

2012 Charter Revisions

August 3, 2012

28TH BOARD OF REPRESENTATIVES CITY OF STAMFORD

President
RANDALL M. SKIGEN
Clerk of the Board
ANNIE M. SUMMERVILLE

Majority Leader
ELAINE MITCHELL
Minority Leader
ROBERT "GABE" DELUCA

August 3, 2012


To the Voters of the City of Stamford:

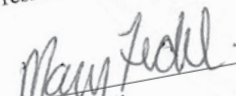
This special supplement contains proposed changes to the Charter of the City of Stamford. The 17th Charter Revision Commission proposed these changes after studying our City Charter and government over the past ten months. The proposed changes were approved by the Board of Representatives at its Regular Meeting held on July 9, 2012. The full text of the Charter, with all of the proposed changes is being published in accordance with Connecticut General Statutes §7-191(d).

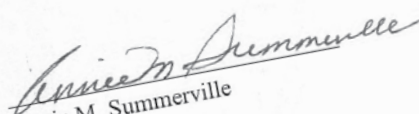
But the final decision is yours. On November 6, 2012, these proposed changes will be placed on the ballot and you will have the opportunity to approve or reject them. Please read and carefully consider these proposals and save this supplement for reference.

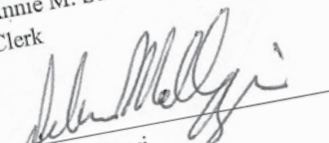
We urge you to vote in November. Good government depends upon your informed participation.

Sincerely,


Randall M. Skigen
President


Mary Fedeli
Co-Chair
Charter Revision Committee


Annie M. Summerville
Clerk


John Mallozzi
Co-Chair
Charter Revision Committee

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LEGEND:

[] = Deleted text

Italics and underlined = Added text

*Note: Although thoroughly proofread,
any typographical errors contained herein shall
have no bearing on the language of the Charter*

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CHARTER¹

¹**History**—S. A. 312, 1947, approved 5-21-1947; adopted by electors at special election 11-3-1947; effective 4-15-1949. Amendments noted where applicable.

Editor's Note - This Charter originally appeared as 1947, Special Act No. 312, which was approved by the state legislature on May 21, 1947. It was adopted by the electors of Stamford at a special election held November 3, 1947, and became effective April 15, 1949.

If a section has been amended subsequent to 1947, S.A. No. 312, that section is followed by a parenthetical historical citation indicating the source of the amendment. If a section has not been amended subsequent to 1947, S.A. No. 312, no parenthetical historical citation follows that section.

Where material which is not a part of the Charter has been included for the convenience of the reader, such fact is indicated by means of an Editor's Note.

The original section numbers, as amended 11-3-1987 and 11-7-1995, have been retained for the codification of the Charter; however, to identify these sections as part of the Charter, the section numbers have been prefaced with the letter "C."

PREAMBLE

PART 1. - ORGANIZATION AND ELECTION PROCEDURES

DIVISION 1. - CONSTRUCTION

- Sec. C1-10-1. - Title.
- Sec. C1-10-2. - Definitions and Titles Generally.
- Sec. C1-10-3. - Time of Appointments and Meetings Generally.
- Sec. C1-10-4. - Definitions.

DIVISION 2. - INCORPORATION

- Sec. C1-20-1. - Incorporation.
- Sec. C1-20-2. - Continuance of Obligations.

DIVISION 3. - CORPORATE POWERS

- Sec. C1-30-1. - Corporate Powers.

DIVISION 4. - LEGAL EFFECT

- Sec. C1-40-1. - Repeal of Other Laws.
- Sec. C1-40-2. - Saving Clause.
- Sec. C1-40-3. - Time of Taking Effect.
- Sec. C1-40-4. - Invalidity.
- Sec. C1-40-5. - Mandatory Review of Charter Every Ten Years.

DIVISION 5. - CONDEMNATION AND DISPOSITION OF LAND

- Sec. C1-50-1. - Condemnation for Municipal Purposes.
- Sec. C1-50-2. - Proceeding on Condemnation.
- Sec. C1-50-3. - Disposition of Real Estate.

DIVISION 6. - MISCELLANEOUS

- Sec. C1-60-1. - Injunction.
- Sec. C1-60-2. - Records to be Open and to be Evidence in All Courts.
- Sec. C1-60-3. - (Reserved)
- Sec. C1-60-4. - (Reserved)
- Sec. C1-60-5. - Financial and In-Kind Assistance.

DIVISION 7. - ELECTIONS PROVISIONS

- Sec. C1-70-1. - Date of Elections.
- Sec. C1-70-2. - Electors and Elections.
- Sec. C1-70-3. - Terms of Office of Elective Officers.
- Sec. C1-70-4. - Voting Districts; Reapportionment; Mandatory Redistricting.

DIVISION 8. - ELECTIVE OFFICERS

- Sec. C1-80-1. - Elective Officers.
- Sec. C1-80-2. - Vacancies in Elective Offices.
- Sec. C1-80-3. - Political Qualifications of Successors.
- Sec. C1-80-4. - Election of Board of Representatives.
- Sec. C1-80-5. - Election of Board of Education.
- Sec. C1-80-6. - Election of Board of Finance.
- Sec. C1-80-7. - Registrars of Voters.

DIVISION 9. - MISCELLANEOUS POWERS

- Sec. C1-90-1. - Removal [or Impeachment] of Elective Officers.

PART 2. - LEGISLATIVE BODY

DIVISION 1. - BOARD OF REPRESENTATIVES

- Sec. C2-10-1. - Legislative Power.
- Sec. C2-10-2. - Powers of Board of Representatives.
- Sec. C2-10-3. - Funds for Investigation.
- Sec. C2-10-4. - Meetings.
- Sec. C2-10-5. - Change of Meeting Date.
- Sec. C2-10-6. - Quorum.
- Sec. C2-10-7. - Records.
- Sec. C2-10-8. - Rules of Order.
- Sec. C2-10-9. - Public Meetings.
- Sec. C2-10-10. - President.
- Sec. C2-10-11. - Removal of President.
- Sec. C2-10-12. - Passage of Ordinances and Resolutions.
- Sec. C2-10-13. - Action by Mayor; Passage Over Mayor's Veto.
- Sec. C2-10-14. - Ordinance Without Approval or Objections.
- Sec. C2-10-15. - Amendment of Ordinances and Resolutions.
- Sec. C2-10-16. - Publication of Ordinance.
- Sec. C2-10-17. - (Reserved)
- Sec. C2-10-18. - (Reserved)
- Sec. C2-10-19. - (Reserved)

PART 3. - EXECUTIVE

DIVISION 1. - THE MAYOR'S POWERS

- Sec. C3-10-1. - The Mayor's Authority.
- Sec. C3-10-2. - Administrative Appointments.
- Sec. C3-10-3. - (Reserved)
- Sec. C3-10-4. - Temporary Absence or Disability of the Mayor.
- Sec. C3-10-5. - Board Meeting.
- Sec. C3-10-6. - Message to Board of Representatives.
- Sec. C3-10-7. - Mayor's Powers.
- Sec. C3-10-8. - [Administration of Oaths.](*Reserved*)
- Sec. C3-10-9. - Power to Examine Departments and Other City Offices.
- Sec. C3-10-10. - Emergency Powers.
- Sec. C3-10-11. - Organization of the Board of Representatives.
- Sec. C3-10-12. - Execution of Deeds and Contracts.
- Sec. C3-10-13. - Annual Report.
- Sec. C3-10-14. - [Penalty for Hindering the Mayor.](*Reserved*)

PART 4. - OTHER ELECTIVE OFFICERS

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- Sec. C4-10-1. - Responsibilities and Duties of the Town and City Clerk.
- Sec. C4-10-2. - Fees.
- Sec. C4-10-3. - Plats.

PART 5. - CITY DEPARTMENTS

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- Sec. C5-10-1. - Directors.
- Sec. C5-10-2. - Appointment.
- Sec. C5-10-3. - Salaries.
- Sec. C5-10-4. - General Duties.

DIVISION 2. - OFFICE OF LEGAL AFFAIRS

- Sec. C5-20-1. - Duties.
- Sec. C5-20-2. - Qualifications.

SUBDIVISION A. - LEGAL DIVISION

- Sec. C5-20-3. - Legal Functions.
- Sec. C5-20-4. - Special Counsel, Experts; Assistant Corporation Counsels.
- Sec. C5-20-5. - Opinions.
- Sec. C5-20-6. - Action of Corporation Counsel on Building Violations.

SUBDIVISION B. - PERSONNEL FUNCTION

- Sec. C5-20-7. - Personnel Functions.
- Sec. C5-20-8. - Personnel Division.
- Sec. C5-20-9. - Personnel Director.
- Sec. C5-20-10. - Rules and Regulations.
- Sec. C5-20-11. - (Reserved)
- Sec. C5-20-12. - Opinions of Department Heads Affected by Personnel Action.
- Sec. C5-20-13. - (Reserved)
- Sec. C5-20-14. - Prevention of Unauthorized Salary Payments.

- Sec. C5-20-15. - Classified and Unclassified Service.
- Sec. C5-20-16. - Discrimination.
- Sec. C5-20-17. - Oath of Elective or Appointive Officers.
- Sec. C5-20-18. - Official Undertaking.
- Sec. C5-20-19. - Resignations.
- Sec. C5-20-20. - Qualifications.
- Sec. C5-20-21. - Term of Contract.

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- Sec. C5-30-1. - Duties.
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- Sec. C5-30-3. - Qualifications of Municipal Engineer.
- Sec. C5-30-4. - Traffic Functions.
- Sec. C5-30-5. - Park and Recreation Functions.
- Sec. C5-30-6. - Building Official.
- Sec. C5-30-7. - Zoning Functions (Reserved).
- Sec. C5-30-8. - Environmental Protection Functions (Reserved).

DIVISION 4. - THE OFFICE OF PUBLIC SAFETY, HEALTH AND WELFARE

- Sec. C5-40-1. - Duties.
- Sec. C5-40-2. - Police Department.
- Sec. C5-40-3. - Fire Department.
- Sec. C5-40-4. - The Director of Health.
- Sec. C5-40-5. - Social Services Functions.

DIVISION 5. - THE OFFICE OF ADMINISTRATION

- Sec. C5-50-1. - Duties.
- Sec. C5-50-2. - Finance Functions.
- Sec. C5-50-3. - Tax Functions.
- Sec. C5-50-4. - Information Technology Functions (Reserved).
- Sec. C5-50-5. - (Reserved)

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- Sec. C6-00-2. - Appointive Boards and Commission Members.
- Sec. C6-00-3. - Appointment and Removal.
- Sec. C6-00-4. - Expiration of Terms of Office.
- Sec. C6-00-5. - Vacancies.
- Sec. C6-00-6. - Chairperson.
- Sec. C6-00-7. - Clerk.
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- Sec. C6-10-2. - Fiscal Records.
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- Sec. C6-20-5. - Quorum.
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- Sec. C6-20-7. - Powers.
- Sec. C6-20-8. - Auditor's Reports.
- Sec. C6-20-9. - Power of Investigation.
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- Sec. C6-30-2. - Establishment of the Official Map.
- Sec. C6-30-3. - The Master Plan.
- Sec. C6-30-4. - Adoption of Master Plan.
- Sec. C6-30-5. - Amendments to Master Plan.
- Sec. C6-30-6. - Petitions for Amendment to Master Plan.
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Sec. C6-30-20. - Appeals.
Sec. C6-30-21. - Vote Required by Board of Representatives.
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SUBDIVISION [4]B. - ZONING BOARD

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Sec. C6-40-17. - Appeals.
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Sec. C6-40-20. - Authority of Zoning Enforcement Officer.
Sec. C6-40-21. - Procedure When Regulations are Violated.
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Sec. C6-120-2. - Powers and Duties of the Parks and Recreation
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SUBDIVISION [13]F. - GOLF COMMISSION

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Sec. C6-140-3. - (Reserved)
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Sec. C6-140-5. - Disqualification from Membership.
Sec. C6-140-6. - Duties of Personnel Commission Generally.
Sec. C6-140-7. - Subpoena Powers of Commission.
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SUBDIVISION [15]H. - [PERSONNEL APPEALS BOARD] RESERVED

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Sec. C6-150-2. - [Appeal.](Reserved)

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Sec. C6-160-2. - [Definitions.](Reserved)
Sec. C6-160-3. - Powers and Duties.
Sec. C6-160-4. - [Public Hearings on Proposed Acquisition or
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Sec. C6-160-5. - [Determination of Compensation, Assessments, Other
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SUBDIVISION [17]J. - RESERVED

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Sec. C7-10-2. - Trustees of Pension Plans.
Sec. C7-10-3. - Powers, Duties of Trustees.
Sec. C7-10-4. - Adjustments.
Sec. C7-10-5. - Effect of Current Labor Contracts.
Sec. C7-10-6. - Promulgation of Rules by Board of Education.
Sec. C7-10-7. - Merger with Other Pension Fund; Master Trusts.
Sec. C7-10-8. - Police and Fire Pension Funds.
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DIVISION 2. - RETIREMENT

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Sec. C7-30-4. - Treasurer.
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Sec. C7-30-9. - Interpretation of Act; Promulgation of Rules.
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Sec. C7-40-9. - Payment of Benefits or Refund for Persons who Die
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Sec. C7-40-14. - Annual Statement of Fund and Investments.

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Sec. C8-20-8. - (Reserved)
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PREAMBLE

The Citizens of the City of Stamford shall have all the rights, privileges and protections provided by the City Charter and all Federal and State law, to include:

- 1. The right to an open and accessible government including reasonable access to City records and information and reasonable access to City officials and employees to conduct business with the City.*
- 2. Subject to State law, the right to observe meetings and hearings of all City Boards, Commissions and Committees and to make reasonable public comment at public hearings.*
- 3. The right to have elected and governmental employees conduct business in accordance with the City Code of Ethics.*

PART 1.

ORGANIZATION AND ELECTION PROCEDURES

DIVISION 1.

CONSTRUCTION

Sec. C1-10-1. - Title.

The title of this Act shall be the City of Stamford Charter. (S.A. No. 239, 1949)

Sec. C1-10-2. - Definitions and Titles Generally.

The definitions contained in the General Statutes govern the interpretation of this Charter. Titles of Chapters and Sections are for purpose of ready reference and shall not be held to limit, extend or affect the interpretation and meaning of the text. (Referendum 11-8-1977)

Sec. C1-10-3. - Time of Appointments and Meetings Generally.

Except as provided in Sections C6-00-3(a) and C6-00-5, any appointment to office or election by the Board of Representatives to fill a vacancy required herein to be made on or before a certain day shall be, if made after that day, as valid and effective as if made on the day specified. If the day on which any meeting specified herein to be held shall be a Saturday, Sunday or a legal holiday, the meeting shall be held on the first business day following. Any meeting required by this Charter to be held on a certain day shall be deemed, for all purposes, to be a regular meeting. The Mayor shall designate the place of all meetings provided for in this Charter, unless the place of meeting is specified herein or fixed by ordinance. However, in the absence of any such designation by the Mayor, the person responsible for calling the meeting shall designate the place thereof. (S.A. No. 322, 1953; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C1-10-4. - Definitions.

Whenever used in this Charter: (1) "Public Notice" means a notice [published in an official newspaper which is a newspaper of general circulation published at least once weekly in Stamford] posted on the official City website and notification given to at least one local news media, including, but not limited to, print, electronic and broadcast media. A public notice of a meeting or a hearing shall state the time and place thereof, and shall be published at least once not more than thirty days nor less than three days prior to the meeting or hearing unless otherwise provided in this Charter; (2) "Data" includes all public books, records, papers, files, correspondence and other recorded information pertaining to the affairs of Stamford, in the custody of any person holding public office or employment or in the custody of any department or agency; (3) "Department or agency" shall include, but not be limited to, any department, office, bureau, board, commission, authority, agency, program or part thereof within the government of Stamford; (4) "Municipality and/or City" means the City of Stamford; (5) "Capital Project" means (a) any permanent physical public betterment or improvement, or any preliminary studies or surveys relative thereto; (b) the acquisition of real property or other property of a permanent nature; (c) the purchase of equipment for any public betterment or improvement when first erected or acquired which cost is \$25,000 or such greater amount set by the Board of Finance; or (d) any lease which commits the City to more than one year of payments aggregating \$25,000 or such greater amount set by the Board of Finance; (6) Where an officer or office is mentioned in this Charter, the Stamford officer or office is meant; (7) "General Statutes" shall mean the General Statutes of Connecticut, as amended; and (8) Where reference is made to action to be taken by a Director, the specified action may be taken by that Director or his designee, and (9) Where reference is made to a time period consisting of fewer than ten (10) days, such time period shall be construed to exclude weekends and federal, state or municipal holidays. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

DIVISION 2.

INCORPORATION

Sec. C1-20-1. - Incorporation.

All the inhabitants dwelling within the territorial limits of the community hitherto incorporated under the name of the City of Stamford are constituted and declared to be a body politic and corporate under the name of Stamford, and shall have perpetual succession.

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(Referendum 11-8-1977)

Sec. C1-20-2. - Continuance of Obligations.

All property, rights of action and rights of every description, and all securities and liens therefor, and all existing debts and obligations are continued.

(Referendum 11-8-1977)

DIVISION 3.

CORPORATE POWERS

Sec. C1-30-1. - Corporate Powers.

In addition to all powers granted to cities under the Constitution and laws of Connecticut or which may hereafter be conferred, the City shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted and all other powers incident to the management of the property, government and affairs of the City, including the power to enter into contracts with the United States or any agency thereof, the State of Connecticut or any agency or political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and General Law of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of powers which shall be considered as in addition thereto, and said City shall exercise all the rights, powers, privileges, functions and jurisdiction essential to a proper exercise of its corporate functions, including all that may be necessarily incident to, or may be fairly implied from, the powers specifically conferred upon this corporation.

(Referendum 11-8-1977)

DIVISION 4.

LEGAL EFFECT

Sec. C1-40-1. - Repeal of Other Laws.

All acts and provisions of law, and parts of acts and provisions of law, inconsistent with the provisions of this Charter, are hereby repealed as of the time this Charter takes effect; but such repeal shall not affect any rights, privileges, or immunities of the City, or of any person or body corporate, or any pecuniary obligations attaching to said City. No tax or assessment laid under any of the provisions of law herein repealed, or under any order or ordinance made under any of said provisions, shall be affected by said repeal.

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C1-40-2. - Saving Clause.

Nothing contained in this Act shall be construed to repeal or terminate any statute of the State or ordinance of the City or any rule or regulation of any City Board, Commission, Department, Agency, or Authority. They shall remain in full force and effect, within the territorial limits of the City when not inconsistent with the provisions of this Charter, to be construed and operated in harmony with its provisions, until amended or repealed as herein provided. The powers which are conferred and the duties which are imposed upon any Office, Board, Commission, or Department, Agency or Authority of the City under any statute of the State, or any City ordinance or regulation which is in force at the time of the taking effect of this Charter shall, if such Office, Board, Commission, Department, Agency or Authority is abolished by this Charter, be thereafter exercised and discharged by the Office, Board, Bureau, Commission, Department, Agency or Authority upon

whom similar duties are imposed by this Charter. (S.A. No. 14, 1950; S.A. No. 440, 1951; Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C1-40-3. - Time of Taking Effect.

This Charter shall take effect April 15, 1949; 1995 amendments hereto shall take effect on December 1, 1995, except that any amendments applying to municipal elections shall apply first to the municipal elections of 1997.

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C1-40-4. - Invalidity.

If any provision of this Charter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate or otherwise affect any of the remaining provisions hereof.

(Referendum 11-3-1987)

Sec. C1-40-5. - Mandatory Review of Charter Every Ten Years.

A mandatory review of all the provisions of and amendments to this Charter shall be undertaken at ten-year intervals by a Charter Revision Commission to be appointed in accordance with the provisions of Home Rule Law.

Such review shall be conducted by a Charter Revision Commission which shall be appointed not later than the regular February meeting of the Board of Representatives in 2002 and each successive ten year period. Such Commission shall be required to report in accordance with the Home Rule Law.

The provisions of this Section shall in no way impinge upon the appointment of interim Charter Revision Commissions, when, in the discretion of the Board of Representatives, such appointment shall be deemed desirable. However, said ten-year mandatory review shall be required notwithstanding any interim reviews. To the extent permissible under applicable state law, the Board of Representatives shall endeavor to schedule the referendum on any proposed charter amendments or revisions to coincide with a general election at which either the Mayor, state officials or federal officials are to be elected. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

DIVISION 5.

CONDEMNATION AND DISPOSITION OF LAND

Sec. C1-50-1. - Condemnation for Municipal Purposes.

The City may take any land which has been fixed upon as a site for a building or buildings or addition thereto for municipal purposes, or land fixed upon for any municipal purpose or use, subject to the payment of just compensation therefor to the owner, provided that there shall be prior approval by the Mayor, the Board of Finance, and the Board of Representatives. No condemnation for municipal purposes as provided herein shall be commenced unless there has been a public hearing on the project by the appropriate Agency.

(Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C1-50-2. - Proceeding on Condemnation.

The procedure for the condemnation of [said]any land shall be that set forth in the Connecticut General Statutes or where appropriate, the condemnation procedure provided for in this Charter. [The owners of the property to be condemned shall be notified in writing by certified mail, return receipt requested, not less than sixty (60) days prior to the condemnation

proceedings.]Initial notice of the condemnation shall be made in accordance with C8-60-4 of this Charter. In those instances where this Charter conflicts with the General Statutes, the condemnation procedure shall be in accordance with the General Statutes.

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C1-50-3. - Disposition of Real Estate.

No purchase or lease of real estate by the City and no sale or lease of any real estate belonging to the City shall be valid unless approved by the Mayor, the Planning Board, the Board of Finance and the Board of Representatives. The Board of Representatives is authorized to enact ordinances governing the purchase, sale, lease or other disposition of such real estate. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

DIVISION 6.

MISCELLANEOUS

Sec. C1-60-1. - Injunction.

Any court of equity may, in an action instituted by the City, issue injunctions, either temporary or final, restraining the violation of or directing compliance with any ordinance or provision of this Charter. (Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C1-60-2. - Records to be Open and to be Evidence in All Courts.

All accounts and records of every Office and Department shall be open to the public at all reasonable times, except records and documents which might be used to defeat the lawful purpose of the City or of an officer or department thereof. A copy of a paper or record filed or recorded, pursuant to law, in any office or department of the City, or a transcript of any part thereof shall be admitted in evidence in any court of the State to the same extent as would the original if it were produced, provided that such copy is certified to be a true copy or transcript by the officer having custody of the original. (Referendum 11-7-1995)

Sec. C1-60-3. - (Reserved)²

²Editor's Note - Former Sec. C1-60-3 (previously Sec. C-72), Library, was repealed by referendum vote 11-3-1987.

Sec. C1-60-4. - (Reserved)³

³Editor's Note - Former Sec. C1-60-4 (previously Sec. C-73), Historical Society, was repealed by referendum vote 11-3-1987.

Sec. C1-60-5. - Financial and In-Kind Assistance.

The City may give financial and in-kind assistance to the Ferguson Library, the Stamford Historical Society, and after approval by the Mayor, other qualified non-profit corporations and other governmental agencies which provide service or benefits for the general welfare of the inhabitants of the City. Such entities shall annually prepare, on forms supplied by the Director of Administration, their budget estimate and explanatory statements required by that officer. The Director

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of Administration may include budget requests of such entities in the budget that the Director of Administration presents to the Mayor, and the same shall be considered with those from Departments, Boards, and Agencies. All funds appropriated shall be subject to the supervision of the Director of Administration.

(Referendum 11-3-1987; Referendum 11-7-1995)

DIVISION 7.

ELECTIONS PROVISIONS

Sec. C1-70-1. - Date of Elections.

Except as hereinafter provided, on the Tuesday after the first Monday in November, 1953 and biennially thereafter, there shall be held in Stamford [a meeting]an election to elect officers. The Town and City Clerk shall give public notice of such [meeting]election in the manner prescribed by law. The polls for the casting of votes shall be open from 6:00 a.m. to 8:00 p.m., unless otherwise provided by law. The candidates for the respective offices receiving a plurality of the votes cast shall be deemed elected, except that members of the Board of Education, and the Board of Finance shall be elected as provided in Section C1-80-5 and C1-80-6 respectively.

(S.A. No. 467, 1951; Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C1-70-2. - Electors and Elections.

The qualifications of electors and the manner of holding elections shall be as established by the laws of this State except as otherwise provided in this Charter.

(Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C1-70-3. - Terms of Office of Elective Officers.

The terms of office of elective officers hereunder shall commence on the first day of December succeeding the election. The term of office of the Town and City Clerk shall be four (4) years; the City Constables shall be two (2) years and commencing with the biennial election of 2013, the term of office for City Constables shall be four (4) years; the terms of office of the members of the Board of Representatives and the Mayor shall be four (4) years commencing, in accordance with Section C1-40-3 hereof, with the biennial election of 1997. The term of office of each member of the Board of Finance and of the Registrars of Voters shall be four (4) years. The term of office of each member of the Board of Education shall be three (3) years.

(S.A. No. 467, 1951; Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995; Referendum 11-2-2004)

Sec. C1-70-4. - Voting Districts; Reapportionment; Mandatory Redistricting.

The City shall remain divided into twenty (20) voting districts. Said voting districts shall each contain substantially equal numbers of population. Each voting district shall be in as compact and contiguous form as practicable and shall follow geographical divisions wherever practical in determining voting district boundaries. Following the 1980 census and every ten years thereafter, a Reapportionment Commission shall be appointed by the Board of Representatives within sixty (60) days after the Federal Census figures are made available to the City. The Reapportionment Commission shall be composed of eight (8) electors with four members from each party selected by the Majority Leader and Minority Leader of the Board of Representatives. The Commission shall report to the Board of Representatives within six months after appointment, and may utilize demographic data assembled by the Planning Board,

computer resources of the City, and such other resources, facilities and funding as the Board of Representatives may deem desirable to carry out the purpose of this Section.

Within sixty (60) days after receipt of said report and after a public hearing thereon, the Board of Representatives must accept, reject, or modify the report. Within sixty (60) days thereafter: (a) if the report is accepted or modified, the Board of Representatives shall enact any necessary ordinance; (b) if the report is rejected, then the Board of Representatives must by ordinance enact its own re-districting plan. The Mayor shall have no veto over any ordinance enacting a plan for re-districting.

(Referendum 11-8-1977; Referendum 11-7-1995)

DIVISION 8.

ELECTIVE OFFICERS

Sec. C1-80-1. - Elective Officers.

