laying out and maintaining such parks shall be included in the specific appropriation, annually or specially voted as hereinbefore provided.

(Spl. Act. 369, 1961.)

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### **Sec. 126. Power of Board of Aldermen to borrow for temporary needs of city.**

The Board of Aldermen shall have power to borrow money for the temporary needs of the city; provided, however, that the amount so borrowed, together with the amount expended and on hand, shall at no time be in excess of the appropriation as made by the Board of Apportionment and Taxation for said year.

### **Sec. 127. Repealed.**

Repealed by Special Act No. 369, 1961.

### **Sec. 128. Procedure for payment of claims, etc., against city.**

The Board of Aldermen, before paying any claim, bill, or evidence of debt against said city, shall cause said claim, bill, or evidence of debt to be certified to by the officer, party, or head of department under whose supervision or order said debt was contracted, which claim, bill, or evidence of debt, if approved by the Board of Aldermen, shall be paid by an order drawn on the treasurer of said city and signed by the city clerk and countersigned by the Mayor; and the treasurer of said city is hereby prohibited from paying any order not so signed.

### **Sec. 129. Fire department generally.**

(a) There shall be a fire department for said city which shall consist of such numbers of fire companies as the Board of Aldermen shall from time to time establish or approve by its action; the officers of said department shall be a chief engineer, who shall be designated as the fire chief, and one assistant engineer from each of the city's companies, other than the one of which the chief shall be a member. (b) The said officers shall rank in the following order: Chief engineer, first assistant engineer and similarly through the second, third and fourth assistant engineers. Any vacancies in any of said offices shall be filled by advancement of the assistant engineer directly below in rank. Promotion shall be accomplished biennially by advancing each such officer until he shall reach the post of chief engineer, in which post he shall serve one full term in addition to any unexpired term he may have served by reason of a vacancy appointment. Upon the retirement of the chief engineer at the end of his term, the company of which such chief is a member shall appoint a new fourth assistant fire chief from among its members. In the event of its failure to do so within sixty days of the end of such term, the Board of Aldermen shall appoint such fourth assistant fire chief from among the members of such company. Any vacancy in the office of fourth assistant fire chief shall be filled in the same manner as the original appointment. (c) The chief engineer and his assistants shall determine all operating policies for the fire department. (d) There shall be a board of fire commissioners which shall direct and conduct all expenditures of funds and establish non-operating administrative policy for the fire department. Said board of fire commissioners shall consist of three aldermen appointed by the president of the Board of Aldermen and the chief engineer, the first and second engineers, the first and second engineers of said department, ex officio, and the Mayor, ex officio. The chairman of said board of fire commissioners shall be elected from among the aldermanic members thereof by a majority vote of all of the said board members present and absent. He shall preside at all meetings of said board. The Mayor shall have the power to vote only in case of a tie, in which case he shall vote to break the tie. (e) The chairman of the said board of fire commissioners and the chief engineer shall sign all vouchers expending the funds appropriated to the fire department. (f) The Board of Aldermen shall have all and any power necessary to implement the provisions of this section by the enactment of the appropriate ordinances, regulations or resolutions.

(Spl. Act 302, 1905; Spl. Act 348, 1941; Spl. Act 3, 1950; Spl. Act 369, 1961; Spl. Act 166, 1969, § 3.)

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**Sec. 130. Superintendent of fire alarm system.**

Said Board of Aldermen shall appoint a superintendent of the fire alarm system of said city, who shall have the care of, maintenance, and extension of said fire alarm system, and shall perform any and all duties as may be prescribed by the Board of Aldermen or by the ordinances of said city, and who shall be paid such a compensation as may be fixed by said Board of Aldermen.

**Sec. 131. Rules and regulations concerning fire department, fire protection, etc.**

Said Board of Aldermen may make any and all needful rules and regulations, not inconsistent with the laws of this state, relative to said fire department, the protection from fire of the property in said city, the appointment of fire police, and the care, use and maintenance of all property owned by said city and used by said fire department.

**Sec. 132. Number of fire companies, etc.; control of fire department property; appointment of fire police force.**

Said Board of Aldermen may from time to time prescribe the number of fire companies, except as may be otherwise provided, and the number of men to each company and their compensation, if any, and shall have control of all the property of said city used by said fire department, and may appoint a fire police force to act in conjunction with said fire department when on duty, whenever their services may be required.