The following named officers shall be elected by the qualified voters of Stamford: a Mayor, who shall also serve as a non-voting, ex officio member of the Board of Education, and who shall not be eligible to serve as an officer thereof, forty (40) members of the Board of Representatives, six (6) members of the Board of Finance, a Town and City Clerk, nine (9) members of the Board of Education, seven (7) Constables and two (2) Registrars of Voters. No individual shall hold more than one of the above elective offices at the same time, excluding Constable.

(Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-7-1995; Referendum 11-2-2004)

Sec. C1-80-2. - Vacancies in Elective Offices.

(a) If an elected official shall die, resign, be removed, or cease to be a resident of the district from which elected, or become disqualified to hold office, such office shall become vacant.

(Referendum 11-7-1995)

(b) Whenever a vacancy occurs in any elective office and no specific provision for filling such vacancy is made in this Charter, the Board of Representatives shall, within sixty (60) days following the vacancy, elect a successor to fill such vacancy until December first following the next biennial election.

(S.A. No. 467, 1951; Referendum 11-8-1977; Referendum 11-7-1995)

(c) When the Board of Representatives has elected a successor to fill a vacancy in the office of Mayor, on the Board of Representatives, on the Board of Finance or on the Board of Education as set forth above in Sec. C1-80-2(b), then and in that event, a vacancy election shall be held at the next biennial election. Any political party may nominate one candidate for each vacancy for membership on said Board or in the office of the Mayor. No voter may vote for more than one candidate to fill such vacancy in the applicable Board or in the office of the Mayor. The candidate receiving the highest number of votes shall be elected as a member of the applicable Board for the balance of the term which was vacated, or in the case of the Mayor or the Board of Representatives, until the next biennial election.

(Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C1-80-3. - Political Qualifications of Successors.

Whenever provision is made in this Charter for filling a vacancy in an elective office in any manner other than a municipal election, the successor shall be chosen from the political party, if any, which nominated his predecessor. If such predecessor was nominated by more than one political party, the successor shall be chosen from among the members of the political party

under whose emblem the predecessor received the greatest number of votes.

Sec. C1-80-4. - Election of Board of Representatives.

Two members of the Board of Representatives shall be elected by the qualified electors of each of the twenty (20) voting districts of the City. The two candidates in each district receiving the greatest number of votes in their district shall be deemed elected. Each Representative at the time of election shall be a resident of the district from which he or she is elected.

(Referendum 11-8-1960; Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C1-80-5. - Election of Board of Education.

(a) Except as otherwise provided in Sec. C1-80-2 as to the filling of a vacancy, at each annual election, any political party may nominate not more than three candidates for membership on the Board of Education, to hold office for a three-year term, commencing on December first following the election. No voter shall vote for more than three candidates. The winner or winners of such election shall be determined as follows: The Town and City Clerk shall prepare a list of the candidates ranked from top to bottom according to the number of votes each receives; when the number of members of any one political party who would be elected without regard to the minority representation provisions of the General Statutes exceeds the maximum number as determined under the minority representation provisions of the General Statutes, only the candidate(s) of such political party with the highest number of votes up to the limit of such maximum shall be elected, and the names of the remaining candidates of such political party shall be stricken from the list. The next highest ranking candidate(s) shall be elected up to the number of places to be filled at such election.

(S.A. No. 467, 1951; Referendum 11-8-1960; Referendum 11-8-1977; Referendum 11-7-1995)

(b) Annually at the regular election to be held in Stamford on the Tuesday after the first Monday in November, three members of the Board of Education shall be elected for terms of three years or until their successors shall have been elected in accordance with the provisions of Number 467 of the Special Acts of 1951.

(S.A. No. 96, 1969; Referendum 11-8-1977)

Sec. C1-80-6. - Election of Board of Finance.

Except as otherwise provided in Sec. C1-80-2 as to the filling of a vacancy, at any biennial election of municipal officers, any political party may nominate not more than three candidates for membership on the Board of Finance. No voter may vote for more than three candidates. The winner or winners of such election shall be determined as follows: The Town and City Clerk shall prepare a list of the candidates ranked from top to bottom according to the number of votes each receives; when the number of members of any one political party who would be elected without regard to the minority representation provisions of the General Statutes exceeds the maximum number as determined under the minority representation provisions of the General Statutes, only the candidate(s) of such political party with the highest number of votes up to the limit of such maximum shall be elected, and the names of the remaining candidates of such political party shall be stricken from the list. The next highest ranking candidate(s) shall be elected up to the number of places to be filled at such election.

(S.A. No. 467, 1951; Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C1-80-7. - Registrars of Voters.

The Registrars of Voters shall devote their time to the duties of the office during the term for which they are elected.
(Referendum 11-4-1969; Referendum 11-7-1995)

DIVISION 9.

MISCELLANEOUS POWERS

Sec. C1-90-1. - Removal [or Impeachment] of Elective Officers.

Any elective officer may be [impeached and]removed from office for cause by a vote of three-quarters (3/4) of the entire membership of the Board of Representatives. No elective officer may be removed except upon charges, which shall have been affirmed by the vote of a majority of the entire membership of the Board of Representatives, and after hearing thereon. Written notice by the Board of Representatives of the charges and time and place of hearing shall be given to the officer at least [one week]two weeks before such hearing. Such charges shall be for neglect or dereliction of official duty, or incompetency, or dishonesty or incapacity to perform official duties or some delinquency materially affecting that person's general character or fitness for office. Such officer shall have the right to be represented by counsel at the hearing, to present testimony personally and through witnesses, to cross-examine witnesses presented in favor of removal, and to compel the attendance of witnesses by subpoena issued in the name of the Board of Representatives. The Board of Representatives shall designate an attorney who is a member in good standing of the bar of the State of Connecticut for at least ten (10) years to present such charges on behalf of the Board of Representatives. The standard of proof required for removal shall be clear and convincing evidence.

(Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987).

PART 2.

LEGISLATIVE BODY

DIVISION 1.

BOARD OF REPRESENTATIVES

Sec. C2-10-1. - Legislative Power.

The legislative power of the City shall be vested in the Board of Representatives. No enumeration of powers contained in this Charter shall be deemed to limit the legislative power of the Board except as specifically provided in this Charter.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C2-10-2. - Powers of Board of Representatives.

The Board of Representatives shall have the following powers:

- (1) To enact ordinances in the manner provided in this Charter not inconsistent with law, or this Charter, for the government of the City and the management of its business, for the preservation of good order, peace and health, for the welfare and safety of its inhabitants and the protection and security of their property. It is authorized and empowered, by ordinance or resolution, to regulate, amplify and define the corporate powers. The Board of Representatives may prescribe fines and penalties for the violation of any ordinance, and otherwise provide for the enforcement and collection of the same when not inconsistent with law or this Charter.
(Referendum 11-7-1995)

- (2) To adopt the Capital and Operating Budgets of the City and the Board of Education Budget, in the manner provided in this Charter.

- (3) To fill vacancies in elected offices, in the manner provided in this Charter. To [impeach]remove any elective officer, in the manner provided in this Charter.

- (4) To approve the appointment of the Directors, the Director of Health, the Police Chief and the Fire[and Rescue] Chief, in the manner provided in this Charter.
(Referendum 11-7-1995)

- (5) To approve appointments to the Boards and Commissions specified in Section C6-00-3 of this Charter.

- (6) To establish the fees charged by City agencies.

- (7) In the name of the City, to receive gifts of money or property in excess of a value to be determined by the Board from time to time. Gifts of a lesser value may be received by the Mayor, or by persons the Mayor may designate, in the name of the City.

- (8) To undertake public improvements and to assess benefits and damages therefor, in the manner provided in this Charter.

- (9) To approve contracts, including labor agreements and employment contracts, but excepting employment arrangements for Directors appointed pursuant to Sec. C5-10-2 of this Charter.
(Referendum 11-7-1995)

- (10) To approve the purchase, sale or lease of real property.
(Referendum 11-7-1995)

- (11) To grant pensions as provided in this Charter.

- (12) By a two-thirds (2/3) vote of its entire membership, to investigate any officer, department or agency of the City. The Board shall have access to all data kept by any officer, department or agency, and shall have the power to compel the attendance of witnesses and the production of data at any meeting of the Board of Representatives or any Committee thereof, and for that purpose may issue subpoenas which shall be signed by the President of the Board. The investigation may be conducted by a subcommittee of the Board of Representatives' members appointed for this purpose, provided that not more than half the members of such committee shall be members of the same political party.

- (13) As provided for by Sec. C5-20-3 of this Charter, to retain independent counsel.

- (14) Any other powers that may be granted by this Charter or by the General Statutes, as amended.
(Referendum 11-3-1987; Referendum 11-7-1995; Referendum 11-2-2004)

Sec. C2-10-3. - Funds for Investigation.⁴

⁴Editor's Note - Former Sec. C2-10-3, Vacancy, was repealed by referendum vote 11-7-1995.

The Board of Representatives shall have authority, by a two-thirds (2/3) vote of its entire membership, to incur any expenses which it deems necessary or advisable, in connection with any investigation authorized under Section C2-10-2 of this Charter. Expenses so incurred shall be paid by the Office of Administration on warrant issued by the Mayor and countersigned by the Clerk of the Board of Representatives. The Board of Representatives may, by a two-thirds (2/3) vote of its entire membership, appropriate funds to cover expenses incurred pursuant to this Section without request for such appropriation by any officer of any department of the City, other than the Board of Representatives.
(Referendum 11-3-1959; Referendum 11-7-1995)

Sec. C2-10-4. - Meetings.

The Board of Representatives, in addition to its Organization Meeting, shall hold regular meetings on the first Monday of each month. The Board of Representatives may, by resolution, change the date(s) of one or more monthly meetings to avoid potential conflicts with official or religious holidays. The Mayor or President of the Board of Representatives, or any ten members may call a Special Meeting by causing a written notice thereof, specifying the time, place and purposes of the meeting, to be served upon each member personally, or left at the member's usual place of abode, in either case at least twenty-four (24) hours before the time fixed for such meeting, or forwarded by mail directed to the member's place of business or residence at least seventy-two (72) hours before the time fixed for such meeting. No business shall be transacted at a Special Meeting which is not within the purposes of the Call. Sworn return of said service of the Special Meeting shall be filed with the person issuing the Call, or with the Clerk if more than one person shall issue the Call, and shall be incorporated in the minutes of that Special Meeting. No action taken at any Special Meeting shall be invalid because of any inadvertent defect in the service of the notice thereof, or in the return of notice.
(Referendum 11-3-1987)

Cross reference - Meetings to be public, Sec. C2-10-9.

Sec. C2-10-5. - Change of Meeting Date.

The Board may, by resolution, change the time for holding regular meetings, provided that such resolution calls for at least one regular meeting to be held each month. In the event of an emergency, the President of the Board, with the consent of the Clerk and the majority and minority leaders, shall be empowered to change the time of a regular meeting provided that at least one regular meeting is held each month.
(Referendum 11-3-1987)

Sec. C2-10-6. - Quorum.

A majority of the members of the Board of Representatives shall constitute a quorum for the transaction of business. No ordinance or appropriation resolution shall be adopted except by majority vote of the entire membership of the Board of Representatives. Any other resolution, unless otherwise expressly provided for in this Charter, may be adopted by majority vote of the members present and voting.

Sec. C2-10-7. - Records.

The Board of Representatives shall appoint a Clerk who shall keep a record of the resolutions and other proceedings of such Board and shall have custody of its correspondence, files and other records. When ordered by the Board, such records shall be filed with the Town and City Clerk and open for public inspection at reasonable hours.
(Referendum 11-8-1977)

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Sec. C2-10-8. - Rules of Order.

The Board of Representatives shall be empowered to adopt and amend Rules of Order.

(S.A. No. 322, 1953)

Sec. C2-10-9. - Public Meetings.

Meetings of the Board of Representatives shall be open to the public, but the Board shall have power to restrict public discussion on questions before it.

Sec. C2-10-10. - President.

The Board of Representatives, at its Organization Meeting, shall elect from among its members its President to hold office for the term for which the Board was elected. The President shall preside at all meetings of the Board. In the event of the President's absence, the members present may by majority vote elect a Chairperson of the meeting. The President or other Chairperson of the meeting shall have the same right to vote as any member of the Board.

(Referendum 11-3-1987)

Sec. C2-10-11. - Removal of President.

The President of the Board may be removed from the presidency by a vote of the majority of the entire Board at a Special Meeting duly called for the purpose.

Sec. C2-10-12. - Passage of Ordinances and Resolutions.⁵

⁵Note - The section title was changed by referendum vote 11-7-1995.

Ordinances and Resolutions shall be introduced into the Board of Representatives only in written or printed form. All ordinances, except ordinances codifying or rearranging existing ordinances, shall be confined to one subject, and the subject or subjects of all ordinances, shall be clearly expressed in the title. Resolutions making appropriations shall be confined to the subject of the appropriations. No ordinance shall be passed at any meeting unless it shall have been introduced at a meeting at least five days prior thereto, and published in an official newspaper at least three days prior to such meeting, but these requirements may be dispensed with in case of emergency by a vote of two-thirds (2/3) of the entire membership of the Board of Representatives. All final reading of such ordinance shall be in full, unless a written or printed copy thereof shall have been furnished to each member of the Board at least eight (8) hours prior to meeting. At the desire of one-fifth (1/5) of the members present, the Yeas and Nays shall be taken upon the passage of any ordinance or resolution and entered upon the journal of the proceedings of the Board of Representatives. The enacting clause shall be: "BE IT ORDAINED BY THE CITY OF STAMFORD THAT"

(S.A. No. 322, 1953; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C2-10-13. - Action by Mayor; Passage Over Mayor's Veto.

Every ordinance adopted by the Board of Representatives shall, promptly after its passage, be separately printed or typewritten, signed by the President, and attested by the Clerk who shall, *within two (2) business days*, present it to the Mayor. If the Mayor approves of such ordinance, it shall be returned to the Clerk with written approval endorsed thereon and such ordinance shall thereupon become effective ten (10) days after signature, unless a different effective date is specified in the ordinance. If the Mayor disapproves the ordinance, the Mayor

shall, *within ten (10) business days of receipt thereof*, endorse the disapproval thereon and return it to the Clerk, and the Clerk shall promptly deliver the same with the Mayor's reasons for disapproval to the President of the Board, who shall in turn submit the same to the Board at its next regular meeting. The Board may, at the meeting or at any meeting held within forty (40) days thereafter, by two-thirds (2/3) vote of the entire membership, pass the ordinance over the Mayor's veto, and the ordinance shall thereupon become effective without further action by the Mayor.

(Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C2-10-14. - Ordinance Without Approval or Objections.

If any ordinance shall not be returned by the Mayor to the Clerk within ten (10) *business* days after it shall have been presented to the Mayor, the same shall be considered adopted without the Mayor's signature and shall become effective twenty (20) *business* days after its passage by the Board of Representatives, unless a different effective date is specified in the ordinance. At any time prior to the return of an ordinance by the Mayor, the Board may recall the same and reconsider its action thereon.

(Referendum 11-3-1987)

Sec. C2-10-15. - Amendment of Ordinances and Resolutions.

No ordinance or resolution or part thereof shall be amended unless the new ordinance or resolution, or part thereof contains the entire ordinance or resolution, or part thereof as amended. (Referendum 11-3-1987)

Sec. C2-10-16. - Publication of Ordinance.

Upon final passage of each ordinance, the Clerk of the Board of Representatives shall promptly publish notice [thereof in an official newspaper] *by posting the same on the official City website and publishing in at least one local news media, including, but not limited to, print, electronic and broadcast media*. The notice shall contain a copy of the ordinance or shall state the general subject matter of the ordinance and that printed copies are available for public inspection or distribution in the Office of the Town and City Clerk.

(Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C2-10-17. - (Reserved)

Sec. C2-10-18. - (Reserved)⁶

⁶Editor's Note - Former Sec. C2-10-18 (previously Sec. C-204.2), Power to Investigate Administration, was repealed by referendum vote 11-3-1987.

Sec. C2-10-19. - (Reserved)⁷

⁷Editor's Note - Former Sec. C2-10-19, Funds for Investigation, was moved to Sec. C2-10-3 by referendum vote 11-7-1995.

PART 3.

EXECUTIVE

DIVISION 1.

THE MAYOR'S POWERS

Sec. C3-10-1. - The Mayor's Authority.

The executive and administrative powers of the City are vested in the Mayor, except as otherwise provided in this Charter or by law.

(Referendum 11-7-1995)

Sec. C3-10-2. - Administrative Appointments.

The Mayor has authority to appoint any Special Assistants that the Mayor may deem necessary for the administration of official duties, provided the necessary appropriation has been granted therefor. All such Assistants shall serve at the pleasure of the Mayor.

(Referendum 11-3-1987)

Sec. C3-10-3. - (Reserved)⁸

⁸Editor's Note - Former Sec. C3-10-3, Vacancy in the Office of Mayor, was repealed by referendum vote 11-7-1995.

Sec. C3-10-4. - Temporary Absence or Disability of the Mayor.

In the event the Mayor is or intends to be absent from the City for a period of forty-eight (48) hours or more, the Mayor shall give written notice to that effect to the President and/or Clerk of the Board of Representatives and/or the Town Clerk. In the event of absence from the City or temporary disability of the Mayor, the President of the Board of Representatives, or in the President's absence or disability, such member as the Board of Representatives shall designate, shall exercise the power of the Mayor, except that until such absence or disability of the Mayor has continued for thirty (30) days, the Acting Mayor shall not have power to appoint or remove officers or employees. The compensation for the Acting Mayor shall be determined by the Board of Representatives but shall in no case exceed in proportion the salary of the Mayor. (S.A. No. 322, 1953; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C3-10-5. - Board Meeting.

The Mayor has the right to appear before any Board and address it at any meeting and has the power to call a Special Meeting of any appointive Board, provided the reasons for calling the Special Meeting are enumerated. (S.A. No. 322, 1953; Referendum 11-3-1987)

Sec. C3-10-6. - Message to Board of Representatives.

The Mayor shall appear before the Board of Representatives at its regular meeting in the first month of each fiscal year and give both an oral and a written report on the state and condition of the City as to its government, finances, expenditures and improvements, with any recommendations on matters that the Mayor deems proper. The Clerk of the Board of Representatives shall furnish one copy of the written report to each member of the Board of Representatives and of the Board of Finance. (Referendum 11-3-1987; Referendum 11-7-1995)

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Sec. C3-10-7. - Mayor's Powers.

In addition to the powers enumerated herein, the Mayor shall have authority to perform such acts and duties as may be prescribed herein or by other laws of the State or by ordinances. The Mayor shall devote the full time necessary to the duties of the office and shall be responsible for the proper performance of their duties by all the appointive officers and departments and employees.
(Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C3-10-8. - [Administration of Oaths.](*Reserved*)

[The Mayor shall have authority to administer oaths and to take the acknowledgment of deeds and other instruments.
(Referendum 11-3-1987)]

Sec. C3-10-9. - Power to Examine Departments and Other City Offices.

The Mayor shall have authority at any time to examine all data and property of the City in the possession of any officer, agency, department, commission, board, authority, employee or any other member of the municipal government, and may exercise this authority in person or through the Director of Administration or any other official appointed by the Mayor for that purpose by written designation and authority.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C3-10-10. - Emergency Powers.

The Mayor is authorized to exercise within the limits of the City all the emergency powers given to the Chief Executive Officer of a Municipality under the General Statutes.
(Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C3-10-11. - Organization of the Board of Representatives.

On [December first]*the first Monday in December* following each quadrennial election, the Mayor shall convene the Board of Representatives for the purpose of organization. The Mayor shall preside at such meeting until a Temporary Chairperson shall have been elected by the Board.
(S.A. No. 322, 1953; Referendum 11-4-1969; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C3-10-12. - Execution of Deeds and Contracts.

The Mayor, on behalf of and in the name of the City, shall execute all deeds and contracts made by the City, and shall cause the seal of the City to be affixed thereto.
(Referendum 11-7-1995)

Sec. C3-10-13. - Annual Report.

[At]*Within one month after* the end of each fiscal year, the head of each Agency, Department, Commission, Board or Authority of the City shall file with the Mayor a complete report of the operations of that Agency, Department, Commission, Board or Authority during the preceding fiscal year. Within [three] *four* months after the end of the fiscal year, the Mayor shall have a summary of these reports prepared and a copy shall be available upon request to any taxpayer. A complete copy of all such reports of operations for the previous fiscal year shall be filed with the Town and City Clerk and shall be available for public inspection at reasonable times.
(Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C3-10-14. - [Penalty for Hindering the Mayor.](*Reserved*)

[Any person who shall hinder, obstruct or resist the Mayor

in the execution of the office, or who, being of sufficient age and health, when commanded to assist therein in time of emergency, shall refuse or unreasonably neglect to do so, shall be guilty of a misdemeanor, punishable by a fine not exceeding one hundred dollars (\$100.00) or imprisonment of not more than six (6) months, or both.
(Referendum 11-3-1987)]

PART 4.

OTHER ELECTIVE OFFICERS

DIVISION 1.

TOWN AND CITY CLERK

Sec. C4-10-1. - Responsibilities and Duties of the Town and City Clerk.

The Town and City Clerk shall perform those duties which are imposed upon Town Clerks by law, and shall also be the Registrar of Births, Marriages and Deaths and shall exercise all the powers and discharge all the duties conferred and imposed upon such registrars by law.
(S.A. No. 397, 1951; Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C4-10-2. - Fees.

The Board of Representatives shall establish the fees to be paid to the Town and City Clerk for the recording and filing of all documents required to be recorded and filed by the provisions of the Charter, which fees shall be accounted for and paid into the municipal treasury.

All fees collected by the Town and City Clerk shall be the property of the City and shall be paid over by the Town and City Clerk to the treasury of the City except such fees which are required to be paid to the State Treasurer.
(S.A. No. 373, 1951; Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C4-10-3. - Plats.

No plat of a subdivision of land showing a new street or highway shall be filed or recorded in the office of the Town and City Clerk until it has been approved by the Planning Board and its approval endorsed on the plat. It shall be the duty of the Town and City Clerk to notify the Planning Board in writing within three days after the receipt by the Clerk's office of any plan approved by such Planning Board, identifying such plat by its title, date of filing and recording and official file number. After such plat is approved and filed, the streets, highways and parks shown on such plat shall be and become a part of the official map or plan of the City. The owner of the land or the owner's agent filing a plat with the Planning Board may add a notation to the effect that no offer of dedication of such streets, highways or parks, or any of them, is made to the public. Formal offers of cession to the public of any streets, highways or parks, if not noted on the plat, must be filed with the Planning Board prior to its approval of the plat. Every street shown on a plat, hereafter filed or recorded in the office of the Town and City Clerk shall be deemed to be a private street until such time as it is formally offered for cession to the public and formally accepted as a public street by resolution of the Board of Representatives, or alternatively until it has been condemned for use as a public street.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

PART 5.

CITY DEPARTMENTS

DIVISION 1.

GENERAL PROVISIONS

Sec. C5-10-1. - Directors.

The City of Stamford shall have the following Directors:

The Director of Legal Affairs (Corporation Counsel)

The Director of Public Safety, Health and Welfare

The Director of Operations

The Director of Administration

(S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-10-2. - Appointment.

The Mayor shall appoint each Director and other administrative official set forth in this Charter or authorized by ordinance in accordance with the provisions of this Charter and shall submit each nomination to the Board of Representatives at its next regular meeting following such nomination. Pending action by the Board, each nominee shall perform duties and exercise the powers of the office for which nominated. In the event that the Board of Representatives rejects a nomination, the Mayor shall submit a new nomination to the Board of Representatives at its next regular meeting; provided that the Mayor may not submit the same name more than two times.

(a) Each Director shall serve at the pleasure of the Mayor and may be removed by the Mayor without cause shown.

(b) The Mayor, subject to the approval of the Board of Representatives, shall appoint the Chief of Police, the Chief of the Fire[and Rescue] Department, the Superintendent of Parks and Recreation, and the Director of Health for terms not to exceed five years. (Referendum 11-2-2004)

(c) There shall be such other administrative positions as may be established by ordinance. The Mayor shall make appointments to such other administrative positions, with the approval of the Board of Representatives for terms not more than five years.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-10-3. - Salaries.

(a) The Personnel Director, with the approval of the Personnel Commission, the Board of Finance and the Board of Representatives, shall establish the salaries of the Mayor, the Directors, the Town and City Clerk and the Registrars of Voters.

(b) The Personnel Director shall establish, taking into account where necessary any unique qualifications or job requirements, with the approval of the Personnel Commission, the Board of Finance, and the Board of Representatives, pay plans for all positions not included in a collective bargaining unit and not in the Board of Education.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-10-4. - General Duties.⁹

⁹**Editor's Note** - Former Sec. C5-10-4 (previously Sec. C-401.1), Appointment of Police and Fire Chiefs, was repealed by referendum vote 11-3-1987.

It shall be the duty of each Director to organize the functions of his or her Department subject to any applicable Federal law, State law or local ordinance and in the manner best calculated to efficiently and effectively provide the municipal services for which the Department is responsible.
(Referendum 11-7-1995)

DIVISION 2.

OFFICE OF LEGAL AFFAIRS

Sec. C5-20-1. - Duties.

The Director of Legal Affairs shall serve as the Corporation Counsel and shall be the head of the Office of Legal Affairs. The Director of Legal Affairs shall be responsible for the administration, supervision and performance of legal and personnel matters on behalf of the City. In furtherance of these duties, the Office of Legal Affairs shall be divided into a Legal Division and a Personnel Division.
(Referendum 11-7-1995)

Sec. C5-20-2. - Qualifications.

No person shall be eligible for the position of Corporation Counsel unless such person is a member in good standing of the Connecticut Bar, and has been actively practicing law in Connecticut for at least five years.
(Referendum 11-3-1987; Referendum 11-7-1995)

SUBDIVISION A.

LEGAL DIVISION

Sec. C5-20-3. - Legal Functions.

The Corporation Counsel shall act as legal advisor of the City, the Mayor, the Boards of Representatives, Finance and Education and all other Officers, Departments, Boards, Commissions, Authorities, Agencies and Bureaus in matters relating to their official duties. The Corporation Counsel *or his/her designee* shall appear for and protect the rights and interests of the City in all actions and proceedings brought by or against it or any of the municipal Officials, Departments, Boards, Commissions, Authorities, Agencies and Employees. The Officers, Departments, Boards, Commissions, Authorities, Agencies and Employees shall not employ other counsel. The Corporation Counsel shall have charge of all appeals in which the City or any Officer, Department, Board, Commission, Authority, Agency or Employee thereof is involved. Subject to the approval of the Mayor and within the appropriation therefor, the Corporation Counsel shall have the power to compromise any claim by or against the City. The Corporation Counsel shall prepare all forms of contracts and other instruments in which the City is concerned, and shall in all respects act as attorney for the City, its Officers, Departments, Boards, Commissions, Authorities and Agencies. Notwithstanding the foregoing, the Board of Representatives may, by resolution jointly presented by the Majority Leader, Minority Leader, the President and Clerk and approved by the affirmative vote of not less than thirty-one (31) members, retain independent counsel to represent the Board of Representatives with respect to a specific case or controversy in rendering opinions and appearing in any proceeding and may appropriate

monies to pay the fees and costs of such counsel.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995; Referendum 11-2-2004)

Sec. C5-20-4. - Special Counsel, Experts; Assistant Corporation Counsels.

The Corporation Counsel, with the written consent of the Mayor, may employ counsel and experts to assist in the conduct of important cases or proceedings in which the City is interested and incur such expenses as the Corporation Counsel may deem necessary, provided an appropriation has been made therefor. The Corporation Counsel may appoint such assistant Corporation Counsels in the unclassified service as are provided for by ordinance, provided an appropriation has been made therefor.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-20-5. - Opinions.

The Mayor, the President of the Board of Representatives, the Majority Leader, the Minority Leader and the Standing Committee Chairpersons of the Board of Representatives, the head of any City Department, or any elected or appointed City Board, Commission, Authority, Agency or Bureau may, in writing, request that the Corporation Counsel, and the Corporation Counsel shall, render an opinion, in writing, upon any question of law arising in connection with the exercise by the aforementioned, of their official powers and duties.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-20-6. - Action of Corporation Counsel on Building Violations.

Whenever any person violates or threatens to violate any order or regulation of the building code or any order of the Building Official, the Corporation Counsel is authorized in the name of the City, to institute, before any court having jurisdiction, a civil action praying for an injunction restraining any such person from committing or continuing such violation.
(Referendum 11-3-1987; Referendum 11-7-1995)

SUBDIVISION B.

PERSONNEL FUNCTION

Sec. C5-20-7. - Personnel Functions.

The Director of Legal Affairs or his or her designee shall be responsible for the supervision of all personnel functions of the City, including all labor negotiations and other matters affecting civil service employment, collective bargaining and the employees of the City.
(Referendum 11-7-1995)

Sec. C5-20-8. - Personnel Division.

There shall be, in the Office of Legal Affairs, a Personnel Division to administer the classified service system in the Civil Service. The administrative head of the Personnel Division shall be a director of personnel (hereinafter referred to as Director) with powers and duties hereinafter enumerated which he or she shall perform under the direction of and with the approval of the Director of Legal Affairs (Corporation Counsel).
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-20-9. - Personnel Director.

The duties of a director of personnel as enumerated hereinafter may be redefined by ordinance.
(Referendum 11-7-1995)

Sec. C5-20-10. - Rules and Regulations.

The Director of Personnel shall prescribe, amend and enforce rules for the Classified Service which shall have the force and effect of law after approval by the Personnel Commission. The Director shall keep minutes of all proceedings involving the Classified Service and records of all examinations conducted and shall make investigations concerning the enforcement of this act and of the rules. The Director shall make an annual report to the Mayor and to the Personnel Commission. The rules shall provide: (Referendum 11-7-1995)

- (1) For the classification of all positions in the Classified Service and a pay plan for such positions;
- (2) For open competitive or promotion examinations to test the relative fitness of applicants for such positions;
- (3) For public advertisement of all examinations at least ten days in advance in at least one newspaper of general circulation and by posting notices thereof in the Government Center, the post office, the office of any State or Federal employment service, and in at least three other public places; (Referendum 11-7-1995)
- (4) For the rejection of candidates or eligibles who fail to comply with the reasonable requirements of the Personnel Commission in regard to age, residence, sex and physical condition or who have attempted any deception or fraud in connection with an examination. Such requirements shall be in conformity with applicable Federal, State and local law; (Referendum 11-7-1995)
- (5) For a working test period not to exceed one year before appointment or promotion is made complete, during which period an appointee may be discharged or reduced to his previous rating with an examination;
- (6) For provisional employment without examination: with the consent of the Director, in cases of emergency and pending appointment from an eligible list. No such provisional employment shall continue longer than six months nor shall successive provisional employments be allowed; (Referendum 11-7-1995)
- (7) For transfer from one position to a similar position in the same or similar class or grade, and for reinstatement within one year of persons who without fault or delinquency on their part are separated from the service or reduced in grade or rank;
- (8) For disciplinary suspensions for not longer than ten days and for leaves of absence;
- (9) For discharge or reduction in rank after appointment or promotion has become permanent only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated, and has been allowed a reasonable time to reply thereto in writing;
- (10) For the appointment of unskilled laborers in the order of priority of applications giving credit for experience after such non-competitive tests of fitness as the Director may prescribe;
- (11) For the establishment of eligible lists, re-employment lists and service ratings;

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(12) For promotions based on competitive examinations, and records of efficiency, character, conduct, seniority and service ratings. Whenever practicable, vacancies shall be filled by promotion;

(13) For rules governing retirement of members in the Civil Service; (Referendum 11-7-1995)

(14) For pensions, provided such rules shall be adopted only after authorization and provisions thereafter are made by the Board of Finance and the Board of Representatives;

(15) For policies and administration of sick leaves, vacations, leaves of absences and compensatory time. Nothing herein specifically enumerated shall limit or confine the nature or extent of the rules which may be adopted hereunder in keeping with the spirit of this Chapter. Copies of the Civil Service Regulations together with up-to-date amendments shall be on file at all times in the Personnel Department and the Office of the Town and City Clerk. In addition, copies of these shall be available for purchase by the public at reasonable cost. (Referendum 11-7-1995)

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-20-11. - (Reserved)

Sec. C5-20-12. - Opinions of Department Heads Affected by Personnel Action.

In formulating personnel action, the Director shall consider the requirements and opinions of affected department heads. In approving any such personnel action, the Personnel Commission shall make a written record of its determination that the requirements and opinions of affected department heads were solicited and considered by the Director. (Referendum 11-7-1995)

Sec. C5-20-13. - (Reserved)

Sec. C5-20-14. - Prevention of Unauthorized Salary Payments.

The Controller shall not pay any salary or compensation for service to any person holding a position in the Classified Service or to any person holding a position not enumerated in Section C5-20-15 as being in the Unclassified Service unless the payroll or account for such salary or compensation shall include the name of that person and shall bear the certification of the Personnel Director or an individual authorized in writing by the Director to certify that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this Chapter and of the rules established thereunder. Any taxpayer of the City may maintain an action in any Civil Court of Record to recover for the City treasury any sums paid contrary to the provisions of this Section from the person or persons authorizing such payment, or to enjoin the Director from attaching the certificate to a payroll or account for services rendered in violation of the provisions of this Chapter or of the rules established thereunder, or to restrain the payment of salary to any person employed in violation of the law, but no action to recover sums alleged to have been paid contrary to the provisions hereof shall be permitted with respect to any amount paid more than one year prior to initiation of such suit unless it shall be shown that there was willful intent to violate such provisions. (S.A. No. 431, 1953; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-20-15. - Classified and Unclassified Service.

The Civil Service of Stamford is hereby divided into the Unclassified and the Classified Service. The Unclassified Service shall comprise:

(a) Elected officers and persons appointed to fill the vacancies in elective offices;

(b) Members of Boards, Commissions, Committees and other members of Departments and Agencies serving without pay;

(c) The Director of Legal Affairs (Corporation Counsel), his or her deputy, any assistant Corporation Counsels and any special counsel for the City appointed by the Corporation Counsel; (Referendum 11-7-1995)

(d) Superintendents, certified school administrators, principals and teachers in the School System of the City;

(e) Members of Boards, Commissions or Committees appointed to conduct a temporary and special inquiry or investigation;

(f) The Director of Administration, the Director of Operations, the Director of Public Safety, Health and Welfare, the Chief of Police, the Fire[and Rescue] Chief, the Director of Health and any Assistant(s) to the Mayor; (Referendum 11-7-1995)

(g) All other positions now existing or hereafter created and designated as Unclassified by ordinance of the Board of Representatives.

The Classified Service shall include all other positions now existing or hereafter created. (S.A. No. 516, 1951; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-20-16. - Discrimination.

No officer or employee [in the Classified Service or seeking admission thereto]of the City of Stamford, shall be appointed, discharged, reduced in rank or pay, removed or in any way favored or discriminated against, because of [race, color, religious creed or affiliation, age, sex, marital status, ancestry, present or past history of mental disorder, mental retardation, learning disability, physical disability or political opinion or affiliation, according to applicable federal law, the Connecticut General Statutes, as amended and/or local ordinance.]their status in any "protected class" recognized by United States Federal and/or State of Connecticut anti-discrimination statutes now existing, or as amended in the future. The sole exception to these protections is that officers or employees who by the terms of the Charter serve at the pleasure of the Mayor are subject to employment decisions based on their political opinion or affiliation.

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-20-17. - Oath of Elective or Appointive Officers.

The following oath shall be administered to all officers of the City:
"You, _____ having been chosen _____ of Stamford, do solemnly swear (or affirm) that you will faithfully discharge the duties of said office according to law, so help you God."
(Referendum 11-7-1995)

Sec. C5-20-18. - Official Undertaking.

The Director of Administration, the Tax Collector, anyone

exercising the duties of such office and such other officers as may be required to do so by law, including ordinance of the City, before entering upon the duties of their respective offices, shall each execute to the City of Stamford and file with the Mayor an official undertaking, in a form approved by the Corporation Counsel, with a surety company and in such penal sum as may be prescribed by ordinance. All such undertakings shall be recorded in the records of the Board of Representatives. The costs of the bonds shall be paid by the City. (S.A. No. 550, 1951; Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C5-20-19. - Resignations.

Any officer may submit a resignation as follows: The Mayor, to the Board of Representatives; any other elective officer, to the Mayor; any appointive officer, to the appointing authority. Such resignations shall thereupon be filed in the office of the Town and City Clerk. (Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C5-20-20. - Qualifications.

(a) Every person elected to office shall be and remain a resident elector of the City, and if such officer shall cease to be a resident elector, the office shall be deemed vacant.

(b) Every person appointed to office, except such appointments as are made under the Civil Service provisions of this Charter, shall be and remain a resident elector of the City, and if such officer shall cease to be a resident elector the office shall be deemed vacant, except that in specific cases, the Board of Representatives may suspend this requirement by a majority vote of its entire membership. (Referendum 11-3-1959; Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C5-20-21. - Term of Contract.

All employees in the Unclassified Service, with the exception of those persons whose positions are set forth in subsections (a), (b), (d) and (e) of Section C5-20-15 and all other persons who shall serve at the pleasure of the Mayor, shall serve under a contract with a term of not more than five years, unless otherwise specified by State law. Each said contract may be approved by a majority of the Board of Finance and a majority of the Board of Representatives. (Referendum 11-7-1995)

DIVISION 3.

THE OFFICE OF OPERATIONS

Sec. C5-30-1 - Duties.

The Director of Operations shall be the head of the Office of Operations and shall be responsible for the administration, supervision and performance of all municipal functions related to, but not necessarily limited to, public works, traffic, parks and recreation, planning, zoning and environmental protection. (Referendum 11-7-1995)

Sec. C5-30-2. - Public Works Functions.

(a) The Director of Operations shall be responsible for overseeing the following public works functions of the Office of Operations:

(1) The administration, supervision and discipline of the Department and all of the property, apparatus and equipment thereof; (S.A. No. 431, 1953;

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S.A. No. 47, 1955; Referendum 11-8-1977; Referendum 11-3-1987)

(2) All work performed under any contract of the City, including erection of school buildings and additions thereto; (S.A. No. 431, 1953; S.A. No. 47, 1955; Referendum 11-8-1977; Referendum 11-3-1987)

(3) Clients referred to the Director of Operations for work assignments; (Referendum 11-7-1995)

(4) All work relief or grant-in-aid projects which may be undertaken independently of or in cooperation with the Federal, State, or any local government; (S.A. No. 431, 1953; S.A. No. 47, 1955; Referendum 11-8-1977; Referendum 11-3-1987)

[(5) Preparing and filing a copy periodically updating a water pollution control plan for the City and filing a copy of any periodic update of such plan with the State Commissioner of Environmental Protection; (S.A. 322, 1958; Referendum 11-8-1977; Referendum 11-3-1987)]

[(6)](5) The issuance of building permits and certificates of occupancy under the State Building Code, State Demolition Code, and the Fire Safety Code of the General Statutes as amended; (Referendum 11-7-1995)

[(7)](6) The maintenance of bridges, the operation, maintenance and use of storm sewers, the removal and disposition of street sweepings, the maintenance and inspection of all highways and sidewalks, and the maintenance of all public cemeteries; (S.A. No. 322, 1953; S.A. No. 47, 1955; Referendum 11-8-1977; Referendum 11-3-1987)

[(8)](7) The maintenance and service of all municipal buildings, except the schools; (S.A. No. 322, 1953; S.A. No. 47, 1955; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

[(9) The liquid waste and the solid waste collection systems; (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987)]

[(10) The disposition and treatment of all collected wastes; (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987)]

[(11) The operation, maintenance and use of incinerators, sanitary sewers and treatment plants, and all other facilities, plants and equipment for the collection, disposition and treatment of solid and liquid wastes; (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987)]

[(12) All regulations over the discharge of materials into the sewer system, including but not limited to, industrial wastes; (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987)]

[(13)](8) The operation and maintenance of the hurricane barrier; (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987)

[(14)](9) The inspection and supervision of the erection, construction and alteration of buildings, and other structures, and of electric wiring and plumbing; (S.A. No. 322, 1953; S.A. No. 339, 1953; Referendum 11-3-1987)

[(15)](10) The establishment of street grades and construction specifications; (S.A. No. 322, 1953; S.A. No. 339, 1953; Referendum 11-3-1987)

[(16)](11) The supervision of all construction by the municipal government, including the erection of school buildings and additions thereto; (S.A. No. 322, 1953; S.A. No. 339, 1953; Referendum 11-3-1987)

[(17)](12) The issuance of permits for excavations in streets, and the determination of charges and bonds to be posted for the payment thereof; (S.A. No. 322, 1953; S.A. No. 339, 1953; Referendum 11-3-1987)

[(18)](13) The construction, repair and alteration of [sewer systems and] incinerators; (S.A. No. 322, 1953; S.A. No. 339, 1953; Referendum 11-3-1987)

[(19)](14) The approval of proper plans for and the supervision of the location in or under streets and public places and elsewhere of gas and electrical conduits, line equipment and appliances, whether of the City or of any public utility company, subject to the provisions of Section C6-30-3; (S.A. No. 322, 1953; S.A. No. 339, 1953; Referendum 11-3-1987)

[(20)](15) The planning, laying out and supervision of the lighting of streets and public places, subject to the provisions of Section C6-30-3. (S.A. No. 322, 1953; S.A. No. 339, 1953; Referendum 11-3-1987)

(b) The Director of Operations shall be responsible for assisting and supporting the Water Pollution Control Authority in its performance of the following functions:

*(1) Preparing and filing a copy periodically updating a water pollution control plan for the City and filing a copy of any periodic update of such plan with the State Commissioner of Environmental Protection; (S.A. 322, 1958; Referendum 11-8-1977; Referendum 11-3-1987)*¹⁰

¹⁰*Note - Formerly Sec. C5-30-2(5).*

*(2) The liquid waste and the solid waste collection systems; (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987)*¹¹

¹¹*Note - Formerly Sec. C5-30-2(9).*

*(3) The disposition and treatment of all collected wastes; (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987)*¹²

¹²*Note - Formerly Sec. C5-30-2(10).*

*(4) The operation, maintenance and use of incinerators, sanitary sewers and treatment plants, and all other facilities, plants and equipment for the collection, disposition and treatment of solid and liquid wastes; (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987)*¹³

¹³*Note - Formerly Sec. C5-30-2(11).*

*(5) All regulations over the discharge of materials into the sewer system, including but not limited to, industrial wastes; (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987)*¹⁴

¹⁴*Note - Formerly Sec. C5-30-2(12).*

*(6) The construction, repair and alteration of sewer systems.*¹⁵

¹⁵*Note - Formerly under Sec. C5-30-2(18).*

No public work performed pursuant to contract shall be accepted until the Director of Operations has certified that the terms of the contract have been fulfilled and that such work has been performed in a satisfactory manner with the materials specified. After completion of any such work, the Director shall file a report with the Director of Administration within ten (10) days.
(S.A. No. 431, 1953; S.A. No. 47, 1955; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-30-3. - Qualifications of Municipal Engineer.

There shall be a Municipal Engineer who shall be a licensed Professional Engineer, and shall have had full-time experience as a Civil Engineer for at least five years immediately preceding appointment.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-30-4. - Traffic Functions.

The Director of Operations shall be responsible for the analysis, planning, execution and administration of plans and programs for the following traffic functions: (Referendum 11-7-1995)

- (1) Traffic safety and control; (Referendum 11-8-1977; Referendum 11-3-1987)
- (2) Off street and on street parking facilities; (Referendum 11-8-1977; Referendum 11-3-1987)
- (3) Installation and maintenance of traffic control devices, signals, signs and pavement markings; (Referendum 11-8-1977; Referendum 11-3-1987)
- (4) Public transportation planning; (Referendum 11-8-1977; Referendum 11-3-1987)
- (5) Related aspects of the above functions assigned to the Office of Operations by ordinance. (Referendum 11-7-1995)
(Referendum 11-7-1995)

Sec. C5-30-5. - Park and Recreation Functions.

Within the Office of Operations, there shall be a Superintendent of Parks and Recreation appointed by the Mayor according to the provisions of this Charter, who, under the advice, instruction and direction of the Director of Operations, shall be responsible for the following park and recreation functions: (Referendum 11-7-1995; Referendum 11-2-2004)

- (1) The establishment, construction, maintenance and operation of all parks, public recreation areas, public beaches and any structures

and monuments thereon; (Referendum 11-8-1977; Referendum 11-3-1987)

(2) Providing areas and facilities for passive recreation; (Referendum 11-8-1977; Referendum 11-3-1987)

(3) Supervising all public recreation programs for the City; (Referendum 11-8-1977; Referendum 11-3-1987)

(4) The control, direction and supervision of all public activities at parks and public recreation areas, and whenever the Board of Education consents thereto, school playgrounds, stadia, and school buildings and grounds; (Referendum 11-8-1977; Referendum 11-3-1987)

(5) Providing for the care and control of all trees and shrubs within the limits of any public road; (Referendum 11-8-1977; Referendum 11-3-1987)

(6) Organizing operating divisions with supervisors and necessary assistants within the appropriation therefor to administer and enforce City policies, rules and regulations; (Referendum 11-8-1977; Referendum 11-3-1987)

(7) Performing any other duties imposed by law, ordinance, or the Parks and Recreation Commission; (Referendum 11-8-1977; Referendum 11-3-1987)

(8) The maintenance and operation of the E. Gaynor Brennan Sr. Municipal Golf Course and any other golf course under the jurisdiction of the Golf Commission.

(9) The maintenance and operation of the Terry Conners Rink.

(Referendum 11-7-1995)

Sec. C5-30-6. - Building Official.

Within the Office of Operations, there shall be a Building Official who, under the advice, instruction and direction of the Director of Operations, shall be responsible for the issuance of building permits and certificates of occupancy under the State Building Code, State Demolition Code, and the Fire Safety Code of the General Statutes as amended. Notwithstanding any provision hereinafter to the contrary, the Building Official reports directly to the Director of Operations.

The Building Official shall promptly inform the Zoning Enforcement Officer (Sec. C6-40-19) of any differences observed in the field which are at variance with plans filed for the purpose of obtaining a building permit. (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987)

The Building Official shall have power and authority to require the owner of any building or other structure, or any part thereof, which is in an unsafe condition, to take down and remove the same, and to fill in any abandoned excavation. If the owner of such building or other structure, or part thereof, shall fail or neglect to take down and remove the same, or to fill in any abandoned excavation within five (5) days after written notice to do so has been served upon him, the Building Official shall have the building or other structure, or part thereof, taken down and removed, and the abandoned excavation filled in. The expense of the demolition, removal or filling in, when certified by the Director of Operations to the Director of

Administration, shall be paid by the City. That amount shall thereupon be and become a debt and a lien upon the lot or premises where the building or structure, or part thereof, was located. It shall be levied, enforced and collected in the same manner, by the same proceedings, and under the same penalties as an assessment for a public improvement, or otherwise collected as a debt. The notice may be served on the owner either personally or by leaving the same at his residence, or, if the owner be a non-resident, by mailing the same to the owner at the owner's last known place of residence, or if the name of the owner or the owner's last known place of residence cannot be ascertained after due diligence, by posting the same in a conspicuous place upon the premises. (Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-30-7. - Zoning Functions (Reserved).

Sec. C5-30-8. - Environmental Protection Functions (Reserved).¹⁶

¹⁶Note - Oversight of abatement and management of environmental contamination transferred to Office of Public Safety, Health and Welfare in Sec. C5-40-1.

DIVISION 4.

THE OFFICE OF PUBLIC SAFETY, HEALTH AND WELFARE

Sec. C5-40-1. - Duties.

The Director of Public Safety, Health and Welfare shall be the head of the Office of Public Safety, Health and Welfare and shall be responsible for the administration, supervision and performance of all municipal functions related to police, fire, health, social services, rescue, emergency medical service and emergency management and, unless otherwise provided by state or federal law, shall be responsible for the oversight of all municipal functions related to the abatement and management of environmental contamination. In doing so, the Director of Public Safety, Health and Welfare shall be responsible for the supervision of the activities of the Chief of Police and the Fire and Rescue Chief, and, unless otherwise prohibited by state law, shall be responsible for [the coordination of] the functions of the [City] Fire and Rescue Department [and the Volunteer Fire Departments of Stamford] and the Office of Emergency Management. The Director of Public Safety, Health and Welfare shall to the extent permitted by state law, also be responsible for the supervision of the activities of the Health Director. (Referendum 11-7-1995)

Sec. C5-40-2. - Police Department.

(a) Powers and Duties of the Chief of Police. The Chief of Police shall be responsible for:

(1) The administration, supervision and discipline of the Police Department in accordance with Sections C6-140-8 and C6-140-9; (Referendum 11-8-1977; Referendum 11-3-1987)

(2) The proper care and custody of the property, apparatus and equipment used by the Department; (Referendum 11-8-1977; Referendum 11-3-1987)

(3) The preservation of the public peace, prevention of crime, apprehension of criminals, the enforcement of traffic laws and regulations,

protection of rights of persons and property and enforcement of the laws of the State, and the ordinances of the City; (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(4) Making recommendations on all appointments and promotions of sworn members which are made by the Police Commission; (Referendum 11-8-1977; Referendum 11-3-1987)

(5) The assignment of all members of the Department to their respective posts, shifts, details and duties; (Referendum 11-8-1977; Referendum 11-3-1987)

(6) Making rules and regulations concerning the operation of the Department and the conduct of all officers and employees thereof subject to approval by the Police Commission; (Referendum 11-8-1977; Referendum 11-3-1987)

(7) Conducting investigations and hearings relating to any charges made in writing by a person against any sworn member of the Department concerning an act in Section C6-140-8; (Referendum 11-8-1977; Referendum 11-3-1987)

(8) Establishing procedures for the filing and recording of all complaints and the disposition thereof; (Referendum 11-8-1977; Referendum 11-3-1987)

(9) Attending all meetings of the Police Commission as a non-voting ex-officio member, except for Commission proceedings relating to employee appeals from disciplinary action or appeals or hearings relating to complaints against the Department or the Chief; (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(10) Administering oaths and taking evidence, affidavits and acknowledgments, and issuing subpoenas in all proceedings relating to the Police Department; (Referendum 11-8-1977; Referendum 11-3-1987)

(11) Conducting disciplinary hearings; and (Referendum 11-8-1977; Referendum 11-3-1987)

(12) Administratively suspending or disciplining members of the Department with or without compensation for the good of the City, Department, or member. (Referendum 11-8-1977; Referendum 11-3-1987) (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(b) Sworn Members of the Department.

(1) All sworn members of the regular police force shall hold office during good behavior. All appointments to the regular force shall be made in accordance with the provisions of this Charter. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(2) Special Police shall be appointed by the Police Commission and shall have all the powers of the regular police in the apprehension and arrest of criminals, and in the service of process within the limits of the City. The Police Commission may omit the powers of a member of the special police

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unless the Chief of Police certifies the member has the same psychological and physical requirements, education, and training as a member of the regular police force. There shall not at any time be more than two hundred special police unless otherwise provided by the Board of Representatives at the request of the Mayor. The terms of the special police shall not extend beyond the next June 30th after the term of the Mayor during whose terms they were appointed.¹⁷

¹⁷**Editor's Note** - This subsection was amended by Res. No. 2463, adopted 9-3-1997, in order to correct a scrivener's error by restoring the original language.

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(c) Powers and Duties of Members of the Regular Police. Sworn regular members of the Police Department shall have all the powers of peace officers under the general laws of the State. They shall also have power to arrest any person found by them violating any of the penal ordinances of the City or laws of the State, and to take such person before the proper judge, which person shall be dealt with in the same manner as if he had been arrested upon a warrant duly issued by such judge. They shall report, under regulations to be prescribed by the Chief, violations of law or ordinances coming to their knowledge in any way. They shall also execute any warrant for search or arrest issued by any judge of the State in any part of the State according to the tenor thereof. They shall perform such other duties as may be assigned to them by the Chief. Any member of the Police Department may serve: (Referendum 11-7-1995)

(1) Any criminal process for any offense committed within the City; (Referendum 11-7-1995)

(2) Any process to recover or to enforce any penalty for the violation of any municipal ordinance issued out of any court, or judge; (Referendum 11-3-1987)

(3) Any process, subpoena or bench warrant, relating to any offense committed in the City; and (Referendum 11-7-1995)

(4) Any process or subpoena issued by the State Medical Examiner in any inquest held in the City relative to the death of any person. (Referendum 11-7-1995)
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-40-3. - Fire[and Rescue] Department.

(a) There shall be a Fire Department for the City of Stamford ("Department").