**Sec. 133. Salaries of city officials.**

Any provision of the city Charter or ordinances to the contrary notwithstanding and subject only to the provisions of the statutes or Constitution of the State of Connecticut, the salaries of all city officials and employees, may be established or altered at any time by resolution of the Board of Aldermen. All salaries shall be paid in monthly installments by orders drawn on the city treasurer and shall be in lieu of all other compensation for any services required or salaried officials under the provisions of this act except as hereinafter specified.

(Spl. Act 302, 1905; Spl. Act 229, 1917; Spl. Act 178, 1921; Spl. Act 348, 1941; Spl. Act 369, 1961; Spl. Act 166, 1969, § 4.)

**Sec. 133A. Authority of city relative to issuing bonds; city bonds generally.**

Bonds of the city may be issued under and subject to the limitations of the general statutes for any purpose for which towns are authorized to borrow by said general statutes and which shall have been approved by the Board of Apportionment and Taxation and by the voters as provided in section 133C. Such bonds shall bear the city seal, be signed by the city treasurer and countersigned by the Mayor, and the coupons, if any, appended thereto shall bear the facsimile signature of the city treasurer. The Board of Aldermen by a vote of the majority of all its members shall determine the form of each issue of said bonds, whether registered or coupon, their date, their term, the place and time when they shall be payable, the manner in which they shall be issued and sold and the principal amount of bonds to be issued and sold from time to time, provided the total amount of bonds to be issued for particular purposes may not exceed the amount approved by the electors as prescribed in section 133C. The Board of Aldermen may determine or may authorize the city treasurer to determine the maturities and the rate of interest to be paid on such bonds. Bonds when executed as hereinbefore provided and delivered shall be obligations of the city and of all the inhabitants and property thereof according to their tenor and purport and said bonds, if properly signed by officials in office on the date of execution, shall be valid notwithstanding that before delivery thereof such officials shall have ceased to hold office.

(Spl. Act 63, 1955.)



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**Sec. 133B. Proceeds from sale of general obligation bonds.**

The proceeds from the sale of any general obligation bonds, other than premiums, shall be used only for the purposes for which the bonds were issued, except as otherwise authorized by this section. If a balance remains after the completion of the project for which such bonds were issued, upon request of the Board of Aldermen, such balance may be appropriated for any generally similar capital project by the Board of Apportionment and Taxation. If said Board of Apportionment and Taxation shall make no such appropriation within a period of one year from the completion of such project, such balance shall be applied to the payment of the principal of such bonds thereafter to mature in such manner and at such time or times as shall be determined by the Board of Apportionment and Taxation. Any premium received from the sale of such bonds, less the costs of preparing, issuing and marketing them, shall be similarly applied to the payment of bond principal.

(Spl. Act 63, 1955.)

**Sec. 133C. Determinations and approvals required prior to issuance of bonds; bond election.**

No bonds shall be issued by the city until the Board of Aldermen shall have determined that it is for the best interests of the city to issue not exceeding a stated amount of bonds for designated purposes nor until the proposal to issue such bonds has been favorably acted upon by a majority of the electors of the city voting on the question at any regular or special municipal election duly warned for that purpose. The warning and notice for any such election shall describe in reasonable detail the purposes for which it is proposed to issue bonds and the maximum amount of bonds it is proposed to issue. The vote shall be taken by written ballot or by voting machine and the question to be voted upon shall be reduced by the city clerk to substantially the following form, viz., "Shall the city issue not exceeding \$..... of its bonds for the purpose of (stating purpose or purposes briefly)". The Board of Aldermen shall determine when the question shall be presented to the electors, provided no such question shall be so presented unless the Board of Apportionment and Taxation shall have first approved the purpose or purposes for which it is proposed to issue bonds and the maximum amount of bonds proposed to be issued. The Mayor shall call a meeting of the Board of Apportionment and Taxation, to be held within fifteen days following the determination by the Board of Aldermen to issue such bonds, to act upon the proposal to issue such bonds. The necessary approval shall be deemed to have been granted by said board if it shall, for any reason, fail to disapprove within twenty-eight days after the determination by the Board of Aldermen to issue such bonds.

(Spl. Act 63, 1955.)

**Sec. 133D. Issuance, etc., of temporary notes in anticipation of bonds.**

When a particular issue of general obligation bonds of the city has been duly authorized as hereinbefore provided, the Board of Aldermen by a majority vote of all of the members thereof may authorize the issue and sale of temporary notes in anticipation of such bonds under, and subject to the limitations of number 450 of the Public Acts of 1955.