(a)(b) Powers and Duties of the Fire[and Rescue] Chief. The Chief of the Fire[and Rescue] Department shall be responsible for:

(1) The administration, supervision and discipline of the Fire[and Rescue] Department in accordance with Sections C6-140-8 and C6-140-9; (Referendum 11-7-1995)

(2) The proper care and custody of the property, apparatus and equipment [used by] of the Department; (Referendum 11-8-1977; Referendum 11-3-1987)

(3) Establishing proper fire fighting techniques; (Referendum 11-8-1977; Referendum 11-3-1987)

(4) The inspection of all buildings and constructions under the Chief's jurisdiction, the issuing of restraining orders when necessary in the interest of public safety and the closing of any building or construction if the Fire Marshal considers it to be a hazard; (Referendum 11-7-1995)

(5) Making recommendations on all appointments and promotions of [sworn] career members which are made by the Fire Commission; (Referendum 11-8-1977; Referendum 11-3-1987)

(6) Assignment of all members of the Department to their respective posts, shifts, details and duties; (Referendum 11-8-1977; Referendum 11-3-1987)

(7) Making rules and regulations concerning the operation of the Department and the conduct of all [officers and employees thereof] members of the Department subject to approval by the Fire Commission; (Referendum 11-8-1977; Referendum 11-3-1987)

(8) Conducting investigations and hearings relating to any charge, made in writing by a person against any sworn member of the Department, concerning an act in Section C6-140-8; (Referendum 11-7-1995)

(9) Establishing procedures for the filing and recording of all complaints and the disposition thereof; (Referendum 11-8-1977; Referendum 11-3-1987)

(10) Attending all meetings of the Fire Commission as a non-voting ex-officio member, except for Commission proceedings relating to [employee] member appeals from disciplinary action or appeals or hearings relating to complaints against the Department or the Chief; (Referendum 11-8-1977; Referendum 11-3-1987)

(11) Administering oaths and taking evidence, affidavits and acknowledgments and issuing subpoenas in all proceedings relating to the Fire[and Rescue] Department; (Referendum 11-7-1995)

(12) Conducting disciplinary hearings; and (Referendum 11-8-1977; Referendum 11-3-1987)

(13) Administratively suspending or disciplining members of the Department with or without compensation for the good of the City, Department, or member. (Referendum 11-8-1977; Referendum 11-3-1987)
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(b)(c) Members of the Department. All members of the [regular] Fire[and Rescue] Department shall hold office during good behavior. All appointments to the [regular fire force] Department shall be made in accordance with the provisions of this Charter. (S.A. No. 550, 1951; S.A. No. 431, 1953; Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(d) Assistant Chiefs. Their shall be two Assistant Chiefs

of the Stamford Fire Department, an Assistant Chief for Career Service Firefighters and an Assistant Chief for Volunteer Service Firefighters. Both Assistant Chiefs shall be appointed by the Fire Chief. The Assistant Chief for Career Services shall be selected from the ranks of the career service firefighters. The Assistant Chief for Volunteer Services shall be selected from a pool of three nominees nominated by a majority vote of the Chiefs of the volunteer fire companies of Stamford. All nominees must have a minimum of ten (10) years firefighter experience, with at least five (5) years of supervisory experience.

(c)(e) Fire Marshal. There shall be a Fire Marshal of the [regular] Fire[and Rescue] Department who shall be certified by the State Fire Marshal and who shall be appointed by the Fire Commission in accordance with the provisions of this Charter. The Fire Marshal shall have all the powers conferred by ordinance on a local Fire Marshal or by the General Statutes. (S.A. No. 635, 1955; Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(d) Jurisdiction. The services of the Fire and Rescue Department under the control of the Chief shall be limited to the City Fire Service District, except in the case of an emergency. (f) Volunteer Fire Companies. The volunteer fire companies of Stamford shall be part of the Stamford Fire Department and will be important components of the Stamford Fire Department. The perpetuation and strengthening of those volunteer companies through recruitment of volunteer firefighters shall be a priority of the Fire Chief and the Assistant Chief for Volunteer Services. Nothing in this Charter shall be construed to affect the organization, status or property of the [Volunteer Departments] volunteer fire companies of Stamford except that they are now part of the combined Stamford Fire Department and subject to the provisions of this Charter.

(g) Volunteer Fire Company Chiefs. The Chiefs of the volunteer fire companies of Stamford shall have primary firefighting responsibilities in their Fire Service Districts and primary responsibilities over the personnel and equipment assigned to their Fire Service Districts, subject to the supervision and direction of the Assistant Chief of Volunteer Services and the Fire Chief.

(h) Fire Service Districts. The Fire Service Districts within the City of Stamford are indicated on the map of Fire Service Districts, prepared by the City Engineer, dated January 21, 1977 and on file in the Office of the Town and City Clerk of the City and shall delineate the fire service boundaries of the [respective regular and Volunteer Fire Departments] volunteer fire companies. Changes in Fire Service Districts may be made by ordinance adopted by a two-thirds' vote of the total membership of the Board of Representatives with the advice of the [City Fire and Rescue Chief and the respective Chief of the Volunteer Fire Department affected] Fire Chief. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-40-4. - The Director of Health.

(a) Powers and Duties of the Director of Health. The Director of Health shall: (Referendum 11-7-1995)

(1) Have all the powers and duties of a local health director as prescribed by the Public Health Code and the General Statutes; (Referendum 11-8-1977; Referendum 11-3-1987)

(2) Investigate and assist in the enforcement of the State Public Health Code and all applicable ordinances of the City designed to promote and protect the health of citizens; (Referendum 11-8-1977; Referendum 11-3-1987)

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(3) Be responsible for such measures as may be required to protect, promote, and maintain the health of the inhabitants of the City; (Referendum 11-8-1977; Referendum 11-3-1987)

(4) Order the owner or owners of the property abutting on any street wherein a public sewer is located to connect any building on such property with the public sewer. (Referendum 11-8-1977; Referendum 11-3-1987)
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(5) The Health Director will seek the counsel of the Health Commission to establish and review all matters of health policy for the City, and the Health Director shall keep the Health Commission advised on matters pertaining to health policy of the City.

(b) Right of Entry. The Director of Health may enter upon or into any lands or buildings in pursuance of his or her lawful duties. (Referendum 11-6-62; Referendum 11-8-1977; Referendum 11-3-1987)

(c) Qualifications. The Director of Health, who may be a licensed physician, shall have the qualifications of a local health director as prescribed by the Public Health Code and the General Statutes. The Mayor, after having sought the advice and recommendations of the Health Commission, shall appoint the Director with the approval of the Board of Representatives for a term of five (5) years. (S.A. No. 23, 1955; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(d) Orders of Director of Health and Appeal Therefrom.

(1) Every order of the Director of Health shall be in writing, signed by the Director or by an agent designated by the Director, in writing, a copy of which designation shall be filed in the Office of the Mayor and the Office of the Town and City Clerk before the same shall become effective. Each such order shall set the time within which compliance therewith is required. A copy thereof shall be served on each person required to comply with the order. A copy of the order shall be deemed to be properly served if a copy thereof is served upon such person personally; or if a copy thereof is sent by registered or certified mail to such person's last known address; and if no address is known, then by publication in an official paper. In the event of the failure of any person to comply with the order, the Director may cause compliance therewith, and the expense of the compliance may be collected as a debt against such person.

(2) Any person aggrieved by order, decision, action or failure to act or denial by the Director rendered pursuant to powers granted to the Director herein may, within one week and in writing, stating the grounds or basis for the appeal, appeal to the Health Commission; the Commission shall hear the appeal at an open hearing within thirty (30) days; the person aggrieved may be represented by counsel. The appeal shall act as a stay of execution unless the Director shall certify to the Commission, in writing, that such a stay will prejudice the interests of the public. Any person aggrieved by order, decision, action or failure to act or denial by the Director rendered pursuant to the Public Health Code or the General Statutes may appeal in the manner provided therefor by the Public Health Code and the General Statutes.

(Referendum 11-6-1962; Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-40-5. - Social Services Functions.

The Director of Public Safety, Health and Welfare shall have all the powers and be charged with all the duties conferred and imposed by law for the administration of social service functions including, but not limited to, public assistance programs.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

DIVISION 5.

THE OFFICE OF ADMINISTRATION

Sec. C5-50-1. - Duties.

The Director of Administration shall be the head of the Office of Administration and shall be responsible for the administration, supervision and performance of all municipal functions related to, but not necessarily limited to, finance, tax assessment and collection, economic development and information technology.
(Referendum 11-7-1995)

Sec. C5-50-2. - Finance Functions.

(a) Generally. The Director of Administration shall be the chief fiscal officer of the City and shall perform accounting of all funds showing all financial transactions for all commissions, boards, departments, offices, agencies, authorities and other entities of the City except the Board of Education and cause internal audits to be performed as necessary. The Director of Administration shall have all the powers and duties conferred or imposed on Town Treasurers by the General Statutes, as amended, is authorized to administer oaths, and shall issue and market all bonds and invest and reinvest idle funds of the City. The Director of Administration shall be responsible for the preparation of the operating and capital budgets as provided in this Charter.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(b) Organization. The finance functions of the Office of Administration may be organized to provide for the following services as may be necessary for the accomplishment of the responsibilities of the Director of Administration: (Referendum 11-7-1995)

- (1) Accounting.
- (2) Treasury.
- (3) Budgeting.
- (4) Collections.
- (5) Purchasing.
- (6) Internal Audit.
- (7) Grants.
- (8) Central Services.
- (9) Data Processing/Information Technology.
- (10) Assessment.

(11) Economic Development.

(12) Such other activities as may be necessary for the effective operation of the Office of Administration.
(S.A. No. 494, 1951; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(c) Emergencies. In the event of an emergency which in the opinion of the Director of Administration requires a purchase exceeding the sum of one thousand dollars under such circumstances that competitive bidding as provided for by ordinance would be contrary to the public interest, the Director of Administration may certify to the Mayor the emergency and the reasons why in his/her opinion it is necessary to make such purchase without competitive bidding. The Mayor shall give written authorization for such purchases. (S.A. No. 288, 1953; Referendum 11-8-1977; Referendum 11-7-1995)

(d) Contract Extras; Change Orders. Every contract for a public improvement shall be based upon the estimate of the whole cost thereof, including all expenses incidental thereto, which estimate shall be furnished to the Mayor by the proper office, department, board, commission, authority or agency having charge of the work or of the improvement, or requiring the supplies, equipment or materials. Before any contract is put out to bid, each certified bidder shall be supplied with test boring results on each construction project. No extra work shall be authorized or paid for in connection with any contract for any work or improvement, unless: (Referendum 11-7-1995)

(1) Before the performance of such extra work, there shall have been filed with the Director of Administration a requisition showing the necessity for such extra work signed by the officer upon whose requisition the original contract was let; (Referendum 11-8-1977; Referendum 11-7-1995)

(2) There shall have been filed by the Director of Administration with the Board of Finance a certificate stating that such extra work is necessary and showing the reasons therefor; (Referendum 11-8-1977; Referendum 11-7-1995)

(3) The Board of Finance shall approve the extra work by resolution; (Referendum 11-8-1977; Referendum 11-7-1995)

(4) The Mayor shall approve the extra work on recommendation by the Director of Operations. (Referendum 11-7-1995)

Notwithstanding the foregoing, if contingencies arise during the performance of the contract which were not reasonably foreseeable at the time the contract was executed, and which contingencies relate specifically to project conditions, such as subterranean soil or water conditions or ledge, and which conditions necessitate deviation from the contract (which shall be deemed to include the accompanying plans, drawings and specifications), such deviations may be authorized by written change order duly certified by the officer in charge of the project, countersigned by the Mayor. (Referendum 11-8-1977)

Every contract for a public improvement shall specifically refer to this section of the Charter and the City shall not be liable for payment for extra work and/or change orders unless the provisions of this section shall have been fully complied with. (Referendum 11-8-1977)
(Referendum 11-8-1977; Referendum 11-7-1995)

(e) Requisitions. All requisitions for supplies, materials or equipment shall be on forms prescribed by the Director of

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Administration. Each requisition shall state specifically the fund or appropriation against which it is to be charged. No requisition shall be honored by the Director of Administration unless and until he/she shall have obtained from the Controller a statement that there is a sufficient balance in such fund or appropriation, available and unencumbered, to meet the actual or estimated cost of such requisition. (Referendum 11-3-1987; Referendum 11-7-1995)

(f) Claims Against the City. No claim against the City, except for:

(1) A fixed salary or wage; (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(2) The principal or interest on a bonded or funded debt or other loan; (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(3) Work performed or materials furnished under contract; or (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(4) Goods purchased through the Office of Administration, shall be paid unless a claim therefor, verified by the claimant and approved by the head of the department, board, commission, authority or agency on whose act or omission the claim is based, shall have been presented and shall have been audited and allowed by the Director of Administration. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

The Director of Administration shall cause each such claim, upon presentation for audit, to be numbered consecutively. The number, date of presentation, name of claimant and a brief statement of the character of each claim shall be entered in a book kept for the purpose, which shall be available for public inspection. No such claim shall be paid until at least five days have elapsed after its audit by the Director of Administration, and the Director of Administration shall not be required to audit a claim until two weeks have expired from the date of its presentation. The Director of Administration is authorized, in considering a claim, to examine the claimant under oath concerning the justness and accuracy of the claim, and to take evidence and examine witnesses in reference thereto, and for that purpose may issue subpoenas for the attendance of witnesses. No such claim exceeding two thousand five hundred dollars (\$2500.00) shall be paid without the written approval of the Corporation Counsel, and if exceeding five thousand dollars (\$5000.00), without the further approval of the Board of Finance, and if exceeding seven thousand five hundred dollars (\$7500.00), without the additional approval of the Board of Representatives. The Director of Administration is authorized under the written direction and approval of the Mayor and the Corporation Counsel to pay out monies in settlement of tort claims against the City within the appropriations granted therefor. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(g) Appointment of Controller. The Director of Administration shall name, in accordance with the provisions of the Charter, the Controller, with the approval of the Board of Finance. (Referendum 11-3-1987; Referendum 11-7-1995)

(h) Accounting and Financial Reporting. The Director of Administration shall maintain a system of financial records and internal accounting controls designed to provide reasonable assurance that: (Referendum 11-7-1995)

(1) Budgeted revenues will be realized and that budgeted appropriations for each department,

board, commission, authority and agency will not be exceeded, and prepare monthly budget reports for the Board of Representatives as well as individual departments, boards, commissions, authorities or agencies; (S.A. No. 273, 1953; Referendum 11-8-1977; Referendum 11-3-1987)

(2) Financial records provide a reliable basis for preparing financial statements and maintaining accountability for revenues and assets which conform to generally accepted principles of municipal accounting and standards established by the Governmental Accounting Standards Board or successor body; (S.A. No. 273, 1953; Referendum 11-8-1977; Referendum 11-3-1987)

(3) The City's assets are safeguarded; (S.A. No. 273, 1953; Referendum 11-8-1977; Referendum 11-3-1987)

(4) The financial statements of the City shall be audited annually by independent certified public accountants. (S.A. No. 273, 1953; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(i) Internal Audit. The Internal Audit function of the Office of Administration shall be managed by, shall report to and shall be responsible to the Director of Administration; provided, however, that copies of all reports of any internal auditor shall be provided to the Director of Administration, the President of the Board of Representatives and the Chairperson of the Board of Finance. (Referendum 11-7-1995)

(j) Purchasing. In accordance with regulations to be prescribed by ordinance, the Office of Administration shall purchase and be responsible for the proper receipt of all articles, materials, supplies and insurance, including those related to capital projects, for all offices, departments, boards, commissions, authorities and agencies. The Office of Administration shall make all such purchases for the Board of Education in accordance with specifications submitted by the Superintendent of Schools. The Director of Administration may appoint an employee of the Office of Administration to act as the City Purchasing Agent and charge that person with the responsibility for carrying out the requirements of this provision and all purchasing ordinances. (S.A. No. 431, 1953; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C5-50-3. - Tax Functions.

(a) Collection of Taxes.

(1) Tax Collector. The Mayor with the approval of the Board of Finance shall appoint the Tax Collector in accordance with the provisions of this Charter, who shall be qualified by training and experience and who shall be certified by the Secretary of the Office of Policy and Management as a certified municipal collector. The Tax Collector shall report to the Director of Administration and shall be responsible for the collection of taxes, special assessments and sewer assessments and shall have the powers and duties conferred or imposed on tax collectors by the General Statutes, as amended. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(2) Date of Tax Liens. The lien date for taxes annually laid by the City shall be the due date specified in the October Grand List upon which said taxes were laid. (Referendum 11-8-1977; Referendum

11-7-1995)

(3) Tax Records and Accounts - "Tax" Defined. Wherever used in this Charter, unless the context shall otherwise require, the word "tax" shall mean not only each property tax and each installment and part thereof due and to be due to the City as it may have been increased by interest, fees and charges, but also each special assessment, benefit, lien and other amount as it may have been increased by interest, fees and other charges due and to be due to said City and paid or to be paid to its Tax Collector. (S.A. No. 370, 1953; Referendum 11-8-1977; Referendum 11-7-1995)

(4) Same - Accounting System Generally. The Office of Administration shall maintain a detailed system of accounting and records of its taxes paid and unpaid and for the purpose of reflecting the amounts of current and past tax liabilities of each taxpayer and the collections, adjustments, charges and abatements thereon, and the Tax Collector of said City shall not be required to post collection of taxes in the tax rate book or tax rate bills. (S.A. No. 370, 1953; Referendum 11-8-1977; Referendum 11-7-1995)

(b) Assessment of Taxes.

(1) Tax Assessor. The Director of Administration shall appoint the Tax Assessor in accordance with the provisions of this Charter. The Assessor shall be certified as a Connecticut municipal assessor in accordance with the General Statutes. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(2) Powers and Duties of the Assessor. The Assessor shall have all the powers and perform all the duties that now are or hereafter may be conferred or imposed upon Town Assessors by the General Statutes. The Assessor shall have and appoint such assistants as may be authorized within the appropriations made therefor and shall appoint a Deputy Assessor who in the event of the Assessor's absence or disability shall have all the powers and perform all the duties of the Assessor. The Assessor shall install and maintain a scientific and equitable system for the assessment of property within the City. The Assessor and assistants shall have authority to administer oaths in connection with the valuation of property for taxation. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(3) Preparation of Tax Lists. When making up the City assessment lists, the Assessor shall note thereon the assessed value of all property taxable by the City and also the tax district in which each item of such property is taxable. In all cases where a percentage of the valuation of any property taxable by the City has been added to the assessment valuation of the property for refusal or neglect to file a tax list as provided by law, such percentage shall be shown in such lists. After the Board of [Tax Review] *Assessment Appeals* has made its revision and adjustments in the lists they shall constitute the official City tax lists. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(4) Certification of the Grand List by the Assessor. Each year, on or before the dates specified by the General Statutes, the Assessor shall prepare a statement, giving the total valuation or Grand List

of property taxable within said City and also the total valuation or Grand List of the property taxable within each of the Service Districts of said City, as shown in the official City tax lists. Said statement, after having been sworn to by the Assessor, shall be delivered to the Director of Administration who shall preserve it with the public records. (Referendum 11-6-1962; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(5) Total Valuation of City Grand List. Each year on or before the dates specified by the General Statutes, the Assessor shall prepare a statement of the total valuation or Grand List of property taxable within the City and also the total valuation or Grand List of the property taxable within each of the Tax Districts of the City as shown in the official City tax lists. After this statement has been sworn to by the Assessor, it shall be delivered to the Town and City Clerk, who shall preserve the same with the public records. The Assessor shall deliver a copy of this statement to the Tax Collector. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(6) Printing of Property List. The Assessor shall prepare, annually, a statement of taxable property contained in the Grand List of the City when completed, classified by streets with street numbers, if any, and containing the names of the owner or owners of each piece of property, with a brief description of the frontage or quantity thereof, and the buildings thereon, and also the assessed valuation of each piece of property so described and the abatements thereon, together with a supplement setting forth each change made in the amount of assessment during the year and the reason for each such change. The Assessor shall cause said statement to be printed and one free copy thereof made available to each person whose name appears on the list as taxed for real property and a reasonable charge to be made for additional copies. (Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(7) Charge for Aerial Maps. The Assessor shall provide prints of aerial maps to such persons who request them and shall charge a reasonable sum therefor. (Referendum 11-4-1969; Referendum 11-3-1987; Referendum 11-7-1995)

(8) Taxation for Sanitation Services. When, after extension of Sanitary Services by the Water Pollution Control [Commission]*Authority*, sanitary sewer services become available to property, the Water Pollution Control [Commission]*Authority* and the City Engineer shall certify to the Assessor a list of such property and the owners thereof shall thereupon be liable for additional taxation to be levied for sanitary services. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

(9) Revaluation of Real Property. The Assessor shall revalue all of the real property within the City as required by the General Statutes. (Referendum 11-7-1995; Referendum 11-2-2004)

Sec. C5-50-4. - Information Technology Functions (Reserved).

Sec. C5-50-5. - (Reserved)¹⁸

Sec. C-422), Assistant Director of Health, was repealed by referendum vote 11-3-1987.

PART 6.

BOARDS AND COMMISSIONS

DIVISION [A]L.

GENERAL PROVISIONS

Sec. C6-00-1. - Appointive Boards and Commissions.

The appointive Boards and Commissions shall be:

The Planning Board
The Board of [Tax Review]*Assessment Appeals*
The Zoning Board
The Zoning Board of Appeals
The Police Commission
The Fire Commission
The Health Commission
The Parks & Recreation Commission
The Personnel Commission
The Golf Commission
The Water Pollution Control [Commission]*Authority*
(formerly known as the Sewer Commission)
[The Personnel Appeals Board]
The Patriotic and Special Events Commission
The Municipal Building Board of Appeals
The Social Services Commission (formerly Human Rights Commission and Fair Rent Commission)
The Historic Preservation Advisory Commission
The Board of Ethics

Certain of such Boards and Commissions shall cease to exist under the authority of this Charter if and when a superseding ordinance is adopted as provided in Sections C6-100-3, C6-120-4, C6-130-3, C6-140-[11]2, and C6-160-6 of this Charter. (S.A. No. 322, 1953; S.A. No. 47, 1955; Referendum 11-7-1961; Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-00-2. - Appointive Boards and Commission Members.

(a) The following Boards and Commissions shall contain five members who shall serve for three-year terms: (Referendum 11-7-1995)

The Planning Board
The Zoning Board
The Zoning Board of Appeals
The Board of [Tax Review]*Assessment Appeals*

The Personnel Commission

[The Personnel Appeals Board]

The Patriotic and Special Events Commission

The Health Commission

The Parks & Recreation Commission

The Water Pollution Control [Commission]*Authority*
[[formerly known as the Sewer Commission]]

The Municipal Building Board of Appeals

The Golf Commission

The Social Services Commission

The Historic Preservation Advisory Commission

The Board of Ethics

(b) The following Boards and Commissions shall contain five members who shall serve for four-year terms, coinciding with the term of office of the Mayor:

The Police Commission

The Fire Commission

[(b)](c) The Planning Board, the Zoning Board and the Zoning Board of Appeals shall, in addition to the five regular members of each such board, have three alternate members and such alternate members, also referred to as the "Panel of Alternates," shall, when seated, have all the powers and duties of the regular members of such boards and shall not be members of any other boards. If a regular member of the Planning Board, the Zoning Board or the Zoning Board of Appeals is absent or disqualifies himself or herself, the Chairperson of such Board shall designate an alternate from the panel of alternates for such Board, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

[(c)](d) Members of appointive Boards and Commissions or members of any panel of alternates shall be resident electors of the City and not more than a bare majority of any appointive Board or Commission or panel of alternates shall be registered members of the same political party. (Referendum 11-7-1995) (S.A. No. 322, 1953; Referendum 11-7-1961; Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-00-3. - Appointment and Removal.

(a) The Mayor shall annually submit to the Board of Representatives, at its first meeting after [December first] *its organizational meeting*, nominations of members to each appointive Board, Commission or other similar appointive position, to fill each vacancy where a term of office has expired. The Mayor shall also submit to the Board of Representatives at such meeting nominations of alternate members of the Planning Board, the Zoning Board and the Zoning Board of Appeals to fill any vacancies on a "panel of alternates" where an alternate member's term of office has expired. No nomination to such appointive Boards, Commissions, positions or "panel of alternates" made by the Mayor shall become effective until approved by the Board of Representatives.

¹⁸Editor's Note - Former Sec. C5-50-5 (previously

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Provided, however, if a nomination to any such appointive Board, Commission, position or "panel of alternates" made by the Mayor shall not have been approved or rejected by the Board of Representatives for a period of ninety (90) days, then such nomination shall thereupon become effective, having been deemed to have been approved by the Board of Representatives through its inaction. Provided further, however, if the Mayor shall fail to submit a nomination to the Board of Representatives within one hundred and twenty (120) days after the expiration of a Board or Commission or alternate member's term of office, then, at any time during the one hundred and twenty (120) day period thereafter, the President of the Board of Representatives may nominate and the Board of Representatives may approve a successor to fill the position. Provided further, however, if said Board of Representatives shall fail to act within the allotted time period, the Mayor shall again be empowered to nominate an individual to fill the vacancy and the Board of Representatives shall have ninety (90) days to approve or reject such nomination as set forth above. (Referendum 11-7-1995)

(b) The Mayor's nominations shall be submitted to the Board of Representatives at its next regular meeting. In the event the Board of Representatives rejects a nomination, the Mayor shall submit a new nomination or resubmit the rejected nomination to the Board of Representatives at its next regular meeting, provided that the Mayor may not submit the same name more than two times. (Referendum 11-7-1995)

(c) The Mayor may initiate proceedings to remove a member of any appointive Boards, Commissions, relevant positions or "panel of alternates" for any of the following reasons: (Referendum 11-7-1995)

- (1) Misconduct in the performance of duties;
- (2) Habitual absence;
- (3) Conviction of a felony;
- (4) Conviction of a misdemeanor which would undermine public confidence in the member's ability to perform the duties of office.

(d) In the event the Mayor has initiated removal proceedings as set forth in subsection (c) of this section, a hearing shall be held by the Appointments Committee of the Board of Representatives. Such hearing shall be public at the option of such member. Written charges and notice of hearing shall be served upon such member at least seven days before the hearing, either personally or by leaving the same at the member's place of residence. Such member shall have the right to be represented by counsel at the hearing. The Appointments Committee, within thirty days thereafter shall hold such hearing and make a recommendation to the Board at a regular meeting within sixty days after the completion of the hearing. The member shall have the right to participate in Board or Commission business until such time as the member is removed by a majority vote of the Board of Representatives. (Referendum 11-7-1995) (S.A. 322, 1953; Referendum 11-7-1961; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-00-4. - Expiration of Terms of Office.

(a) The term of each appointive Board or Commission member or relevant position shall expire on December first of the final year of the term, subject to continuance in office *for a period of six (6) months or* until a successor has been approved by the Board of Representatives, *whichever occurs first.* (Referendum 11-7-1995)

(b) The terms of members of Boards and Commissions designated in Sec. C6-00-2(a) shall overlap so that one term ends in the first of three successive years and two terms end in each of the second and third years. The terms of alternate members designated in [Sec. C6-00-2(b)]*Sec. C6-00-2(c)* shall overlap so that one term ends in each of three successive years. (Referendum 11-7-1995) (S.A. No. 467, 1951; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-00-5. - Vacancies.

If for any reason the office of a member of an appointive Board or Commission or relevant position becomes vacant before the expiration of his or her term, the vacancy shall be filled in accordance with the provisions of this Part 6. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-00-6. - Chairperson.