(Spl. Act 63, 1955)

**Sec. 133F. Reserve fund for capital and nonrecurring expenditures.**

[This] amendment to the City Charter provides for the creation of a reserve fund for capital and nonrecurring expenditures. The fund would be used to finance the purchase of capital improvements and other large expenditures that do not normally fall as recurring expenses in a normal budget. An example of such an expense would be the purchase of a fire truck. The fund would be used as an alternative to bonding as a means to finance large expenditures. One advantage of the use of the reserve fund over bonding is the avoidance of long term debt and the interest payments that go along with such financing.

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The fund would be financed by the appropriation each year of an amount not to exceed one tenth (1/10) of a mill per fiscal year. The total of the fund balance may not exceed two (2) percent of the current operating budget. The reserve fund would have a continued existence from one fiscal year to the next without the requirement that any unexpended items be returned to the general fund surplus.

The fund will be used for a physical public betterment or improvement to land facilities or procurement of major equipment. Purchases must have a value of fifty thousand dollars (\$50,000.00) or more and must not reoccur within a five-year period.

The fund may only be used for general government purposes. It may not be used for board of education expenditures. The appropriation, use, investment and other procedures concerning the fund will be governed by the municipal reserve fund sections of the Connecticut General Statutes, Sections 7-361 and 7-363-7-368 of the Connecticut General Statutes as amended.

Appropriations to the fund will be made for each fiscal year within the framework of the normal budget process with the Board of Apportionment and Taxation and the Board of Aldermen assuming their normal roles in the budget process. Approval of fund projects would also be through the aforesaid boards.

(Election of 11-4-97)

### **Sec. 137. City officers prohibited from accepting bribes; Mayor and members of Board of Aldermen not to contract with city, etc.**

No officer of said city, or of any ward thereof, or of the Town of Ansonia, whether elected or appointed, shall take or receive any money, article, thing, advantage, or promise thereof as consideration for any vote or act in his official capacity, or for any neglect to vote or act in such capacity, or for making or consenting in such capacity to any award of any contract or to any appointment to or removal from any office or place. Any person offending against any of the provisions of this section shall, upon conviction, be punished by imprisonment for a term of not less than three months nor more than one year. Neither the Mayor nor any member of the Board of Aldermen shall enter into any contract with said city, or shall be, by said Mayor or Board of Aldermen, appointed to any office within the gift of said city to which there is any salary, compensation, pay, or emolument attached, and upon any Mayor or Aldermen making such contract or accepting such office or appointment, his office of Mayor or Aldermen shall thereby become vacant, and such vacancy shall be filled as herein provided.

(Spl. Act 302, 1905)

### **Sec. 138. Contracts and purchases generally.**

All contracts to be made or let for work to be done, or for supplies to be furnished to said city, except as in this Act otherwise provided, and all sales of personal property in the custody of the several departments or officers of said city, shall be made by direction of the Board of Aldermen. Whenever any work is necessary to be done to execute or perfect a particular undertaking or any supply is needful for any particular purpose, and the several parts of said work or supply shall together involve the expenditure of up to two thousand five hundred dollars, such purchase may be made by simple award of purchase order. For expenditures of two thousand five hundred dollars to twenty five thousand, such purchase shall require solicitation of at least three bids, written or by telephone and followed up by a written bid. For expenditures of more than twenty five thousand dollars a written contract for such work or supplies shall be made, under such regulations as the Board of Aldermen may by vote direct, which contract shall be founded on sealed bids or proposals, made in compliance with public notice, duly advertised by publication at least ten days before the time fixed for opening said bids or proposals. If said board shall not deem it for the interest of the city to reject all bids, it shall award the contract to the lowest responsible bidder, provided, however, that if it shall not deem it practicable or for the best interests of the city to proceed as above required, for any particular work, or the obtaining of any particular supplies, it shall make a written statement to that effect, giving its reasons and the manner in which, in its opinion, the work should be done, or the supply obtained, and submit the statement to the Mayor. The Mayor if he concurs, shall endorse his approval thereon, and said statement shall then be filed with the proper officer

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for reference, where it shall be, and remain subject to public inspection; and then, and not until then, the work may proceed or the supply may be obtained in the manner therein stated.