Each Board or Commission whose members are appointed pursuant to Section C6-00-3 shall select from among its members a Chairperson and such other officers as may be necessary for its proper function. (Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C6-00-7. - Clerk.

The Director of Administration shall appoint persons from among the municipal employees to act as clerks for the appointive Boards and Commissions. The Director of Administration shall determine the compensation to be paid for such services within the appropriation therefor. Each appointment shall be subject to the approval of the Board or Commission for which the clerk is appointed. (Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C6-00-8. - Records.

Each clerk shall keep a complete record of the resolutions and other proceedings of the Board or Commission and shall have custody of its correspondence, files and other records. When ordered by the Board or Commission such record shall be filed with the Town and City Clerk. All such records shall be open for public inspection at reasonable hours. (Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C6-00-9. - Meetings and Expenses.

Each Board or Commission shall meet as frequently as necessary to perform its duties. The Chairperson, any two members or the Mayor may call a meeting of any appointive Board or Commission, provided each member is given twenty-four (24) hours notice thereof. A majority of the members of a Board or Commission shall constitute a quorum.

No member of any appointed or elected Board shall receive compensation for services as such. (Referendum 11-8-1977)

DIVISION [B]2.

ELECTIVE BOARDS

SUBDIVISION [1]A.

BOARD OF EDUCATION

Sec. C6-10-1. - Powers of Board of Education.

The Board of Education shall perform such duties and have

such powers as are or may be imposed by the General Statutes upon Boards of Education unless superseded by Special Acts of the General Assembly applying to the Stamford Board of Education.

Sec. C6-10-2. - Fiscal Records.

The Superintendent of Schools may keep fiscal control records convenient for the administration of the schools. The Controller shall keep a full and complete record of all fiscal transactions of the Board of Education. The Controller shall be the Disbursing Officer of the Board of Education.

Sec. C6-10-3. - Municipal Ordinances.

Unless otherwise prohibited by law, the Board of Education shall adhere to and be bound by the provisions of this Charter and by all municipal ordinances, including but not limited to, ordinances which govern the subject of municipal purchases of articles, materials, supplies and insurance (including such purchases related to capital projects). (Referendum 11-7-1995)

SUBDIVISION [2]B.

BOARD OF FINANCE

Sec. C6-20-1. - Membership.

The Board of Finance shall be composed of six members, each of whom shall hold office for a four year term.

Sec. C6-20-2. - Meetings.

The Board of Finance shall hold regular meetings on the second Thursday of each month. The Mayor or any two of its members may call a special meeting by causing a written notice thereof, specifying the time, place and purpose of the meeting, to be served upon each member personally, or left at his or her usual place of abode, in either case at least twenty-four hours before the time fixed for such meeting or forwarded by mail, directed to his or her place of business, if within the City, or residence, at least seventy-two hours before the time fixed for such meeting. No business shall be transacted at a special meeting which is not within the purpose of the call. No action taken at any special meeting shall be invalid because of any inadvertent defect in the service of the notice thereof. (Referendum 11-8-1960; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-20-3. - Change of Meeting Date.

The Board may, by resolution, change the time for holding regular meetings, provided that such resolution calls for at least one regular meeting to be held each month, at least two weeks prior to the monthly meeting held by the Board of Representatives pursuant to Sections C2-10-4 and C2-10-5 hereof. (Referendum 11-8-1960)

Sec. C6-20-4. - Chairperson.

Following a biennial election, the Board shall, at its first meeting held in December, elect from its members a Chairperson to hold office until the first meeting held in December following the next biennial election. The Mayor of the City shall preside for the purpose of election of the Chairperson at this meeting and shall cast a ballot only to break a tie vote should a tie vote develop in such election. Thereafter the Chairperson shall preside at Board meetings and shall be entitled to vote as a Board member. (S.A. No. 270, 1957; Referendum 11-5-1963; Referendum 11-3-1987)

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Sec. C6-20-5. - Quorum.

Four members of the Board shall constitute a quorum for the transaction of business, but a lesser number present at a meeting may adjourn from time to time until a quorum attends.

Sec. C6-20-6. - Clerk.

The Board of Finance shall appoint a Clerk who shall serve at the pleasure of said Board. The compensation for such Clerk shall be fixed by said Board within the appropriation therefor. The Clerk shall keep a complete record of the resolutions and proceedings of the Board and shall have custody of its correspondence, files and other records. Such records shall be filed in the office of the Town and City Clerk and shall be open for public inspection at reasonable hours. (S.A. No. 335, 1949; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-20-7. - Powers.

(a) The Board of Finance shall have [any and all] such powers as specified in this Charter and such incidental powers as may be reasonably necessary to enable it to investigate and determine [the] those matters of fiscal policy of the City as are within its direct jurisdiction and responsibility. (Referendum 11-7-1995)

(b) The Board shall be kept informed by the Mayor of the status and fiscal impact of collective bargaining negotiations, and prior to completion of final negotiations on any collective bargaining agreement, the Board of Finance shall render an advisory opinion to the Mayor of the total cost and potential long-term tax burden of the proposed agreements.

(c) The Board shall be kept informed by the Board of Education of the status and fiscal impact of collective bargaining negotiations, and prior to completion of final negotiations on any collective bargaining agreement, the Board of Finance shall render an advisory opinion to the Board of Education of the total cost and potential long-term burden of the proposed agreements.

(d) When the collective bargaining agreements have been finalized and signed, the Board of Finance shall render an advisory opinion to the Board of Representatives of the total cost and potential long-term tax burden of the agreements. (Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C6-20-8. - Auditor's Reports.

The Board of Finance shall, in each fiscal year, engage independent certified public accountants to audit the financial statements of the City and to report to the Board. The Board of Finance shall deliver copies of the report to the Mayor and to the Board of Representatives not later than [three (3)]four (4) months following the completion of the fiscal year. No less often than every five (5) years, the Board of Finance shall issue a request for proposals (RFP) for the auditing services required under this Section. (S.A. No. 377, 1951; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-20-9. - Power of Investigation.

The Board of Finance shall have authority, by a majority vote of the full Board, to incur any expenses which it deems necessary or advisable in connection with any hearing before it or for the investigation of requests for appropriations and may employ experts to assist it in such investigation. provided, however, that it may only conduct investigations into matters of fiscal policy which are within the direct jurisdiction and

responsibility of the Board. The Director of Administration may, in his or her sole discretion, but shall not be required to, provide internal audit department personnel to the Board of Finance for the purposes of conducting any such investigation. Expenses incurred by the Board of Finance pursuant to this section shall be paid by the Office of Administration on warrant issued by the Chairperson of the Board of Finance and countersigned by the Clerk of the Board of Finance. (Referendum 11-7-1995)

Sec. C6-20-10. - Funds for Investigation.

The Board of Finance may appropriate funds to cover expenses incurred pursuant to Section C6-20-9, without request for such appropriation by any officer or department of the City other than the Board of Finance. (Referendum 11-7-1995)

[SUB]DIVISION [C]3.

BOARDS AND COMMISSIONS WITH STATUTORY SIGNIFICANCE

SUBDIVISION [3]A.

PLANNING BOARD

Sec. C6-30-1. - Powers and Duties of Planning Board.

The Planning Board shall:

- (1) Keep and from time to time revise the official map of Stamford;
- (2) Prepare, adopt and amend the Master Plan;
- (3) Have the power of approval or disapproval of the subdivision of land;
- (4) Make detailed plans for the improvement, reconditioning or redevelopment of areas which, in its judgment, contain special problems or show a trend toward lower land values;
- (5) Prepare each year lists of desirable capital improvements together with financial programs for their execution, one covering the next fiscal year and the other covering the next six years, which lists shall be forwarded to the Mayor for submission to the Board of Finance and the Board of Representatives;
- (6) Review and report on Public Works proposals;
- (7) Prepare an annual report and file a copy thereof with the Connecticut Development Commission. (S.A. No. 619, 1953)

Sec. C6-30-2. - Establishment of the Official Map.

Following public hearing, the Planning Board shall, by resolution, establish and from time to time revise a map of the City showing the existing streets and parks, theretofore laid out, adopted and established by law, which map shall be known as the Official Map. Said map shall also show all the voting districts, and shall have delineated thereon the zones established by the Zoning regulations. Such map shall be filed with the Town and City Clerk and an adequate number of copies thereof shall be printed for sale and distribution to the public. (S.A. No. 619, 1953; Referendum 11-7-1995)

Sec. C6-30-3. - The Master Plan.

The Master Plan shall be the general land use Plan for the physical development of the City. The Plan shall show the division of Stamford into land use categories such as, but not restricted to, the following:

1. Residential - single family plots one acre or more.
2. Residential - single family plots less than one acre.
3. Residential - multi-family - low density.
4. Residential - multi-family - medium density.
5. Commercial - local or neighborhood business.
6. Commercial - general business.
7. Industrial.

The land use categories indicated on the Master Plan shall be defined by the Planning Board and made a part of such Plan. The Plan shall also show the Board's recommendation for the following: streets, sewers, bridges, parkways, and other public ways; airports, parks, playgrounds and other public grounds; the general location, relocation and improvement of schools and other public buildings; the general location and extent of public utilities and terminals, whether publicly or privately-owned, for water, light, power, transit, and other purposes; the extent and location of public housing and neighborhood development projects. Such other recommendations may be made by the said Board and included in the Plan as will, in its judgment, be beneficial to the City. Such Plan shall be based on studies of physical, social, economic, and governmental conditions and trends and shall be designed to promote with the greatest efficiency and economy, the coordinated development of the City and the general welfare, health and safety of its people. (S.A. No. 619, 1953; Referendum 11-7-1995)

Sec. C6-30-4. - Adoption of Master Plan.

The Master Plan shall be prepared by the Planning Board and adopted after at least one public hearing thereon, upon notice as hereinafter provided in Section C6-30-9. When so adopted, said Plan shall become the Master Plan of Stamford superseding any such Plan which may theretofore have been adopted, in total or in part, by the Planning Board. Such Plan shall be a public record, a copy of which shall be kept on file in the office of the Town and City Clerk of Stamford. (S.A. No. 619, 1953)

Sec. C6-30-5. - Amendments to Master Plan.

The Master Plan may be amended by the Planning Board provided, prior to such action, the Board shall hold at least one public hearing, notice of which shall be given as hereinafter provided in Section C6-30-9, which notice shall include a clear and accurate map showing the bounds of any area affected together with the Board's reasons therefor. (S.A. No. 619, 1953)

Sec. C6-30-6. - Petitions for Amendment to Master Plan.

Any Stamford property owner or governmental agency, Department, Board or Official may file a written petition with the Planning Board for an amendment to the Master Plan. Such petition shall be scheduled for at least one public hearing

to be held within sixty (60) days from the date said petition was filed, upon notice as hereinafter provided in Section C6-30-6 which notice shall be accompanied by a clear and accurate map showing the bounds of any area affected. Each petitioner, upon filing a petition pursuant to this Section, shall pay a filing fee in such amount as may be prescribed by the Board and shall leave this or her name and address with the secretary of the Board.

A copy of the decision of the Board in such matter, signed by the Secretary or Chairperson of the Board, shall be sent to the petitioner by registered mail at the time of the official publication of such decision.

(S.A. No. 619, 1953; Referendum 11-3-1987)

Sec. C6-30-7. - Referral to Board of Representatives by Opponents of Proposed Amendments.

If twenty (20) percent or more of the owners of the privately-owned land in the area included in any proposed amendment to the Master Plan, or the owners of twenty (20) percent or more of the privately-owned land located within five hundred (500) feet of the borders of such area, file a signed petition with the Planning Board within ten days after the official publication of the decision thereon, objecting to the proposed amendment, then said decision shall have no force or effect but the matter shall be referred by the Planning Board to the Board of Representatives within twenty days after such official publication, together with written findings, recommendations and reasons. The Board of Representatives shall approve or reject such proposed amendment at or before its second regularly-scheduled meeting following such referral. When acting upon such matters the Board of Representatives shall be guided by the same standards as are prescribed for the Planning Board in Section C6-30-3 of this Charter. The failure of the Board of Representatives either to approve or reject said amendment within the above time limit shall be deemed as approval of the Planning Board's decision.

(S.A. No. 619, 1953; Referendum 11-4-1969; Referendum 11-3-1987)

Sec. C6-30-8. - Referral to Board of Representatives by Proponents of Proposed Amendments.

If more than fifty (50) percent of the owners of the privately-owned land in the area included in the proposed amendment to the Master Plan, or if the owners of more than fifty (50) percent of the privately-owned land located within five hundred (500) feet of the borders of such area, file a signed petition favoring such amendment with the Planning Board within ten days after the official publication of contrary decision thereon, said decision shall have no force or effect but the matter shall be referred by the Planning Board to the Board of Representatives within twenty days after such official publication, together with its written findings, recommendations and reasons. The Board of Representatives shall approve or reject such proposed amendment at or before its second regularly-scheduled meeting following such referral. When acting upon such matters the Board of Representatives shall be guided by the same standards as are prescribed for the Planning Board in Section C6-30-3 of this Charter. The failure of the Board of Representatives either to adopt or reject said amendment within the above time limit shall be deemed as approval of the Planning Board's decision.

(S.A. No. 619, 1953; Referendum 11-4-1969; Referendum 11-3-1987)

Sec. C6-30-9. - Notice of Public Hearings.

Notice of each public hearing held with respect to the adoption or amendment of the Master Plan shall be given by publishing in an official newspaper the time, place and purpose of such hearing, together with a clear and accurate map showing the bounds of any area or areas affected. Said notice shall be published at least twice, the first not more than fifteen (15) nor

less than ten days before such hearing, and the last not less than two (2) days before such hearing; and a copy of such proposed Plan or amendment shall be filed in the Office of the Town and City Clerk at least ten days before such hearing.

(S.A. No. 619, 1953; Referendum 11-3-1987)

Sec. C6-30-10. - Hearings.

If more than one public hearing is considered by the Planning Board to be necessary or advisable, additional hearings may be held upon due notice, as herein above set forth in Section C6-30-9; provided no more than ninety days shall elapse between the first and last hearings on any one petition, unless the petitioner agrees in writing to an extension of such period.

(S.A. No. 619, 1953)

Sec. C6-30-11. - Decisions.

The Planning Board shall render a decision on all petitions for amendment to the Master Plan within sixty days after the last public hearing thereon. No such decision shall become effective until at least ten days have elapsed following the official publication of such decision in the manner provided in Section C6-30-12 of this Charter. A copy of each such decision, signed by the Secretary or Chairperson of said Board, shall be filed with the Town and City Clerk at the time of such official publication. If any decision of the Planning Board is not referred to the Board of Representatives within ten days of the official publication of such decision as herein above provided, such decision shall forthwith become effective and the Secretary or Chairperson of the Planning Board shall file a Certificate, attesting to such fact, with the Town and City Clerk. If any decision of the Planning Board is referred to the Board of Representatives as herein above provided, the President or Clerk of the Board of Representatives shall file a Certificate with the Town and City Clerk immediately following the decision of the Board of Representatives on such matter or, if such Board fails to act on the matter within the time herein above prescribed, said certificate shall be filed immediately following the expiration of such period, attesting to such decision or failure to decide.

(S.A. No. 619, 1953; Referendum 11-3-1987)

Sec. C6-30-12. - Publication of Decisions.

Official notice of decisions made by the Planning Board with respect to proposed amendments adopted to the Master Plan shall be given by publishing each such decision, or a summary thereof, together with a clear and accurate map showing the bounds of the area or areas affected thereby, in an official newspaper within five days after such decision has been made. Official publication of each decision shall be deemed to have been made upon the date of the appearance of such official notice as provided above.

(S.A. No. 619, 1953; S.A. No. 9, Sp. Ss., 1955; Referendum 11-3-1987)

Sec. C6-30-13. - Procedure for Reviewing Public Works Proposals.

No action shall be taken by the City on any proposal involving the location, acceptance, widening, narrowing or extension of streets, bridges, parkways and other public ways; the location, relocation, acquisition of land for, abandonment, sale or lease of airports, parks, playgrounds and other municipally-owned properties, schools and other public buildings; the extent and location of public utilities and terminals, whether publicly or privately owned, for light, water, power, transit and other purposes; and the extent and location of public housing projects and the redevelopment, reconditioning or improvement of specific areas as defined herein above until it has been referred to the Planning Board for a report. The failure of

said Board to report within sixty days after the date of official submission to it shall be taken as approval of the proposal.

In case of the disapproval of the proposal by said Board, the reasons for disapproval shall be recorded and transmitted to the Board of Representatives. A proposal disapproved by the Planning Board shall thereafter only be adopted by a two-thirds (2/3) vote of the Board of Representatives.

(S.A. No. 619, 1953; Referendum 11-7-1995)

Sec. C6-30-14. - Procedure for Reviewing Subdivision Proposals, Description of Content of Subdivision Regulations, Provision for Penalties.

All plans of a subdivision of land shall be submitted to the Planning Board. No such plan shall be recorded by the Town and City Clerk or other officer duly authorized to record plans until the fact that it has been approved by said Board has been endorsed thereon. Any official recorder of plans violating this requirement shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars. The filing or recording of a subdivision plan without the approval of the Planning Board as required by this Section shall be void. Before exercising the powers granted in this Section said Board shall adopt regulations covering the subdivision of land and make them available to the public. Such regulations shall provide that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health; that the streets shall be so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs; that in places deemed proper by the Planning Board open spaces for parks or playgrounds shall be shown on the subdivision plan. Said Board may also prescribe the extent to which and the manner in which streets shall be graded and improved and public utilities and services provided and, in lieu of the completion of such work and installations previous to the final approval of a plat, said Board may accept a bond of an established surety company in an amount and with surety and conditions satisfactory to its securing to the City the actual construction and installation of such improvements and utilities within a period specified in the bond. The City may enforce such bonds by all appropriate legal and equitable remedies. Such regulations may provide, in lieu of the completion of the work and installations above referred to, previous to the final approval of a plat, for an assessment or other method whereby the City is put in an assured position to do said work and make said installations at the cost of the owners of the property within the subdivision. Said Board shall be guided, in its decisions on these and other matters to be included in such subdivision regulations, by the Master Plan and by the prospective character of the development of the land in the proposed subdivision, and such decisions shall conform to the zoning regulations concerning the area affected.

(S.A. No. 619, 1953; Referendum 11-7-1995)

Sec. C6-30-15. - Requirements of Hearings; Approval or Disapproval of Subdivision Proposals.

All plans of subdivisions submitted to the Planning Board shall contain the name and address of the person to whom notice of hearing may be sent, and no subdivision plan shall be acted upon by said Board without a public hearing, notice of which shall be published once in an official paper and shall be sent by registered mail to the address shown in the subdivision plan, except that in the case of a proposed subdivision of land into not more than two lots not involving a new street, a public hearing need not be held, but public notice shall be required and all other requirements shall be met as set forth in this Section. Both the publication and the mailing of notice shall be made no less than seven days before the date fixed for the hearing. The Planning Board shall approve, modify and approve, or disapprove a subdivision plan within sixty days after the submission thereof, otherwise such plan shall

be considered approved and a Certificate to that effect shall be issued by said Board on demand, provided an extension of this period may be had with the consent of the applicant. The grounds for disapproval shall be stated in the records of the Planning Board. Notice of the decision of the Planning Board shall be published in an official newspaper within ten days after said decision has been rendered.

(S.A. No. 619, 1953; Referendum 11-4-1969; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-30-16. - Filing of Decisions Affecting Subdivisions.

The Planning Board shall prepare, after its decision on any subdivision over which it has jurisdiction and upon which a hearing has been held, a Certificate signed by its Planning Director, setting forth the name or names of the property owner or owners, the names of the street or streets on which the property is located, the title of any map submitted with the application, the date of the hearing and statement of its findings and approval, which certificates shall be recorded in the Office of the Town and City Clerk, indexed under the name or names of such property owner or owners, and no action of the Planning Board shall be final until the filing of this public record in the Office of the Town and City Clerk.

(S.A. No. 619, 1953)

Sec. C6-30-17. - Proposals to Accept Platted or Opened Streets; Certificate of Municipal Engineer.

No street, platted or opened by any private person, firm or corporation shall be accepted by the City unless the petition for the same shall be accompanied by a Certificate from the Municipal Engineer certifying its correctness as to grade and construction specifications.

(S.A. No. 619, 1953; Referendum 11-7-1995)

Sec. C6-30-18. - Building on Unaccepted Streets or Unapproved Subdivisions.

No building permit shall be issued and no building shall be erected in an unapproved subdivision or on an unaccepted street except in the case of lots of record in the office of the Town and City Clerk or other officer authorized to record plans, or in the case of streets which are open for vehicular travel at the time of adoption of this Act by the City. Any building erected in violation of this Act shall be deemed an unlawful structure, and the City through the appropriate officer may bring action to enjoin the erection of such structure or to cause it to be vacated or removed.

(S.A. No. 619, 1953; Referendum 11-7-1995)

Sec. C6-30-19. - Definitions.

For the purpose of this Act, "subdivision" shall mean the division of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale or building development, expressly excluding development for agricultural purposes, and shall include resubdivision.

(S.A. No. 619, 1953)

Sec. C6-30-20. - Appeals.

Except in those situations where a decision of the Planning Board is referred to the Board of Representatives for action pursuant to Section C6-30-7 or C6-30-8 of this Charter, any person aggrieved by an official decision of the Planning Board may appeal therefrom to the Superior Court, Judicial District of Stamford/Norwalk at Stamford within fifteen days of the official publication of a decision affecting the Master Plan; or, in the case of a decision affecting a subdivision, within fifteen days after official publication of said decision. Any person aggrieved by a decision of the Board of Representatives, or by

a failure of said Board to decide a matter referred to it within the prescribed time, pursuant to Section C6-30-7 or C6-30-8 of this Charter, may appeal therefrom within fifteen days of such decision or such expiration of prescribed time, whichever first occurs, to the Superior Court, Judicial District of Stamford/Norwalk at Stamford.

(S.A. No. 619, 1953; Referendum 11-4-1969; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-30-21. - Vote Required by Board of Representatives.

Except as provided in Section C6-30-13 hereof, in deciding all matters referred to the Board of Representatives pursuant to this Chapter, the affirmative vote of a majority of the entire membership of said Board shall be required.

(S.A. No. 619, 1953)

Sec. C6-30-22. - Appointment of Panel of Alternates to Planning, Zoning and Board of Appeals.

The Mayor in office in December, 1961, shall submit to the Board of Representatives at its first meeting after December first nominations of three alternate members for each of the following Boards: The Planning Board, the Zoning Board, and the Zoning Board of Appeals; one alternate member of each such Board to serve for three years; one for four years and one for five years; and thereafter each new alternate member shall be appointed to serve for five years.

(Referendum 11-7-1961; Referendum 11-3-1987)

Sec. C6-30-23. - Saving Clause.

The Subdivision Regulations, including all amendments thereto, legally adopted prior to the effective date of this Act, are hereby validated and continued in full force and effect until amended by action taken under the authority of this Chapter.

(S.A. No. 619, 1953)

SUBDIVISION [4]B.

ZONING BOARD

Sec. C6-40-1. - Powers and Duties of Zoning Board.

The Zoning Board is authorized to regulate the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land or trade, industry, residence or other purposes; and the height, size, location and character of advertising signs and billboards. Said Board may divide the City into districts of such number, shape and area as may be best suited to carry out the purposes of this Chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such regulations shall be uniform for each class or kind of buildings or structures throughout each district, but the regulations in one district may differ from those in another district, shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulation shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(S.A. No. 619, 1953; Referendum 11-7-1995)

Sec. C6-40-2. - Amendments to Zoning Regulations and Map Prior to the Effective Date of the Master Plan.

Prior to the effective date of the Master Plan, the Zoning Regulations and Map may, from time to time, be amended by the Zoning Board provided, prior to any such action, the Board shall hold at least one public hearing thereon, notice of which shall be given as hereinafter provided. If a protest is filed at such hearing with said Board against any Zoning Map amendment signed by the owners of twenty percent or more of the area of the privately-owned land included in such proposed amendment, or of the privately-owned land within five hundred feet of the borders of such area, such amendment shall not be adopted except by a vote of four-fifths of all the members of said Board.

(S.A. No. 619, 1953)

Sec. C6-40-3. - Amendments to Zoning Map After the Effective Date of the Master Plan.

After the effective date of the Master Plan the Zoning Map may, from time to time, be amended by the Zoning Board provided, prior to any such action, the Board shall hold at least one public hearing thereon, notice of which shall be given as hereinafter provided. If said Board is the proponent of any such change said notice shall contain the Board's reasons for such proposed change. The Zoning Map shall not be amended by said Board to permit a use in any area which is contrary to the general land use established for such area by the Master Plan.

(S.A. No. 619, 1953)

Sec. C6-40-4. - Applications for Amendments to the Zoning Map After Effective Date of the Master Plan.

(a) After the effective date of the Master Plan, any Stamford property owner or governmental agency, department, board or official, may file a written application with the Zoning Board for an amendment to the Zoning Map. Such application shall be scheduled for at least one public hearing to be held within sixty (60) days from the date said application was filed. The Zoning Board shall not hear any application or applications relating to the same amendment, or substantially the same amendment, more than once in a period of twelve months, unless withdrawn on request of the Board on its terms and conditions. If any applicant or applicants either withdraws or postpones an application or applications to the Zoning Board before the scheduled date or public hearing, said application or applications shall not be re-scheduled for public hearing within ninety (90) days following the public hearing date from which said application or applications were withdrawn or postponed. Each applicant, upon filing an application pursuant to this Section, shall pay a filing fee in such amount as may be prescribed by the Zoning Board and shall leave name and address with the Secretary of the Board. A copy of the decision of the Board in such application, signed by the Secretary or Chairperson of the Board, shall be sent to the applicant by registered mail at the time of the official publication of such decision.

(b) After the effective date of the Master Plan, any Stamford property owner or governmental agency, department, board, or official, may file a written application with the Zoning Board for an amendment to the Zoning Map. Such application shall be scheduled for at least one public hearing to be held within sixty (60) days from the date said application was filed. Each applicant upon filing an application pursuant to this Section, shall pay a filing fee in such amount as may be prescribed by the Zoning Board and shall leave name and address with the Secretary of the Board. A copy of the decision of the Board in such application, signed by the Secretary or Chairperson of the Board, shall be sent to the applicant by

registered mail at the time of the official publication of such decision. (Referendum 11-7-1995)
[S.A. No. 619, 1953; Referendum 11-4-1969 (Subsections A and B passed, one by Proposal No. 21; the other by Proposal No. 59.); Referendum 11-3-1987; Referendum 11-7-1995]

Sec. C6-40-5. - Referral to Board of Representatives by Opponents of Proposed Amendment to Zoning Map After the Effective Date of the Master Plan.

After the effective date of the Master Plan, if twenty percent or more of the owners of the privately-owned land in the area included in any proposed amendment to the Zoning Map, or if the owners of twenty percent or more of the privately-owned land located within five hundred feet of the borders of such area, file a signed petition with the Zoning Board, within ten days after the official publication of the decision thereon, objecting to the proposed amendment, said decision shall have no force or effect but the matter shall be referred by the Zoning Board to the Board of Representatives within twenty days after such official publication, together with written findings, recommendations and reasons. The Board of Representatives shall approve or reject such proposed amendment at or before its second regularly-scheduled meeting following such referral. When acting upon such matters the Board of Representatives shall be guided by the same standards as are prescribed for the Zoning Board in Section C6-40-1 of this Charter. The failure of the Board of Representatives either to approve or reject said amendment within the above time limit shall be deemed as approval of the Zoning Board's decision.
(S.A. No. 619,1953; Referendum 11-4-1969; Referendum 11-3-1987)

Sec. C6-40-6. - Referral to Board of Representatives by Proponents of Proposed Amendments to Zoning Map After the Effective Date of the Master Plan.

After the effective date of the Master Plan, if more than fifty (50) percent of the owners of the privately-owned land in the area included in the proposed amendment to the Zoning Map, or if the owners of more than fifty (50) percent of the privately-owned land located within five hundred feet of the borders of such area, file a signed petition favoring such amendment with the Zoning Board within ten days after the official publication of a contrary decision thereon, said decision shall have no force or effect but the matter shall be referred by the Zoning Board to the Board of Representatives within twenty days after such official publication, together with its written findings, recommendations and reasons. The Board of Representatives shall approve or reject such proposed amendment at or before its second regularly-scheduled meeting following such referral. When acting upon such matters the Board of Representatives shall be guided by the same standards as are prescribed for the Zoning Board in Section C6-40-1 of this Charter. The failure of the Board of Representatives either to approve or reject said amendment within the above time limit shall be deemed as approval of the Zoning Board's decision.
(S.A. 619, 1953; Referendum 11-4-1969; Referendum 11-3-1987)

Sec. C6-40-7. - Amendments to Zoning Regulations, Other Than the Zoning Map, After the Effective Date of the Master Plan.

After the effective date of the Master Plan, the Zoning Regulations, other than the Zoning Map, shall not be amended by the Zoning Board until at least one public hearing has been held thereon, notice of which shall be given as hereinafter provided. If the Zoning Board is the proponent of any such change, said notice shall contain the Board's reasons for such proposed change. Such Zoning Regulations shall not be amended by said Board to permit a use in any area which is contrary to the general land use established for such area by the

Master Plan.
(S.A. No. 619, 1953; Referendum 11-6-1962)

Sec. C6-40-8. - Applications for Amendments to Zoning Regulations, Other Than Zoning Map, After Effective Date of the Master Plan.

After the effective date of the Master Plan, any Stamford property owner or environmental agency, Department, Board or official may file a written application with the Zoning Board for an amendment to the Zoning Regulations, other than the Zoning Map. Such application shall be scheduled for at least one public hearing to be held within sixty days from the date said application was filed, upon notice as hereinafter provided. The Zoning Board shall not hear any application or applications relating to the same amendment, or substantially the same amendment, more than once in a period of twelve months unless withdrawn on request of the Board on its terms and conditions. If any applicant or applicants either withdraws or postpones an application or applications to the Zoning Board before the scheduled date of public hearing, said application or applications shall not be rescheduled for public hearing within ninety days following the public hearing date from which said application or applications were withdrawn or postponed. Each applicant, upon filing an application pursuant to this Section, shall pay a filing fee in such amount as may be prescribed by the Zoning Board and shall leave name and address with the Secretary of the Board. A copy of the decision of the Zoning Board, signed by the Secretary or Chairperson of the Board, shall be sent to the applicant by registered mail at the time of the official publication of such decision.
(S.A. No. 619, 1953; Referendum 11-4-1969; Referendum 11-3-1987)

Sec. C6-40-9. - Referral to Board of Representatives by Opponents or Proponents of Amendments to the Zoning Regulations, Other Than the Zoning Map, After the Effective Date of the Master Plan.

After the effective date of the Master Plan, if following a public hearing at which a proposed amendment to the Zoning Regulations, other than the Zoning Map was considered, a petition is filed with the Zoning Board within ten days after the official publication of the Board's decision thereon opposing such decision, such decision with respect to such amendment shall have no force or effect, but the matter shall be referred by the Zoning Board to the Board of Representatives within twenty days after such official publication, together with written findings, recommendations, and reasons. The Board of Representatives shall approve or reject any such proposed amendment at or before its second regularly scheduled meeting following such referral. When acting upon such matters, the Board of Representatives shall be guided by the same standards as are prescribed for the Zoning Board in Section C6-40-1 of this Charter. The failure by the Board of Representatives either to approve or reject said amendment within the above time limit shall be deemed as approval of the Zoning Board's decision. The number of signatures required on any such written petition shall be one hundred, or twenty percent of the owners of privately-owned land within five hundred feet of the area so zoned, whichever is least, if the proposed amendment applies to only one zone. All signers must be landowners in any areas so zoned, or in areas located within five hundred feet of any areas so zoned. If any such amendment applies to two or more zones, or the entire City, the signatures of at least three hundred landowners shall be required, and such signers may be landowners anywhere in the City.
(S.A. No. 619, 1953; Referendum 11-3-1995; Referendum 11-6-1962; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-40-10. - Referral of Proposed Amendments to the Regulations or Zone Boundaries to Planning Board.

Any proposed amendments to the Zoning Regulations or zone boundaries or changes thereof shall be referred to the Planning Board for a report at least thirty days prior to the date assigned for a public hearing to be held thereon. The failure of the Planning Board to report prior to or at the hearing shall be taken as approval of such proposals. A statement of the vote of the Planning Board, approving, disapproving, or proposing a modification of such proposal shall be publicly read at any public hearing held thereon. The full report of the Planning Board regarding such proposal shall include the reasons for the Board's vote thereon and shall be incorporated into the records of any public hearing held thereon. A proposal disapproved by the Planning Board may be adopted by the Zoning Board by a two-thirds vote of the Zoning Board. Upon request to the Planning Board by either the applicant or the opponent, a meeting shall be held by the Planning Board with such applicant and/or opponent before it shall render a decision.
(Referendum 11-4-1969)

Sec. C6-40-11. - Notice of Public Hearings.

Notice of each public hearing held with respect to amendments of the Zoning Regulations and Map or applications for approval of site and architectural plans and/or requested uses shall be given by publishing in an official newspaper the time, place and purpose of such hearing. If any such hearing is to be held with respect to an amendment to the Zoning Map, such notice shall include a clear and accurate map showing the bounds of any area or areas affected. Said notice shall be published at least twice, the first not more than fifteen nor less than ten days before such hearing, and the last not less than two days before such hearing; and a copy of such proposed amendment or a copy of such application for approval of site and architectural plans and/or requested uses shall be filed in the office of the Town and City Clerk at least ten days before such hearing.
(S.A. No. 619, 1953; Referendum 11-4-1969; Referendum 11-3-1987)

Sec. C6-40-12. - Hearings.

If more than one public hearing is considered by the Zoning Board to be necessary or advisable, additional hearings may be held upon due notice, as herein above set forth, provided no more than ninety days shall elapse between the first and last hearing on any one petition, unless the petitioner agrees in writing to an extension of such period.
(S.A. No. 619, 1953)

Sec. C6-40-13. - Approval of Site and Architectural Plans and/or Requested Uses.

In any Designed District, except in the IP-D Designed Industrial Park District, the design and location of all buildings on the lot, the height and bulk of buildings, the provision for off-street parking and loading spaces, and the use of the property shall be submitted to and be subject to the approval of the Zoning Board, who shall not approve same for a building permit until after a public hearing, notice of which shall be given as hereinafter provided. In the IP-D Designed Industrial Park District, the exterior architectural design and the proposed use or uses of the initial building, and the site plan, including screening from adjacent residential areas, shall be submitted to and be subject to the approval of the Zoning Board, who shall not approve same for a building permit until after a public hearing, notice of which shall be given as hereinabove provided.
(Referendum 11-4-1969; Referendum 11-7-1995)

Sec. C6-40-14. - Applications for Approval of Site and Architectural Plans and/or Requested Uses.

LEGAL

In any Designed District, any Stamford property owner or governmental agency, Department, Board or official must file an application with the Zoning Board for approval of site and architectural plans and/or requested uses. Such application shall be scheduled for at least one public hearing to be held within sixty days from the date said application was filed, upon notice as hereinafter provided. The Zoning Board shall not be required to hear any application or applications relating to the same request or substantially the same request, more than once in a period of twelve months. If any applicant or applicants either withdraws or postpones an application or applications to the Zoning Board before the scheduled date of public hearing, said application or applications shall not be rescheduled for public hearing within ninety days following the public hearing date from which said application or applications were withdrawn or postponed. Each applicant, upon filing an application pursuant to this section, shall pay a filing fee in such amount as may be prescribed by the Zoning Board and shall leave name and address with the Secretary of the Board. A copy of the decision of the Zoning Board, signed by the Secretary or Chairperson of the Board, shall be sent to the applicant by registered mail at the time of the official publication of such decision.

(Referendum 11-4-1969; Referendum 11-3-1987)

Sec. C6-40-15. - Decisions.

The Zoning Board shall render a decision on all petitions for amendments to the zoning regulations and map within sixty days after the last public hearing thereon. No such decision shall become effective until at least ten days have elapsed following the official publication of such decision in the manner hereinafter provided. A copy of each such decision, signed by the Secretary or Chairperson of the Zoning Board, shall be filed with the Town and City Clerk at the time of such official publication. If any decision of the Zoning Board is not referred to the Board of Representatives within ten days of the official publication of such decision as herein above provided, such decision shall forthwith become effective and the Secretary or Chairperson of the Zoning Board shall file a certificate attesting to such fact with the Town and City Clerk. If any decision of the Zoning Board is referred to the Board of Representatives as herein above provided, the President or Clerk of the Board of Representatives shall file a certificate with the Town and City Clerk immediately following the decision of the Board of Representatives on such matter or, in the event that such Board fails to act on the matter within the time herein above prescribed, said certificate shall be filed immediately following the expiration of such period, attesting to such decision or failure to decide.

(S.A. No. 619, 1953; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-40-16. - Publication of Decisions.

Official notice of decisions made by the Zoning Board with respect to all applications that are either adopted or denied to the zoning regulations and map shall be given by publishing each such decision or a summary thereof, together with, in the case of a zoning map amendment, a clear and accurate map showing the bounds of the area or areas affected thereby, in an official newspaper for at least one day within five days after such decision has been made. Official publication of each decision shall be deemed to have been made upon the date of the appearance of such official notice as provided above.

(S.A. No. 619, 1953; S.A. No. 10, Sp. Ss., 1955; Referendum 11-4-1969; Referendum 11-3-1987)

Sec. C6-40-17. - Appeals.

Except in those situations where a decision of the Zoning Board is referred to the Board of Representatives for action

pursuant to Section C6-40-5, C6-40-6, or C6-40-9 of this Charter, any person aggrieved by any such decision may appeal therefrom, within fifteen days of the official publication of such decision, to the Superior Court, Judicial District of Stamford/Norwalk at Stamford. Any person aggrieved by a decision of the Board of Representatives or by a failure of that Board to decide a matter referred to it within the prescribed time pursuant to Section C6-40-5, C6-40-6 or C6-40-9 of this Charter may appeal therefrom within fifteen days of such decision or such expiration of prescribed time, whichever first occurs, to the Superior Court, Judicial District of Stamford/Norwalk at Stamford.

(S.A. No. 619, 1953; Referendum 11-4-1969; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-40-18. - Vote Required by Board of Representatives.

In deciding all matters referred to the Board of Representatives pursuant to this Chapter, the affirmative vote of a majority of the entire membership of said Board shall be required.

(S.A. No. 619, 1953)

Sec. C6-40-19. - Enforcement of Planning and Zoning Regulations; Zoning Board of Appeals Decisions.

The Zoning Board shall appoint a Zoning Enforcement Officer who shall not be the Building Official and who shall be in the classified service. The provisions of the General Statutes, as amended, pertaining to the duties of Zoning Enforcement Officer shall apply to Stamford. The Zoning Enforcement Officer shall:

- (a) enforce all planning and zoning ordinances and regulations;
 - (b) review building construction and development plans to assure that there are no violations of prescribed conditions set by the Commission prior to issuance of building permits;
 - (c) perform follow-up inspections in the field after construction has started;
 - (d) initiate, respond to, and investigate alleged zoning violations and violations of decisions of the Zoning Board of Appeals; and to issue cease and desist orders for any such violations;
 - (e) prepare such data as required by the Zoning Board of Appeals, attend all of the meetings of that Board and enforce its decisions;
 - (f) perform all other duties required by the Commission or required by law as it applies to the Commission;
 - (g) issue an occupancy permit only after approval of the Zoning Board of Appeals if the permit to proceed is found to have been issued erroneously.
- (S.A. No. 619, 1953; Referendum 11-3-1987)

Sec. C6-40-20. - Authority of Zoning Enforcement Officer.

The provisions of Section C6-40-19 of this Charter are intended to extend the powers of the Zoning Enforcement Officer of the Zoning Board to the limits of the City.

(S.A. No. 619, 1953; Referendum 11-6-1962; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-40-21. - Procedure When Regulations are Violated.

The provisions of Section 846 of the General Statutes shall apply to the enforcement of the Zoning Regulations of the City of Stamford. (Now General Statutes Sec. 8-12.)

(S.A. No. 619, 1953; Referendum 11-7-1995)

Sec. C6-40-22. - Controlling Requirement in Case of Variation.

The provisions of Section 847 of the General Statutes shall continue to be applicable to the City. (Now General Statutes 8-13.)

(S.A. No. 619, 1953; Referendum 11-7-1995)

Sec. C6-40-23. - Saving Clauses.

The Zoning Regulations and Map, including all amendments thereto, legally adopted prior to the effective date of this Act, are hereby validated and continued in full force and effect until amended by action taken under the authority of this Chapter. Upon the effective date of the Master Plan the Zoning Regulations and Map theretofore in effect shall remain in full force and effect, provided on and after such date no amendments thereto shall be made except in the manner, and subject to the conditions herein above set forth.

(S.A. No. 619, 1953)

SUBDIVISION [5]C.

ZONING BOARD OF APPEALS

Sec. C6-50-1. - Powers and Duties of the Zoning Board of Appeals.

The provisions of the General Statutes pertaining to zoning appeals shall apply to the City, except so far as inconsistent with the specific provisions of this Charter. The Zoning Board of Appeals is also empowered to grant the permits provided for in Section C6-40-19(g). The Zoning Board of Appeals of the City shall prepare, after its decision on any applications before it, a certificate signed by the Zoning Enforcement Officer setting forth the name or names of the property owner or owners of the land affected, the name or names of the streets on which the property is located, the date of the hearing and a statement of its findings and approval or rejection, which certificate shall be recorded in the office of the Town and City Clerk, indexed under the name or names of such property owner or owners, and no variance shall be permitted or building permit issued until such certificate of the Zoning Board of Appeals is filed in the public records in the office of the Town and City Clerk.

(S.A. No. 379, 1951; S.A. No. 280, 1957; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-50-2. - Reversal of Decision of Zoning Officer.

The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement or decision of the Zoning Enforcement Officer on any appeal taken therefrom.

(Referendum 11-4-1969; Referendum 11-3-1987)

Sec. C6-50-3. - Limitation on Jurisdiction of Zoning Board of Appeals.

The Zoning Board of Appeals shall have no direct appellate jurisdiction from the determinations of the Zoning Board.

SUBDIVISION [6]D.

BOARD OF [TAX REVIEW]ASSESSMENT APPEALS¹⁹

¹⁹Note - Connecticut General Statutes 12-110 was amended by P.A. 95-283, inter alia, to change the name of Board of Tax Review to Board of Assessment Appeals.

Cross reference - Membership increase on board of

assessment appeals for 1999 and 2000 assessment years, Code § 220-23.

Sec. C6-60-1. - Appointment of Board of [Tax Review] Assessment Appeals.

There shall be a Board of [Tax Review] Assessment Appeals consisting of five members whose terms shall be three years in accordance with Sec. C6-00-2 of this Charter. (Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C6-60-2. - Powers and Duties of Board of [Tax Review] Assessment Appeals.

The Board of [Tax Review] Assessment Appeals shall have all the powers and perform all the duties that now are or hereafter may be conferred upon or required of Town Boards of [Tax Review] Assessment Appeals by the General Statutes. The Board shall hear all appeals from the doings of the Tax Assessor in the manner prescribed by law for appeals from assessments. (State Law reference-See General Statutes Sec. 12-111 for powers and duties). (Referendum 11-6-1962; Referendum 11-8-1972; Referendum 11-3-1987; Referendum 11-7-1995)

SUBDIVISION [7]E.

MUNICIPAL BUILDING BOARD OF APPEALS

Sec. C6-70-1. - Appointment of Municipal Building Board of Appeals.

The Mayor shall appoint a Building Board of Appeals to consist of five (5) members, all of whom shall meet the qualifications set forth in the State Building Code. (Referendum 11-3-1987)

DIVISION [D]4.

OTHER BOARDS AND COMMISSIONS

SUBDIVISION [8]A.

POLICE COMMISSION

Sec. C6-80-1. - Powers and Duties of the Police Commission.

The Police Commission shall have the following powers and duties:

- (1) Except for the appointment or removal of the Chief of Police, the Commission shall have the sole power of appointment and promotion of sworn members after consideration of any recommendations made by the Chief of Police and in accordance with the provisions of this Charter.
- (2) To hear and determine appeals based upon the record under Section C6-80-3 within sixty days from the bringing of such appeal.
- (3) To order a hearing by the Chief under Section C5-40-2 if the Chief fails to decide an appealed matter within a reasonable time.
- (4) To modify the decision of the Chief by ordering a reduction or increase of any disciplinary action on an appeal therefrom which the Chief could have imposed.
- (5) To compensate officers and members

of the Department for loss of personal property incurred in the performance of duty.

(6) To approve the rules and regulations concerning the operation of the Department and the conduct of all officers and employees thereof made by the Chief pursuant to the provisions of Sec. C5-40-2 within a period of thirty days after transmission by the Chief of Police and upon failure to take action on said rules and regulations within said period, they shall be deemed approved.

(7) To conduct hearings and investigations relating to the general welfare of the Department.

(8) To conduct preliminary hearings relating to complaints against the Chief, and if it determines such complaints are meritorious, such complaints shall be forwarded to the Personnel Commission for determination thereon. (Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-80-2. - Appointment of Police Commission.

The Mayor shall appoint five members of the Police Commission subject to the confirmation of the Board of Representatives. (Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-80-3. - Appeals to Police Commission.

Any complainant or sworn member not covered by a collective bargaining agreement, not satisfied with the decision of the Chief of Police, rendered pursuant to the provisions of Section C5-40-2, may appeal the decision to the Police Commission within ten (10) days after receiving written notice of the decision. If the Chief of Police fails to decide an appealed matter within a reasonable time, the complainant may appeal to the Police Commission to order a hearing by the Chief. The Police Commission shall act as an appeals body after such action or inaction by the Chief of Police under Section C5-40-2, subparagraph (7), on appeals relating to complaints against the Department, or an officer that an action in violation of Section C6-140-8 has been committed. The Police Commission shall within sixty (60) days proceed to hear, and determine the appeal. Such officer or member shall have the right to be present and to be heard in person and to be represented by counsel and to defend such appeal. (Referendum 11-7-1995)

The Police Commission is empowered to issue subpoenas, in its name, to compel the attendance of witnesses and shall, upon the oral application of such officer or member, issue a subpoena on his or her behalf, leaving the space for the names of witnesses blank that their names may be filled in. Any person served with a subpoena shall be bound to attend in obedience to the command thereof, and the Police Commission shall compel the attendance of witnesses and compel them to testify in the same manner as in the case of any officer or Board authorized by law to issue subpoenas and take testimony. If the accused shall be found guilty of the charges made against him or her, the Police Commission may punish him or her by reprimand, by forfeiting and withholding pay for a period not to exceed thirty days from the date of suspension, by demotion in rank or grade or by discharge. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

SUBDIVISION [9]B.

FIRE COMMISSION

Sec. C6-90-1. - Powers and Duties of the Fire Commission.

The Fire Commission shall have the following powers and duties:

- (1) Except for the appointment or removal of the Fire[and Rescue] Chief, the Commission shall have the sole power of appointment and promotion of [sworn] career members after consideration of any recommendations made by the Fire[and Rescue] Chief and in accordance with the provisions of this Charter. (Referendum 11-7-1995)
- (2) To hear and determine appeals based upon the record under Section C6-90-3 within sixty days from the bringing of such appeal.
- (3) To order a hearing by the Chief under Section C5-40-3(8) if the Chief fails to decide an appealed matter within a reasonable time.
- (4) To modify the decision of the Chief by ordering a reduction or increase of any disciplinary action on an appeal therefrom which the Chief could have imposed.
- (5) To compensate officers and members of the Department for loss of personal property arising from injuries incurred in the performance of duty.
- (6) To approve the rules and regulations concerning the operation of the Department and the conduct of all [officers and employees thereof] members of the Department made by the Chief pursuant to the provisions of Sec. C5-40-3 within a period of thirty days after transmission by the Fire[and Rescue] Chief and upon failure to take action on said rules and regulations within said period, they shall be deemed approved. (Referendum 11-7-1995)
- (7) To conduct hearings and investigations relating to the general welfare of the Department.
- (8) To conduct preliminary hearings relating to complaints against the Chief, and if it determines such complaints are meritorious, such complaints shall be forwarded to the Personnel Commission for determination thereon. (Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-90-2. - Appointment of Fire Commission.

The Mayor shall appoint five members of the Fire Commission subject to the confirmation of the Board of Representatives. (Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-90-3. - Appeals to Fire Commission.

Anyone [complainant or sworn member] not covered by a collective bargaining agreement not satisfied with the decision of the Fire[and Rescue] Chief, rendered pursuant to the provisions of Section C5-40-3, subparagraph (8), may appeal within ten (10) days after written notice to the complainant and member of the Department to the Fire Commission from the decision of the Fire[and Rescue] Chief. If the Fire[and Rescue] Chief fails to decide the matter within a reasonable time, the complainant may appeal to the Fire Commission to order a hearing by the Chief. The Fire Commission shall act as an appeals body after action or inaction by the Fire[and Rescue] Chief under Section C5-40-3, subparagraph (8), on appeals relating to complaints against the Department or an

officer that said person has committed an action in violation of Section C5-40-3. The Fire Commission shall within sixty (60) days proceed to hear, and determine the appeal. Such officer or member shall have the right to be present and to be heard in person and to be represented by counsel and to defend such appeal. (Referendum 11-7-1995)

The Fire Commission is empowered to issue subpoenas, in its name, to compel the attendance of witnesses and shall, upon the oral application of such officer or member, issue a subpoena on his or her behalf, leaving the space for the names of witnesses blank that their names may be filled in. Any person served with a subpoena shall be bound to attend in obedience to the command thereof, and the Fire Commission shall compel the attendance of witnesses and compel them to testify in the same manner as in the case of any Officer or Board authorized by law to issue subpoenas and take testimony. If the accused shall be found guilty of the charges made against him or her, the Fire Commission may punish him or her by reprimand, by forfeiting and withholding pay for a period not to exceed thirty days from the date of suspension or by demotion in rank or grade or by discharge. (Referendum 11-7-1995) (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-90-4. - (Reserved)²⁰

²⁰**Editor's Note** - Former Sec. C6-90-4, Appointment, Terms, was repealed by referendum vote 11-7-1995.

SUBDIVISION [10]C.

HEALTH COMMISSION

Sec. C6-100-1. - Appointment of the Health Commission.

The Health Commission shall consist of five members to serve overlapping terms of three years, to be appointed by the Mayor and approved by the Board of Representatives in accordance with the provisions of this Charter. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-100-2. - Duties of the Health Commission.

The Health Commission shall within applicable state statutes and/or special acts:

(1) [Determine the health policies for the City; (Referendum 11-7-1995)] Serve as an advisory body to the Director of Health regarding health policy issues for the City.

(2) Make recommendations to the Director of Health and/or the Mayor and Director of Public Safety Health and Welfare for the implementation of those policies and for the dissemination of information to the public; (Referendum 11-7-1995)]

(3) (2) Provide its advice and recommendations to the Mayor and the Director of Public Safety, Health and Welfare regarding appointment of the Director; (Referendum 11-7-1995)

(4) (3) Hear appeals from orders, decisions, actions, failures to act or denials by the Director rendered pursuant to powers granted to the Director herein. (Referendum 11-7-1961; Referendum 11-3-1987;

Referendum 11-7-1995)

Sec. C6-100-3. - Elimination by Superseding Ordinance.

The Board of Representatives, by ordinance, may supersede the provisions of this Charter concerning the existence, organization or duties of the Health Commission. Unless and until such an ordinance shall become effective, the Health Commission shall operate under the authority of this Charter. (Referendum 11-7-1995)

SUBDIVISION [11]D.

RESERVED²¹

²¹**Editor's Note**— Former 11 (previously Ch. 46 of Title IV), Public Welfare Commission, consisting of Secs. C6-110-1 and C6-110-2 (previously Secs. C-460 and C-463 respectively) was repealed by referendum vote 11-3-1987.

Sec. C6-110-1. - (Reserved)

Sec. C6-110-2. - (Reserved)

SUBDIVISION [12]E.

PARKS AND RECREATION COMMISSION

Sec. C6-120-1. - Appointment, Terms.

The Parks and Recreation Commission shall consist of five members to serve overlapping terms of three years, to be appointed by the Mayor and approved by the Board of Representatives in accordance with the provisions of this Charter. In addition, the Superintendent of Parks and Recreation shall sit as a non-voting, ex officio member of the Parks and Recreation Commission. (Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995; Referendum 11-2-2004)

Sec. C6-120-2. - Powers and Duties of the Parks and Recreation Commission.

The Parks and Recreation Commission shall have the following powers and duties:

(1) Subject to the approval of the Mayor and except as may be otherwise determined by the Board of Representatives by ordinance, to establish policies and procedures for providing public park facilities and public recreation programs for the effective, balanced utilization of such areas, facilities and equipment for active and passive recreation;

(2) To develop such plans as it deems necessary and useful for the preservation and expansion of natural resources and passive recreation areas in the City;

(3) To make all rules and regulations for the use and conduct of all parks and all public recreation areas. (S.A. No. 322, 1953; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-120-3. - To Restrict Disposition of Land Used for Park Purposes.