The terms of each contract shall be settled by the corporation counsel, and shall form a part of the specifications, and the contractor shall give security to the satisfaction of the Mayor for the faithful performance of his contract. All bids or proposals shall be publicly opened by the department or officer advertising for the same, in the presence of the Mayor, but the opening of bids shall not be postponed if the Mayor shall, after due notice, fail to attend. If the lowest bidder shall neglect or refuse to accept the contract within five days after written notice that the same has been awarded according to his bid or proposal, or if he fails to execute his contract or to give proper security, it may be re-advertised and re-let, in the manner above provided, or with the written approval of the Mayor, filed for public record with the city clerk, said contract may be awarded to the next lowest responsible bidder. If any work shall be abandoned by any contractor, it may be re-advertised and re-let in the manner provided for the original contract or with the written approval of the Mayor, the Board of Aldermen may cause said work to be finished without making any new contract, and the original contractor shall be liable to the city for any excess in the cost of said work over the amount of the original contract. No bid shall be accepted from or contract awarded to any person who is in arrears to the city upon debt or contract, or who is a defaulter as surety or otherwise upon any obligation to the city. Three copies of every contract shall be executed, and one of the original copies thereof shall be filed in the city clerk's office. Whenever proposals for furnishing supplies or doing work are invited by advertisement by any department or officer, such department or officer is directed to require, as a condition precedent to the reception of any proposal, the deposit with the Mayor of a check drawn to the order of the Mayor and certified by some reliable bank. Such checks shall accompany the proposal, and be for an amount of not less than five per centum of the amount required by said bid to be paid by the city for the proposed work to be done or supply to be furnished. Within three days after it is decided who is the lowest bidder, the Mayor shall return all such checks to the persons depositing the same, except the check deposited by the lowest bidder for such contract; and if the said lowest bidder shall refuse or neglect, within five days after due notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited to and retained by said city, as liquidated damages for such neglect or refusal, and shall be paid into the treasury of said city; but if the lowest bidder shall execute the contract within the time aforesaid, the amount of his deposit shall be returned to him.

(Spl. Act 348, 1941; Spl. Act 193, 1963, election of 11-6-90, § 2; election of 11-5-13)

### **Sec. 140. Prerequisites to ordering public improvements.**

No public improvement of any kind shall be ordered by the Board of Aldermen or other authority having power to authorize the same, until an appropriation for said improvement has been duly made and funds to pay for the same have been provided and set apart for that purpose or in the event the public improvement is to be financed by bonds, until the same have been authorized by the Board of Aldermen and approved by the Board of Apportionment and Taxation and by the voters as required by section 133C.

(Spl. Act 63, 1955)

### **Sec. 141. Bonds required of certain city officers.**

All officers of said city receiving, handling, or paying out moneys belonging to said city, shall be required to furnish bonds in such amount as may be prescribed by the Board of Aldermen. The bonds of all city officers shall be taken to the City of Ansonia, conditioned for the faithful performance of the duties of the office according to law. The amount, form, and sureties of each bond shall be to the satisfaction of the Board of Aldermen, and the form of each bond and the sufficiency of the sureties shall be annually examined by said board.

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**Sec. 143. Filling vacancies in elective offices.**

When any vacancy shall occur in any elective office of said city, the Board of Aldermen, having been duly called together for that purpose by the city clerk, shall proceed by ballot to fill said vacancy; if in the office of the Mayor, one of said Aldermen shall be elected, if from any other elective office, then from the freemen of said city. A plurality of ballots shall be sufficient to elect, and the person or persons so elected shall fill the unexpired term or terms and perform all the duties pertaining to said office.

**Sec. 144. Officers to hold office until successors chosen and qualified.**

All officers of said city, unless prevented by death, inability, suspension, or removal, shall hold their respective offices until their successors shall be chosen and shall have duly qualified, unless otherwise provided herein.

**Sec. 145. City officers to be resident electors, etc.; when nominations of Mayor to be filed.**

Every officer of said city chosen by the electors, or nominated by the Mayor and confirmed by the Board of Aldermen, shall be a resident elector of said city unless otherwise specified in this Charter. All nominations by the Mayor to any office shall be filed with the city clerk at least seventy-two hours prior to a regular meeting of said Board of Aldermen or a special meeting of said board duly called for that purpose.

(Spl. Act 302, 1905.)

**Sec. 146. Additional powers of Board of Aldermen, etc., to compel attendance and testimony of witnesses, etc.; false swearing before board.**

The Board of Aldermen, or any committee appointed by said board, shall have power to compel the attendance and testimony of witnesses, and commit for contempt in the same manner and to the same extent as the Superior Court, and to administer oaths by its chairman, and wilful and false swearing before it shall constitute the crime of perjury, and may be punished as such.