No property consisting of more than 20,000 square feet

owned by the City and used for park purposes may be sold or otherwise transferred except after approval for such sale or transfer by public referendum.

Property consisting of 20,000 square feet or less, owned by the City and used for park purposes may be sold or otherwise transferred after written approval of the Mayor, the Planning Board, the Board of Finance and by a two-thirds' vote of the entire membership of the Board of Representatives. No adjacent land can be similarly sold or otherwise transferred within fifteen years thereafter except by a vote of referendum as may be set forth in the General Statutes. If the City takes any land for highway or other purposes, which land was purchased for park or other recreational or open space purposes, or for which bonds were issued for such purposes, or which had been dedicated for such purposes, the City shall provide comparable replacement land at least equal in value and per unit area size to the value and per unit area size of the land taken, provided before such land is taken for highway or other purposes a public hearing shall be held in the manner provided by the General Statutes. (Referendum 11-4-1969; Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-120-4. - Elimination by Superseding Ordinance.

The Board of Representatives, by ordinance, may supersede the provisions of this Charter concerning the existence, organization or duties of the Parks and Recreation Commission. Unless and until such an ordinance shall become effective, the Parks and Recreation Commission shall operate under the authority of this Charter. (Referendum 11-7-1995)

SUBDIVISION [13]E.

GOLF COMMISSION

Sec. C6-130-1. - Appointment, Terms.

The Stamford Golf Commission shall consist of five members to serve overlapping terms of three years, to be appointed by the Mayor and approved by the Board of Representatives in accordance with this Charter. (S.A. No. 217, 1949; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-130-2. - Powers and Duties of the Golf Commission.

The Golf Commission shall have the following powers and duties:

(1) To establish policies for the management of the E. Gaynor Brennan Sr. Municipal Golf Course and any other golf course which may come under its jurisdiction.

(2) To make such rules and regulations for the use and conduct of the course(s) and of attendant facilities as may be required for proper usage and benefit to users. Such rules and regulations may be modified by the Board of Representatives. (S.A. No. 217, 1949; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-130-3. - Elimination by Superseding Ordinance.

The Board of Representatives, by ordinance, may supersede the provisions of this Charter concerning the existence, organization or duties of the Golf Commission. Unless and until such an ordinance shall become effective, the Golf Commission shall operate under the authority of this Charter.

(Referendum 11-7-1995)

SUBDIVISION [14]G.

PERSONNEL COMMISSION

Sec. C6-140-1. - Organization of the Personnel Commission.

The Personnel Commission shall consist of five members to serve overlapping terms of three years, to be appointed by the Mayor and approved by the Board of Representatives in accordance with the provisions of this Charter.

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-140-2. - (Reserved)²²

²²Editor's Note - Former Sec. C6-140-2 (previously Sec. C-731.2), Subsequent Appointment, was repealed by referendum vote 11-3-1987.

Sec. C6-140-3. - (Reserved)²³

²³Editor's Note - Former Sec. C6-140-3 (previously Sec. C-731.3), Employee Member, was repealed by referendum vote 11-3-1987.

Sec. C6-140-4. - (Reserved)²⁴

²⁴Editor's Note - Former Sec. C6-140-4 (previously Sec. C-731.4), Minority Representation and Exception Thereto, was repealed by referendum vote 11-3-1987.

Sec. C6-140-5. - Disqualification from Membership.

No member of the Personnel Commission shall be an officer of a political party or shall hold any other public office or position, or shall be a member of any local, state or national committee of a political party, or shall be a member of any political club or organization.

(Referendum 11-8-1977)

Sec. C6-140-6. - Duties of Personnel Commission Generally.

It shall be the duty of the Personnel Commission:

- (1) To represent the public interest in the improvement of personnel administration in the Civil Service;
- (2) To advise the Mayor, the Director of Legal Affairs and the Director on problems concerning personnel administration;
- (3) To make any investigation which it may consider desirable concerning the administration of the Civil Service and to make recommendations to the Mayor, the Director of Legal Affairs and the Director with respect thereto;
- (4) To make an annual report to the Mayor regarding personnel administration in the Civil Service and recommendations for improvements therein;
- (5) To adopt or amend rules and to approve, disapprove, or modify the rules or amendments

thereto recommended or submitted by the Director for the administration of the Civil Service, all only after public notice and hearing;

(6) To keep an adequate record of the proceedings of all meetings of the Personnel Commission, said record to be open for public inspection;

(7) In general to maintain the integrity of the merit system in the administration of the Civil Service.

(8) To hear appeals in accordance with the provisions of the Charter.

(S.A. No. 431, 1953; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-140-7. - Subpoena Powers of Commission.

In any investigation conducted by the Director or by the Personnel Commission, the Personnel Commission shall have the power to subpoena and require the attendance of witnesses and the production thereby of records, data, books and papers pertinent to the investigation and to administer oaths to witnesses.

(Referendum 11-8-1977)

Sec. C6-140-8. - Grounds for Discipline.

The grounds for discipline shall include but not be limited to the following:

- (1) Incompetency;
- (2) Misconduct;
- (3) Neglect of duty;
- (4) Habitual absence;
- (5) Conviction of a felony;
- (6) Conviction of a misdemeanor seriously affecting ability to perform job responsibilities;
- (7) Frequent violation or disregard of safety rules on the job;
- (8) Failure to report in writing on the job injuries to oneself or to a fellow employee;
- (9) Serious negligence resulting in damage to City property, machines, tools, equipment, vehicles, or damage to private property or injury or death to persons;
- (10) Insubordination or failure to follow specific orders by supervisors;
- (11) Failure to perform adequately the duties and responsibilities required for the job;
- (12) Reporting for work under the influence of intoxicants or illegal drugs, or the use of same on the job;
- (13) Illegal political activity;
- (14) Violation of the Code of Ethics of the City.

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-140-9. - Hearings.

Wherever used in this Chapter, the word "employee" shall mean all employees and officers of the City, except elected officials and those persons appointed by the Mayor to serve at the Mayor's pleasure. Any employee may be disciplined, suspended, demoted in rank or grade or discharged by the appropriate superior upon written notice specifically setting forth reasons. Notice in writing of such action shall be reported to the Personnel Director immediately. If the employee is not a member of a collective bargaining unit, the action may be appealed providing the Personnel Director [and the Personnel Appeals Board are] is notified in writing within five working days of such action. Within a reasonable time, which shall not exceed thirty (30) days of receipt of notification, the Board shall hold a hearing at which the employee may be represented by counsel. Said hearings shall be open or closed at the option of the employee.

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-140-10. - [Elimination by Superseding Ordinance] Personnel Appeals.²⁵

²⁵Note - Formerly under Sec. C6-150-1.

Editor's Note - Former Sec. C6-140-10 (previously Sec. C-731.1), Transition Provision, was repealed by referendum vote 11-3-1987.

[The Board of Representatives, by ordinance, may supersede the provisions of this Charter concerning the existence, organization or duties of the Personnel Commission. Unless and until such an ordinance shall become effective, the Personnel Commission shall operate under the authority of this Charter.

(Referendum 11-7-1995)]The Personnel Commission shall have jurisdiction over appeals by any employee not a member of a collective bargaining unit regarding any alleged employer of matters in Secs. C6-140-8 and C6-140-9, and may affirm, reverse or modify the order of the superior, except that the Board shall not hear appeals from appellate decisions of the Personnel Commission. At the hearing on such appeals, technical rules of evidence shall not apply. In conducting the hearing, the Personnel Commission shall have power to administer oaths, issue subpoenas, and shall, upon oral request of the aggrieved person, issue a subpoena leaving the space for the names of witnesses blank that the employee may fill in their names, receive evidence, compel the production of books and papers relevant to the hearing, and question witnesses. It shall be the duty of the Personnel Commission, within sixty days of the conclusion of the hearing to make a statement of findings and recommendations which shall be binding on both parties in dispute. All orders of the Personnel Commission shall be in writing and kept on file, and a copy filed with the Director of Personnel and served on the party affected thereby in person or by certified mail, return receipt requested, addressed to the employee at his or her place of residence.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-140-11. - Appeals from Actions of the Personnel Commission.²⁶

²⁶Note - Formerly under Sec. C6-150-2.

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Any employee aggrieved by any order, action, or decision of the Personnel Commission[or the Personnel Appeals Board] shall have the right to appeal, within fifteen days of said order, action or decision, to a court of competent jurisdiction in the manner prescribed by law for appeals from municipal boards. In the event a decision is not rendered within sixty days of the final hearing, all charges against said employee shall be dismissed and the individual returned to former duties.
(Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C6-140-12. - Elimination by Superseding Ordinance.²²

²²Note - Formerly under Sec. C6-140-10.

The Board of Representatives, by ordinance, may supersede the provisions of this Charter concerning the existence, organization or duties of the Personnel Commission. Unless and until such an ordinance shall become effective, the Personnel Commission shall operate under the authority of this Charter.
(Referendum 11-7-1995)

SUBDIVISION [15]H.

[PERSONNEL APPEALS BOARD]RESERVED

Sec. C6-150-1 -[Personnel Appeals Board.] (Reserved)

[There shall be a five-member impartial Personnel Appeals Board appointed by the Mayor and approved by the Board of Representatives to serve overlapping three-year terms. No member of the Personnel Appeals Board shall be an officer of a political party or shall hold any other public office or position, or shall be a member of any local, state, or national committee of a political party. The Personnel Appeals Board shall have jurisdiction over appeals by any employee not a member of a collective bargaining unit regarding any alleged employer of matters in Secs. C6-140-8 and C6-140-9, and may affirm, reverse or modify the order of the superior, except that the Board shall not hear appeals from appellate decisions of the Personnel Commission. At the hearing on such appeals, technical rules of evidence shall not apply. In conducting the hearing, the Board shall have power to administer oaths, issue subpoenas, and shall, upon oral request of the aggrieved person, issue a subpoena leaving the space for the names of witnesses blank that the employee may fill in their names, receive evidence, compel the production of books and papers relevant to the hearing, and question witnesses. It shall be the duty of the Appeals Board, within sixty days of the conclusion of the hearing to make a statement of findings and recommendations which shall be binding on both parties in dispute. All orders of the Appeals Board shall be in writing and kept on file, and a copy filed with the Director of Personnel and served on the party affected thereby in person or by certified mail, return receipt requested, addressed to the employee at his or her place of residence.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)]

Sec. C6-150-2 - [Appeal.] (Reserved)

[Any employee aggrieved by any order, action, or decision of the Personnel Commission or the Personnel Appeals Board shall have the right to appeal, within fifteen days of said order, action or decision, to a court of competent jurisdiction in the manner prescribed by law for appeals from municipal boards. In the event a decision is not rendered within sixty days of the final hearing, all charges against said employee shall be dismissed and the individual returned to former duties.
(Referendum 11-8-1977; Referendum 11-3-1987)]

SUBDIVISION [16]I.

WATER POLLUTION CONTROL [COMMISSION] AUTHORITY²⁸

²⁸Note - Formerly Sewer Commission.

Sec. C6-160-1. - Water Pollution Control [Commission] Authority: Appointment, Terms.

The Water Pollution Control [Commission] Authority shall consist of five members to serve overlapping terms of three years, to be appointed by the Mayor and approved by the Board of Representatives in accordance with this Charter.
(Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C6-160-2. - [Definitions.] (Reserved)

[The Water Pollution Control Commission may acquire and construct the sewerage system and extensions thereof for the City. "Sewerage system" as used herein, shall mean any device, equipment, appurtenance, facility or method for collecting, transporting and receiving sewage. "Sewage" means any substance, liquid or solid, which may contaminate or affect the cleanliness or purity of any water.
(Referendum 11-8-1977; Referendum 11-7-1995)]

Sec. C6-160-3. - Powers and Duties.

The Water Pollution Control [Commission]Authority shall have all of the powers and duties as a provided in Chapter 103 of the Connecticut General Statutes, as the same may be amended from time to time, and as may be provided by ordinances adopted by the City of Stamford pursuant thereto. The Water Pollution Control Authority shall coordinate its activities with the Director of Operations and the City as necessary to carry out its functions. [to enter upon and take and hold by purchase, condemnation or otherwise, the whole or any part of any real property or interest therein which it determines is necessary or desirable for use in connection with any sewerage system, and to enter into and fulfill contracts, including contracts for a term of years, with any person or any other City or municipalities to provide or obtain sewerage system service for any sewage, and may make arrangements for the provision or exchange of staff services and equipment with any person or any other City or municipalities, or for any other lawful services. The Water Pollution Control Commission may establish rules for the transaction of its business.]
(Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C6-160-4. -[Public Hearings on Proposed Acquisition or Construction.] (Reserved)

[The Water Pollution Control Commission shall not acquire or construct any part of a sewerage system until after a public hearing at which the affected property owners of the City shall have an opportunity to be heard concerning the proposed acquisition or construction. Notice of the time, place and purpose of such hearing shall be published at least ten days before the date thereof in an official paper having a circulation in the City.
(Referendum 11-8-1977; Referendum 11-7-1995)]

[Sec. C6-160-5. - [Determination of Compensation, Assessments, Other Matters.] (Reserved)

[The provisions of the General Statutes, as amended, shall apply with respect to the determination of compensation to be paid for the taking of property, the assessment of benefits and damages, other procedural matters relative thereto, and other

matters covered by such Statutes except that any reference in the General Statutes to the sewer authority shall apply to the Water Pollution Control Commission and any powers and authorizations shall apply only to the functions which are given to the Water Pollution Control Commission in this Charter. Notwithstanding anything contained in such Statutes, the Commission shall not include in any apportionment any more than an equitable proportion, in the manner herein required, of the total cost of relaying or replacing such paving in the event that such reconstruction resulted in a widened and improved road bed, wearing surface and storm drains. The assessment will include only that portion of the work necessitated by the installation of the sewer lines.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)]

Sec. C6-160-6. - Elimination by Superseding Ordinance.

The Board of Representatives, by ordinance, may supersede the provisions of this Charter concerning the existence, organization or duties of the Water Pollution Control [Commission] Authority. Unless and until such an ordinance shall become effective, the Water Pollution Control [Commission] Authority shall operate under the authority of this Charter.
(Referendum 11-7-1995)

SUBDIVISION [17]J.

RESERVED²⁹

²⁹Editor's Note– Former 17, Park Commission, consisting of Secs. C6-170-1 through C6-170-3 (previously Secs. C-595, C-595.1 and C-596, respectively), was repealed by referendum vote 11-3-1987.

Sec. C6-170-1. - (Reserved)

Sec. C6-170-2. - (Reserved)

Sec. C6-170-3. - (Reserved)

SUBDIVISION [18]K.

PATRIOTIC AND SPECIAL EVENTS COMMISSION

Sec. C6-180-1. - Appointment and Terms.

The Board of Representatives may establish by ordinance a Patriotic and Special Events Commission.

Until the Board of Representatives shall establish such commission by ordinance, there shall be a Patriotic and Special Events Commission consisting of five members, three of whom shall be veterans, whose terms shall be three years in accordance with Section C6-00-2 of this Charter. The Mayor and the Director of Administration shall be ex-officio members of this Commission.
(Referendum 11-7-1961; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C6-180-2. - Powers and Duties of the Patriotic and Special Events Commission.

Unless the Board of Representatives shall by ordinance determine otherwise, the Patriotic and Special Events Commission is authorized to arrange for all patriotic and special events for which the City provides funds or otherwise participates, such as observances of patriotic and other holiday celebrations. The Commission shall specifically make

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arrangements for appropriate observance of Memorial Day, Flag Day, Veterans Day, Independence Day and other national holidays and for receptions of distinguished visitors to the City. Under the provisions of Part 8 of this Charter, it shall furnish annually a budget of estimated revenues and expenditures for the ensuing year, sufficient to provide for appropriate observance. The Commission is to act as liaison between the City and all interested individuals and organizations who may wish to participate in such patriotic and special events. (Referendum 11-7-1961; Referendum 11-3-1987; Referendum 11-7-1995)

SUBDIVISION [19]L.

SOCIAL SERVICES COMMISSION³⁰

³⁰**Editor's Note** - Former 19, Traffic Commission, consisting of Secs. C6-190-1 and C6-190-2, was repealed by referendum vote 11-7-1995.

Note - The Social Services Commission combined the former Human Rights Commission and the Fair Rent Commission.

Sec. C6-190-1. - Appointment, Terms.

The Social Services Commission shall consist of five members to serve overlapping terms of three years, to be appointed by the Mayor and approved by the Board of Representatives in accordance with the provisions of this Charter. (Referendum 11-7-1995)

Sec. C6-190-2. - Powers and Duties of the Social Services Commission.

The Social Services Commission shall:

- (1) Exercise the powers given to a fair rent commission pursuant to Sections 7-148b through 7-148f, inclusive, of the General Statutes;
- (2) Exercise the powers concerning the investigation and elimination of discriminatory practices pursuant to Sections 7-148i through 7-148n, inclusive, of the General Statutes. (Referendum 11-7-1995)

SUBDIVISION M.

HISTORIC PRESERVATION ADVISORY COMMISSION

Sec. C6-200-1. - Formation

There shall be a Historic Preservation Advisory Commission in the City of Stamford.

Sec. C6-200-2. - Appointment, Terms.

The composition, membership, and method of appointment of the Historic Preservation Advisory Commission shall be determined in accordance with an ordinance to be enacted by the Board of Representatives.

Sec. C6-200-3. - Powers and Duties of the Historic Preservation Advisory Commission.

The Historic Preservation Advisory Commission shall only be advisory to the land use boards and commissions of the City regarding issues concerning historic preservation within the City.

SUBDIVISION N.

BOARD OF ETHICS

Sec. C6-210-1. - Formation

There shall be a Board of Ethics in the City of Stamford.

Sec. C6-210-2. - Appointment, Terms.

The Board of Ethics shall consist of five members to serve overlapping terms of three years to be appointed by the Mayor and approved by the Board of Representatives in accordance with the provisions of this Charter. The initial members shall be appointed to terms as follows: two members for three year terms; two members for two year terms; and one member for a one year term. All subsequent appointments will be three year terms.

Sec. C6-210-3. - Powers and Duties of the Board of Ethics; Code of Ethics.

The Board of Ethics shall investigate and adjudicate violations of the Code of Ethics that are brought to its attention. The Board of Ethics may establish such rules of procedure and process as it deems necessary to conduct its business. The Board of Representatives shall adopt a Code of Ethics or may affirm that any such code of ethics that exists at the time of the creation of the Board of Ethics, which shall constitute the Code of Ethics to be enforced or applied by said Board.

Sec. C6-210-4. - Legal Advisor for the Board of Ethics.

The Office of Legal Affairs shall serve as legal counsel to the Board of Ethics. In the event a conflict of interest arises, the Director for Legal Affairs shall retain outside counsel for the Board of Ethics.

PART 7.

PENSIONS

DIVISION 1.

PENSIONS

Sec. C7-10-1. - Pension Power.

The Board of Representatives may enact any ordinances to provide for payment of pensions to any officer or employee who shall have held office or employment in the Town or City for a period of twenty-five years or more, or to the surviving spouse or dependents thereof. (Referendum 11-3-1987)

Sec. C7-10-2. - Trustees of Pension Plans.

There shall be such trust funds named herein or created hereafter by the Board of Representatives, which shall be governed by a trust indenture or similar document, as amended from time to time by the respective collective bargaining agreement. The Director of Legal Affairs may prepare for the Trustees of each pension plan an agreement and declaration of trust for the Classified Employees Retirement Fund, Firefighters Pension Trust Fund, Police Pension Trust Fund, and the Custodians and Mechanics Retirement Fund, and such plans as may be later established by collective bargaining agreements. (Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-10-3. - Powers, Duties of Trustees.

The Trustees of each fund shall select one or more trust companies or banks authorized to do business in this State to be custodian of the assets of the fund and one or more investment managers to invest the assets of the funds for which services the Trustees shall be authorized to pay reasonable compensation. The custodian and investment manager may be the same person. An "investment manager" shall be a bank, trust company, insurance company or registered investment adviser under the Investment Advisers Act of 1940. Any agreement, including amendments and revisions thereof, between the Trustees and a custodian or investment manager shall be in writing and filed in the office of the Town and City Clerk and with the Corporation Counsel within thirty days of the execution thereof. Any portion of the said fund may be invested in tax exempt bonds or in any securities authorized by the laws of the State as investments for trust funds or may be deposited in any savings banks or trust companies, or may be used to purchase life insurance or endowment policies or annuity contracts issued by a life insurance company authorized to transact business in this State. Subject to policy section of the Board of Trustees, discretion in investing the assets of the funds in accordance with the foregoing provisions shall be with the investment manager or investment managers selected by the Trustees for the purpose of investing the assets of the funds, who may also consult with the Director of Administration. The Trustees shall annually publish and deliver to the participants in each fund a summary statement of the fund's year-end total cost and market value, yield, total contributions of employees and which shall separately state unfunded vested and prior-service liabilities of the City. The Trustees may make such other statement, reports and communications to all participants as they shall consider necessary. (Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-10-4. - Adjustments.

The Trustees of each pension trust fund named herein or created hereafter by the Board of Representatives may implement adjustments for retired participants in such trusts; provided, however, that such adjustments may be implemented with respect to a pension trust only when such pension trust is fully funded on an actuarially sound basis and the adjustments will not impair such funding; and provided further that any such proposed adjustments are approved by a majority of the Board of Finance and a majority of the Board of Representatives, prior to implementation. (Referendum 11-7-1995)

Sec. C7-10-5. - Effect of Current Labor Contracts.

The Retirement provisions of the Classified Employees Retirement Plan shall supersede but shall not abrogate any section of this chapter and shall be applicable to all employees within the classified service whether or not such employees are embraced within labor contracts. (Amendment of 6-14-1976; Referendum 11-7-1995)

Sec. C7-10-6. - Promulgation of Rules by Board of Education.

The Board of Education is authorized to make such rules as may be necessary or convenient for the administration of said retirement system and to fix the maximum age at which custodians or employees of the maintenance department may be employed and to change the same, from time to time, as may be necessary or expedient. (Referendum 11-7-1995)

Sec. C7-10-7. - Merger with Other Pension Fund; Master Trusts.

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It is recognized that at some time or times in the future, the Trustees may deem it in the best interest of the employees that the Trust Fund be merged, consolidated, amalgamated, or joined in some other manner with other pension trust funds covering other employees, or that the Trust Fund accept funds from other pension trust funds in connection with a merger, consolidation or amalgamation, or that one or more trust funds may become subject to a master trust agreement. The Trustees may investigate, evaluate and negotiate any such merger, consolidation, amalgamation or creation of a master trust agreement, and enter into an agreement to consummate the same, provided that such action is approved by Trustees and a majority of the employees.

(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-10-8. - Police and Fire Pension Funds.³¹

³¹**Editor's Note** - Former Sec. C7-10-8 (previously Sec. C-711.1), Restrictions on Payments, was repealed by referendum vote 11-3-1987.

There shall be in Stamford a Fund known as the "Police Pension Fund" and a Fund known as the "Firefighter's Pension Fund". All accumulations of the police and fire pension funds, existing under and by virtue of the laws of this State or otherwise, and all property heretofore devised or given for the benefit of disabled police officers and firefighters or of said Funds, and all property heretofore given to or vested in said departments or said Funds on account of services rendered, are ratified and confirmed and transferred to and vested in the trustees of said police or firefighter's pension fund herein provided for, to be held, managed and disposed of as hereinafter provided. There shall further be deposited in such Funds, respectively, monies derived as follows: (Referendum 11-7-1995)

(1) All devises, bequests or gifts for the benefit of disabled police officers or firefighters and all gifts to the Police Department or Fire Department on account of service rendered; (Referendum 11-3-1987)

(2) All lost, abandoned, unclaimed or stolen money in the charge of the Police Department or the Fire Department, and all monies arising from the sale of lost, abandoned, unclaimed or stolen property in the charge of such departments, now or at any time hereafter made available for the purpose by the laws of this State; (Referendum 11-7-1995)]

(3)(2) All rewards, fees, gifts, testimonials and emoluments that may be presented to the Police Department or Fire Department, or to any member thereof on account of special services, except such as shall be allowed by the Chief to be retained by a member; (Referendum 11-3-1987)

(4)(3) The income from all property and money belonging to the respective Funds; (Referendum 11-3-1987)

(5) All monies collected from the members of the Police Department or Fire Department by fines or forfeitures of pay, and all money deducted or withheld from the pay of members of the Police Force or Fire Department on account of lost time or for breach of the rules of the Police Department or Fire Department; (Referendum 11-3-1987)]

(6)(4) Sums appropriated from time to time to the Fund of the department upon the

recommendation of the Chief, each appropriation to be charged against the Department for which it is made. (Referendum 11-7-1995)
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-10-9. - (Reserved)³²

³²**Editor's Note** - Former Sec. C7-10-9 (previously Sec. C-712), Boards of Trustees, was repealed by referendum vote 11-3-1987.

Sec. C7-10-10. - (Reserved)³³

³³**Editor's Note** - Former Sec. C7-10-10 (previously Sec. C-712.1), Investment of Pension Funds, was repealed by referendum vote 11-3-1987.

Sec. C7-10-11. - (Reserved)³⁴

³⁴**Editor's Note** - Former Sec. C7-10-11 (previously Sec. C-712.3), Size of Funds, was repealed by referendum vote 11-3-1987.

Sec. C7-10-12. - (Reserved)

Sec. C7-10-13. - (Reserved)

DIVISION 2.

RETIREMENT

Sec. C7-20-1. - Retirement for Disability.

The Board of Trustees of the Police Pension Fund or the Board of Trustees of the Firefighter's Pension Fund may, by a majority vote of its members, upon the request of the respective Chief of the Fire and Police Departments, as a reward for conspicuously meritorious service, retire from duty any member of the regular Police or Fire Force or of the Veteran Reserve after twenty years of continuous service in the Department, exclusive of time served as a supernumerary or special police officer, or as a call volunteer or supernumerary firefighter, upon certificate of such medical examiner as the Board of Trustees may designate showing that such member is permanently disabled, physically or mentally, so as to be unfit for any police or fire duty; provided such medical examiner shall further certify that, in the medical examiner's opinion, such disability is due either to the natural infirmities of old age, to ailment or to injury received or exposure endured in the performance of duty in such Department. The Board of Trustees, by a majority vote, may retire any member of the regular or supernumerary Police Force or member of the regular or supernumerary Fire Department who, in the actual performance of duty and without personal fault or misconduct, shall have become permanently disabled, so as to be incapacitated in the performance of duty. The member so retired shall be entitled to receive from the proper Fund, during life time, unless removed from the retired list after notice and hearing by a majority vote of the Board of Trustees an annual sum, payable monthly, equal to one-half of the member's compensation during the last year of service, or, in case of a member of the supernumerary Police Force or Fire Force, equal to one-half of the initial compensation of a patrol officer on the regular Police Force. Whenever either Board of Trustees shall remove a former member of the Police or Fire Department from the retired list,

the Board shall make and keep on file a written statement of the reasons for such removal.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-20-2. - Retirement on Pension after Twenty Years Service.