**Sec. 148. Passage of ordinances; when ordinances effective.**

No ordinance shall be put upon its passage until it shall have been published at least twice in a newspaper published in said city, and no ordinance shall be put upon its passage in the Board of Aldermen until it shall have been referred to a suitable committee and reported by such committee, after public hearing; provided, that if seven of the members of said board are present, said board may, by unanimous consent, expressed by yea and any vote, pass such measure without such reference, hearing, or publication. In case three members of said board, who are present, shall so desire, no ordinance shall be passed, amended, or repealed until it shall have lain upon the table for one month after it shall have been reported by the committee. No ordinance shall be of force or effect until it shall have been published at least three times, after its passage, in a daily paper published in said city, nor until one week after its enactment.

(Spl. Act 465, 1911; Spl. Act 193, 1963.)

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### **Sec. 149. Town burdens, expenses and duties imposed upon city; town rights, powers and privileges conferred upon city.**

All burdens and all expenses imposed by law upon the Town of Ansonia for the conduct of elections, for the care and support of the poor, and incapable persons, and for the construction and maintenance of highways and bridges, for the support of schools and for the construction and maintenance of schoolhouses and other public buildings, for the prosecution of criminal offenses, for the payment of the principal and interest of the town debt, for the payment of state, military commutation, and county taxes, and for all other purposes for which towns now are or hereafter may be liable, shall hereafter be borne by said city, and shall be defrayed out of the treasury of said city; and said city shall hereafter perform all the duties and have and exercise all the rights, powers, and privileges of and relative to said purposes and matters by law conferred upon said town, and all laws of the state imposing such duties, burdens, and expenses, and conferring such rights, powers, and privileges upon said town, are hereby amended so as to be hereafter applicable to and operative upon said city, except as herein otherwise provided.

### **Sec. 150. Public improvement assessment liens generally.**

All assessments of benefits for public improvements made under the provisions of this Act shall be and remain a lien or real encumbrance upon the land or property upon which they are respectively made, and shall take precedence of all other liens or encumbrances thereon, except taxes due the state; and may be foreclosed in the same manner as if said lien were a mortgage on said land and buildings in favor of said city, to secure the amount of such assessment; provided, however, that such lien shall not continue to exist for a longer period than sixty days after the giving of notice as hereinbefore prescribed, unless within that period a certificate, signed by the collector of taxes of said city, describing the premises on which such lien exists, and the amount claimed by said city as the lien thereon, shall be lodged with the town clerk of said Town of Ansonia, and that said lien shall cease to exist whenever a certificate thereof, signed by the collector of taxes, shall be filed with said town clerk. All such certificates shall be recorded by said town clerk upon the land records of said Town of Ansonia, and the legal fees for filing such lien shall be added to such assessment. Such assessment shall be collected by warrant under the hand of the Mayor in the same manner as the town or city taxes are collected, and shall bear legal interest from and after the time when the same shall become due and payable.

### **Sec. 152. Town, etc., property, debts, etc., transferred to city.**

All the property and rights of action and all securities and liens therefor, including liens for taxes, filed by the Town of Ansonia, the Borough of Ansonia, and the West Ansonia fire district, are hereby transferred to and vested in said City of Ansonia, and the said City of Ansonia is hereby, and by the acceptance of this Charter, made liable for all debts, dues, and obligations of every kind and nature of the said Town of Ansonia, said Borough of Ansonia, and said West Ansonia fire district, that are now due or may hereafter become due, and to execute, abide by, and perform all the duties and obligations, and have and exercise all the rights of said Town of Ansonia, said Borough of Ansonia, and said West Ansonia fire district; and any creditor and any person whatsoever having any claim or right of action arising out of any contract, obligation, or otherwise against said Town of Ansonia, Borough of Ansonia, or said West Ansonia fire district, may enforce the same against the said City of Ansonia in the same manner as if said claim, right, or obligation had originally accrued against the said City of Ansonia.

### **Sec. 154. Absentee policy for boards and commissions.**

A member of any aldermen-appointed board or commission of the City of Ansonia who is absent from three (3) consecutive regularly scheduled and duly called meetings of said board or commission shall be considered to have resigned from such body and the seat occupied by such member shall be deemed to be vacant. Any vacancy shall be filled in the same manner as the original appointment. The requirements of this section may be waived by the Board of Aldermen for good cause, duly shown, where

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illness or other extenuating circumstances has made it impossible for a member to have met the attendance requirement of this section.

(Election of 11-5-13)