The Board of Trustees of the Police Pension Fund or the Board of Trustees of the Firefighter's Pension Fund may, of its own volition, by a majority vote, and shall, at the request of any officer of the Police or Fire Department, or of any member of the regular Police or Fire Force or the Veteran Reserve, who shall have served in the Police or Fire Department continuously for a period of twenty years or more, exclusive of time served as a supernumerary or Special Police Officer, or call volunteer or supernumerary firefighter, retire such officer or member to the retired list. Thereafter such retired officer or member shall be entitled to receive, from the Fund, during life time, an annual sum, payable monthly, as specified in collective bargaining contracts or as otherwise provided.
(S.A. No. 49, 1949; S.A. No. 345, 1953; Referendum 11-3-1987)

Sec. C7-20-3. - Computation of Service.

The term of service of any member of the Police or Fire Department of Stamford who has resigned or may hereafter resign and thereafter has been immediately reappointed as a member of the Police or Fire Department, shall be considered as a term of continuous service for the purpose of receiving any benefits under this Chapter.
(Referendum 11-7-1995)

Sec. C7-20-4. - Retirement on Pension at Sixty-Five Years of Age.

Any regular member or officer of the Police or Fire Department upon reaching the age of sixty-five (65) years shall be placed on the retired list of that department and the Board of Trustees of the proper pension fund shall direct that, during lifetime, a pension be paid to the member monthly.
(Referendum 11-4-1969; Referendum 11-3-1987)

Sec. C7-20-5. - Death Pension after Ten Years Service.

When any member of the Police Department or the Fire Department shall die, after having served in either of such departments continuously for a period of ten (10) years or more, exclusive of time served as a supernumerary or Special Police Officer, or call volunteer or supernumerary firefighter, or when any member of the Police Department or the Fire Department shall die or be permanently injured in the actual performance of duty, the Board of Trustees shall direct an allowance out of this Fund, equal to one-half of the salary of such deceased police officer or firefighter, to be paid to the surviving spouse or the dependent children, parent or sibling of the deceased police officer or firefighter, as the case may be. The allowance shall be paid to the spouse until death or remarriage and thereafter such part of the allowance as the trustees shall find reasonable, to the children of such police officer or firefighter who are under the age of sixteen years, or, if such police officer or firefighter shall die leaving no spouse or children, then such sum shall be paid to the parent or sibling, provided such parent or sibling, prior to the employee's death, depended, in whole or in part, upon said employee for support, such sum to be paid so long as the Board of Trustees shall deem it necessary. The aggregate payments in any year shall be no greater than one-half of such salary. In the case of any police officer or firefighter who shall have died while retired or a member of the Veteran Reserve, the allowance shall be equal to one-half the pay which the deceased police officer or firefighter was receiving immediately prior to being retired or placed upon the veteran reserve.

(Referendum 11-3-1987)

Sec. C7-20-6. - Veteran Reserve.

In addition to the regular, supernumerary and Special Police Force and the regular and supernumerary Fire Force, there shall be an honorary grade known as the “veterans’ reserve”, to which the Board of Trustees may, at its discretion, by unanimous vote, transfer any member of the regular Police or Fire Force who shall, from age, physical disability incurred in the discharge of perilous duty, or long and faithful service, become permanently disqualified for the more active duties of the regular grade; provided that the pay of any member of the veteran reserve shall be regulated by the Board of Trustees in accordance with the amount of duty performed, and that it shall not be more than one-half nor less than one-quarter of the rate of compensation last received by such member while on the regular Police or Fire Forces, provided that any member of the veteran reserve may be removed in the same manner as a member of the regular Police or Fire Forces; and provided that no transfer to the veteran reserve shall be made except upon the certificate of such medical examiner as the Board of Trustees may appoint. All members so transferred shall be subject to the orders of the Board of Trustees, which may at any time require any such member to be reexamined and, in case that member shall be reported capable of performing duty, the Police or Fire Commission may, by an affirmative majority vote, restore that member to the regular Police or Fire Force.
(Referendum 11-3-1987)

Sec. C7-20-7. - Recall from Pension List.

At its discretion the Board of Trustees may order any member on the retired list, except such members as have been retired under the provisions of Section C7-20-2, to be examined or reexamined by a medical examiner to be designated by the Board, and, if such member shall be reported capable of performing duty, the Police or Fire Commission may restore the member either to the regular or the veteran reserve force.
(Referendum 11-3-1987)

Sec. C7-20-8. - Refusal to Pay Assessment.

Any person who shall neglect or refuse to pay any assessment which may be laid as herein provided shall not be entitled to any benefits from said Funds.

Sec. C7-20-9. - Pensions Not to Apply.

The members of the Volunteer Fire Departments in the Town of Stamford shall not be eligible to pensions under the provisions of this Charter.

Sec. C7-20-10. - (Reserved)³⁵

³⁵**Editor’s Note** - Former Sec. C7-20-10 (previously Sec. C719), Extension of Pension Rights, was repealed by referendum vote 11-3-1987

DIVISION 3.

CLASSIFIED EMPLOYEES’ RETIREMENT FUND³⁶

³⁶**Note** - The reader should note the terms of Sections C7-30-1 through C7-30-11 may be superseded by collective bargaining agreements and arbitration decisions. Copies of said agreements and decisions are available at the Government Center and reference to such documents is recommended for an

accurate assessment of the effective provisions of these sections.

Sec. C7-30-1. - Generally.

There shall be a Fund to be known as the “Stamford Classified Employees’ Retirement Fund” for the benefit of all full-time employees of the City who are members of the Classified Service as defined in the Charter of the City of Stamford, except the members of the Police and Fire Departments and school custodians and any other employees who are beneficiaries of other pension plans partially or fully supported by City taxes or contributions. Coverage under the Federal Social Security Act shall not be considered to preclude membership in the Stamford Classified Employees’ Retirement Fund.

Definitions. For the purpose of this Charter the following words and phrases shall have the meanings stated unless the context clearly requires another meaning:

“Fund” shall mean the Stamford Classified Employees’ Retirement Fund created by this Charter.

“Member” shall mean a beneficiary of the Fund whether currently in receipt of benefits or not. Membership shall become effective one month after date of employment. Employees who are given permanent status, who have been employed in a temporary capacity for three months or more before becoming a permanent employee, may pay arrears of contributions for the period of temporary employment by a single payment or by having the additional amount deducted from the payroll over such period as the employee may desire, but not to exceed twelve months.

“Service” shall mean full-time service for the Town or City of Stamford while a member. Service shall also include such full-time service on behalf of said Town or City as the Board of Trustees shall recommend and the Board of Representatives shall approve, where the employee was directly employed by a federal agency or Town or City official in the performance of official duties. Where there has been a break in service, the service prior to the break shall be accepted as well as that after the break. However, only those months for which contributions were made shall be counted, with the exception of that time spent as a member of the armed forces of the United States in time of war or reasonable apprehension thereof, or during a national emergency, by any member of the retirement system or by any person who would otherwise be eligible for membership hereunder shall be included in computing length of time of service in the City, provided such person shall apply and qualify for reemployment in the City service in accordance with the provisions of the National Service Act.

“Salary” shall mean regular salary or wages paid to the member by the City and shall include any additional salary or wages such as a cost-of-living adjustment paid to all members or any class or classes of members. It shall not include compensation, if any, paid for special services on an individual basis.

“Average final salary” shall mean the average annual salary for the two fiscal years in which the member’s salary was the highest out of the last five years before retirement.

“Social Security Benefit” shall mean twelve times the monthly benefit to which the member would be entitled as an individual under the Old Age and Survivors’ Insurance provisions of the Federal Social Security Act if the member ceased all gainful employment and made application for the benefit.

“Classified employee” shall include an appointed office holder who holds a position in the classified service.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-30-2. - Composition of Fund.

The Fund shall consist of all monies received from the following sources:

- (a) All appropriations, gifts, or bequests made to the Fund from public or private sources, and all net income resulting from the investment of the Fund;
- (b) A contribution by each classified employee of the City who is a member, until the employee shall have completed thirty-three (33) years of service, of three percent of the employee’s salary, which contribution shall be collected as deductions from pay and transmitted by the Director of Administration at the end of each month, to the Fund;
(Referendum 11-7-1995)
- (c) All compensations for services that remain unclaimed by any classified employee for a period of one year after the same shall have become due, but the Fund shall return any such amount to the City if the claim to it shall be established by the employee or legal representative of the employee;
- (d) An annual appropriation by the City, as determined by the Board of Finance and approved by the Board of Representatives, on the basis of an actuarial survey made at the direction of the Board of Finance not more than five years prior to the date of the appropriation, to be at least equal in amount to the sum of the contribution made by members under (b) for the preceding calendar year;
- (e) Such additional appropriation by the City, if any is necessary, sufficient with the balance of the Fund at the end of any calendar year, to make the Fund at least equal to the sum of the contributions previously made by all the then existing members who are not then in receipt of benefits from the Fund, plus interest at the rate of two percent per annum, compounded annually on such contributions;
- (f) Any sum which the Board of Finance, within its discretion, causes to be paid in lieu of the contribution of any classified employee who shall have entered the armed forces of the United States.
(Resolution No. 435, 3-2-1964; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-30-3. - Trustees.

The Trustees of the Fund shall be the Mayor, who shall be Chairperson, the Chairperson of the Board of Finance, the President of the Board of Representatives, and three (3) representatives of the Classified employees, including retired Classified employees, one to be elected each year for a three (3) year term.

No action shall be taken by the Trustees except upon a majority vote of all Trustees. The Trustees shall serve without compensation, shall have charge of the general direction and management of the Fund, and shall select one or more trust companies or banks authorized to do business in this State

to be custodian of the assets of the Fund, and one or more investment managers to invest the assets of the funds for which services the Trustees shall be authorized to pay reasonable compensation. The custodian and investment manager may be the same person. An "investment manager" shall be a bank, trust company, insurance company, or registered investment adviser under the Investment Advisers Act of 1940. Any agreement, including amendments and revisions thereof, between the Trustees and a custodian or investment manager shall be in writing and filed in the Office of the Town and City Clerk within thirty (30) days of the execution thereof. Any portion of the Fund may be invested in bonds of the City, or in any securities authorized by the laws of the State as investments for trust funds, or may be deposited in any savings bank or trust companies or state or national banks in this State, or used to purchase life insurance or endowment policies or annuity contracts issued by a life insurance company authorized to transact business in this State.

Subject to policy direction of the Board of Trustees, full discretion in investing the assets of the funds in accordance with the foregoing provisions shall be with the investment manager or investment managers selected by the Trustees for the purpose of investing the assets of the funds. The Trustees shall annually publish and deliver to the Classified employees a summary statement of the Fund's year-end total cost and market value, yield, total contributions of employees and the City (separately stated) and unfunded vested and prior-service liabilities. The Trustees shall be authorized to pay the reasonable publication and distribution costs of the foregoing statement and such other statements, reports and communications to the Classified employees as they shall consider necessary.

From the Fund, the Trustees shall, from time to time, appropriate and cause to be paid to the beneficiaries of the Fund, such sums as may be needed for paying pensions herein provided for.

The City shall furnish such clerical, legal, actuarial or medical assistance as the Trustees shall consider necessary to carry out the purposes of this Charter, subject to such appropriations as shall be made in the manner provided for other City appropriations and subject to the provisions of this Charter. The Personnel Director shall act as Executive Secretary to the Trustees but shall have no vote as a Trustee.

If the Chairperson of the Board of Finance, or the President of the Board of Representatives shall decline to serve as Trustee, the Board of Finance or the Board of Representatives, as the case may be, shall elect a Trustee from their membership. (Referendum 11-4-1969; Referendum 11-3-1981, effective 12-1-1981; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-30-4. - Treasurer.

The Controller of the City shall be the treasurer of said Fund and all monies and other assets belonging to said Fund shall be deposited with the Controller. All orders on said Fund shall be signed by the Controller and co-signed by the Chairperson of the Board of Trustees, but the Trustees may delegate said power in the absence or inability of the Controller or the Chairperson to act provided two signatures, at least one of which shall be that of a Trustee, are required and may authorize use of a check-signing machine as provided in the Stamford Charter for orders on City funds. The auditor selected by the Board of Finance to audit the City accounts shall include in such audit an audit of the accounts of this Fund. (Referendum 11-3-1987)

Sec. C7-30-5. - Retirement.

(a) The Trustees shall retire, upon recommendation of the Personnel Commission, any member who shall have completed ten (10) years or more of service and who shall have reached the age of seventy (70), such retirement to be effective at the end of the fiscal year of the City, within which the Trustees shall have taken such action.

(b) The Trustees shall retire any member upon the member's written request, who shall have completed fifteen (15) years or more of service and who shall have attained the age of sixty-five (65), such retirement to be effective one month after receipt of such written request for retirement.

(c) The Trustees shall retire any member upon the member's written request, who shall have completed twenty-five (25) years or more of service, and who shall have attained age sixty (60).

(d) The Trustees shall retire any member who shall have completed fifteen (15) or more years of service if the member, or the Personnel Commission, shall submit evidence satisfactory to the Trustees that the member has become totally and presumably permanently disabled from performing any work for the City before becoming eligible for a pension under (a), (b), or (c), except that such fifteen (15) years of service requirement shall be waived in the case of a member who has not attained age 70 and who shall become incapacitated, either mentally or physically, as a result of personal injuries sustained in an accident occurring in the performance of employment. Total disability shall not be presumed to be permanent until it has existed for six (6) months, unless caused by an injury the nature of which is such as to cause a disability which the Trustees consider to be obviously permanent. It shall be the duty of the Trustees to review each such case at least once a year to determine continuance of total disability. (Resolution No. 435, 3-2-1964; Resolution No. 466, 7-12-1965; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-30-6. - Pensions.

(a) Service Retirement. Any member who is retired under the provisions of Section C7-30-5(a) or (b) of this Act, shall receive annually from said Fund, for life, a sum equal to one-seventieth of the first forty-eight hundred dollars of average final salary, multiplied by the number of years of service, plus one-fiftieth of average final salary in excess of forty-eight hundred dollars multiplied by the number of years of service, provided however, that no more than thirty-three (33) years of such service shall be so multiplied. If a member has had twenty-five (25) years of service, in no event shall such pension payment be less than one thousand dollars annually. In the case of a member who is retired under the provisions of Section C7-30-5(c) of this Act, the pension payment shall be computed as though the member had attained the age of sixty-five (65) years, less fifty-five one hundredths of one percent for each month by which the member's age is less than sixty-five (65) years at the date of retirement.

(b) Disability Retirement. Any member who shall be retired on account of disability under Section C7-30-5 shall receive a pension commencing when such disability is presumed to be permanent and payable during continuance of such disability, equal to one-half the member's average final salary, but except in the case of a member who is retired as a result of personal injuries sustained in an accident occurring in the performance of employment, in no event shall such pension be more than the amount the member would have received if the member had remained in service until age sixty-five (65), or subject to the foregoing limit less than one thousand dollars annually.

(c) Service-caused Death. When any member will receive

an injury, arising out of and in the course of employment which results in death within six months of the injury, a pension equal to one-half of the member's annual salary, and in no event less than one thousand dollars annually, shall be paid to the surviving spouse if said spouse is determined by the Trustees to be substantially dependent upon the deceased employee, until his or her death or remarriage, and thereafter such part of the pension as the Trustees shall find reasonable shall be paid to the children of such deceased employee who are under the age of eighteen years. Said pension shall be reduced by the amount of any payment received by said dependents under the provisions of the Workmen's Compensation Laws, or as the result of legal liability of the City on account of said injury.

(d) Other Deaths. When a member shall be deceased before retirement, a refund of contributions paid to the Fund by such employee with interest at the rate applicable under Section C7-30-7 shall be made to the member's estate, or to those persons determined by the Trustees to be the member's dependents. If such a member had fifteen (15) years of service credit prior to death, but had not attained eligibility for service retirement, the member's spouse, if the spouse is beneficiary for the member's accumulated contributions, may elect to receive, in lieu of receiving the member's accumulated contributions, a pension, payable monthly, which when added to the amount of any survivor's benefits which said spouse would be eligible on his or her behalf alone, to receive under Federal Old Age, Survivors' and Disability Insurance, shall produce a total of two thousand dollars per annum. If a member who is eligible to retire from service in accordance with the provisions of this Section, dies without having actually retired, the member's spouse, if the spouse is beneficiary for the member's accumulated contributions, may elect to receive either the above benefit or benefits as a joint annuitant under Option 2, calculated as if the member retired on the date of death, in lieu of receiving the member's accumulated contributions. If such a member shall die having, because of length of service, made no contributions, such joint annuitant benefits shall be paid to the member's spouse as if the member had retired on date of death. If a member shall die after retirement, and if the total of all payments received by the member and the retired member's designated beneficiary under this Section shall not be equal to the contributions with interest at the rate applicable under Section C7-30-7 to the date of retirement, the excess shall be paid to the estate or those persons determined by the Trustees to be the member's dependents. If a member shall die after retirement, the member's spouse, if the spouse is the member's designated beneficiary under subsection (e) of this Section, may elect to receive in lieu of receiving any benefits under subsection (e) a pension, payable monthly, which when added to the amount of any survivor's benefits which said spouse would be eligible to receive on his or her behalf alone, under Federal Old Age, Survivors' and Disability Insurance, shall produce a total two thousand dollars per annum. (Referendum 11-7-1995)

(e) All pensions payable hereunder shall be paid in monthly installments, shall be made through the life of the retired member and shall be continued to the retired member's designated beneficiary for a period of five years from the date of retirement in the event the member dies within such five year period, and shall cease with the payment preceding the death of the person entitled to receive the payment. At the time of retirement, any member may elect to receive benefits in a pension payable throughout life, or may, on retirement, elect to convert the benefits, otherwise payable into a pension of the equivalent actuarial value, computed on the basis of such mortality tables and interest rates as shall be adopted by the Board of Trustees, in accordance with one of the optional forms following:

Option 1. A reduced pension, payable during the retired member's life, with the provision that after the

retired member's death it will continue during the life of and be paid to the retired member's designated beneficiary, if such person survives the retired member.

Option 2. A reduced pension, payable during the retired member's life, with the provision that after the retired member's death, an allowance of one-half of the rate of the retired member's reduced pension will be continued during the life of and be paid to the retired member's designated beneficiary, if such person survives the retired member.

Option 3. A reduced pension, payable during the retired member's life, with some other benefit payable after the retired member's death, provided the benefit is approved by the Board of Trustees.

Option 4. An increased pension, payable from the date of retirement until the month of attainment of the age of sixty years, and a reduced pension thereafter, in the case of a member who retires prior to the attainment of such age.

Such optional selection shall be irrevocable when made. No optional selection shall be effective in case a member dies within thirty (30) days after retirement and such a member shall be considered an active member at the time of death until the first payment on account of any benefit becomes normally due.

(f) If any person entitled to a pension hereunder takes office, position or employment with the City, the amount of any pension benefits due hereunder within a calendar year shall be reduced by an amount equal to the compensation in excess to the amount as prescribed by the Federal Social Security Act, as amended, guidelines received in such calendar year in such office, position or employment. (Resolution No. 435, 3-2-1964; Resolution No. 454, 1-4-1965; Resolution No. 1598, 2-4-1985; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-30-7. - Refund of Contributions Upon Termination of Service; Reinstatement.

(a) When a member who has less than twenty (20) years of service shall leave the service other than by retirement, or service is terminated for any cause, the member shall receive a refund of the contributions paid the member with interest. The Board of Trustees shall determine from year-to-year the interest rate allowed on contributions, which rate shall bear a reasonable relationship to the interest earnings on the assets of the Fund.

(b) If such a member has twenty (20) or more years of service, the member may elect to receive the contributions with interest, as provided above, or may elect a vested benefit in lieu thereof. The amount of the vested benefit shall be determined as provided in Section C7-30-6 and pension payments shall commence on the first day of the month coinciding with or following the member's sixty-fifth (65) birthday.³⁷ Upon the commencement of pension payments, such member shall be treated in all respects as a retired member. In the event a member who has elected a vested benefit shall die, the contributions, with interest, as provided above, shall be paid to the designated beneficiary, if living; otherwise to the estate.

³⁷**Historical Note:** In 1973, this was changed to "sixtieth" as one of a number of "editorial" changes to the Charter, in an attempt to have the Charter "conform" to collective bargaining agreements; when corrections were made in 1976 to restore the authorized Charter language,

this erroneous editorial change was overlooked; Resolution # 2422 recognized the scrivener's error(s) in the initial change and continued presence of "sixtieth" and restored the proper Charter language. For effect of collective bargaining agreements, see preceding footnote.

(c) In the event an employee who has terminated employment seeks to be reinstated after reemployment by the City before the employee shall be eligible to receive the benefits of the pension plan herein established for service prior to said reinstatement, the employee shall repay all sums refunded on the prior termination of employment, together with interest at the rate of three percent per annum. No such reinstated employee shall be eligible for any benefit hereunder until completion of two (2) years of service since the last reinstatement, except the right to a refund of contributions, with interest, as set forth in this section. (Resolution No. 435, 3-2-1964; Referendum 11-3-1987)

Sec. C7-30-8. - Assignment, etc., of Benefits.

No retired member shall have the right to pledge, assign, transfer or create and charge any lien upon their pension, nor shall such pension be subject to any process of attachment, nor shall such pension be paid to any person except such employee, the surviving spouse or beneficiary named in this Charter. (Referendum 11-3-1987)

Sec. C7-30-9. - Interpretation of Act; Promulgation of Rules.

The Trustees are authorized to make such interpretations of this Charter and such rates not inconsistent with the provisions hereof as they may deem necessary or convenient for the administration of said retirement Fund, and to change the same from time to time as they may deem necessary or expedient. (Referendum 11-3-1987)

Sec. C7-30-10. - Annual Statement of Trustees.

Said Trustees shall file with the Board of Finance of the City and the Board of Representatives, on or before the first day of July in each year, a statement of said retirement Fund for the preceding calendar year showing the amount thereof and all payments and disbursements made therefrom and the securities in which said Fund has been invested. (Referendum 11-7-1995)

Sec. C7-30-11. - Effect of Current Labor Contracts.

The retirement provisions of labor contracts in effect from time to time shall supersede but shall not abrogate any section of this Chapter and shall be applicable to all employees within the Classified Service whether or not such employees are embraced within labor contracts. (Amendment of 6-14-1976; Referendum 11-7-1995)

Sec. C7-30-12. - (Reserved)³⁸

³⁸**Editor's Note**— Former Sec. C7-30-12 (previously Sec. C-754), Effective Date, was repealed by referendum vote 11-3-1987.

DIVISION 4.

CUSTODIANS' AND MECHANICS' PENSION PLAN³⁹

³⁹**Note**— The reader should note that the terms of

Sections C7-40-1 through C7-40-14 may be superseded by collective bargaining agreements and arbitration decisions. Copies of said agreements and decisions are available at the Government Center and reference to such documents is recommended for an accurate assessment of the effective provisions of these sections.

Sec. C7-40-1. - Custodians' Retirement Fund - Created; Source.

There shall be a Fund to be known as the "Custodians' Retirement Fund" for the benefit of all full-time custodians and employees of the maintenance department of the public day Schools of the City, which Fund shall consist of monies received from the following sources:

- (1) All appropriations, gifts or bequests made to the Fund from public or private sources, for the purpose for which said retirement Fund is established;
- (2) All assessments paid by custodians and employees of the maintenance department, each to pay for the purpose of this Fund five percent of their annual salary but not more than one hundred dollars in any one year, the proportional part of such amount to be retained from each salary payment and paid into said Fund;
- (3) All compensations for services that may be unclaimed by any custodian or member of the maintenance department for a period of six months after the same shall become due;
- (4) An appropriation to said Fund by the City of an amount equal to the difference between the amount of assessments and the amount required to meet the expenditures hereinafter provided for; and
- (5) Any sums which the Board of Education may, within its discretion, cause to be paid on behalf of any custodian or employee who shall have entered the armed forces of the United States during the period when this country is at war. (Referendum 11-3-1987)

Sec. C7-40-2. - Same - Trustees Generally; Municipal Appropriation to be Part of Mayor's Budget.

The Trustees of said Fund shall be the Mayor, the Director of Administration, the Superintendent of Schools, three representatives of the Custodians' and Mechanics' Association and one representative of the Board of Education of the City. The amount of this appropriation to be made by the City under the provisions of this act shall be part of the Mayor's budget. (S.A. No. 489, 1949; Referendum 11-7-1995)

Sec. C7-40-3. - Same - Deposits, Disbursements, Investment and Management Generally.

All monies belonging to said retirement Fund shall be deposited with the Treasurer of the City, but the direction, management and investment of said Fund shall be under the charge of said Trustees. All orders on said Fund shall be signed by the Secretary of the Trustees and countersigned by the Chairperson of the Trustees.

Sec. C7-40-4. - Same - Appropriations to Beneficiaries.

From said retirement Fund, the Trustees, by a majority vote, shall from time to time appropriate and cause to be paid to the beneficiaries of the Fund such sums as may be needed for

the purpose of paying the pensions herein provided for and as directed by the Board of Education.

Sec. C7-40-5. - Retirement Generally.

Any custodian or employee of the maintenance department who shall have been continuously in the service of the Board of Education for a period of twenty-five (25) years may retire. Also, any custodian or mechanic whose service to the City and the Board of Education combined for a total of twenty-five (25) years or more may retire. Any custodian or employee of the maintenance department who shall have reached the age of seventy (70) shall be retired at the end of the school year within which the custodian or employee's seventieth (70) birthday shall occur. The Board of Education may likewise retire at any time during the school year any custodian or employee of the maintenance department who, in the judgment of a qualified physician, shall have become, while in the discharge of the duties of employment, mentally or physically incapacitated for further service.

(S.A. No. 274, 1957; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C7-40-6. - Amount of Compensation of Persons Retiring After Twenty-five Years of Service.

Whenever any custodian or employee of the maintenance department shall have retired or shall have been retired, in accordance with the provisions of Section C7-40-5, after service of twenty-five (25) years or more, the custodian or employee shall receive annually from said retirement Fund for life a sum of money to be computed at the rate of two percent per year of the average annual salary for each year of service. Said average annual salary is to be based on the best five (5) years of earnings with the Board of Education. Said sum shall not be less than one thousand dollars annually; and no pension shall exceed sixty-six and two-thirds percent of the average annual salary.

(S.A. No. 489, 1949; S.A. No. 274, 1957; Referendum 11-3-1987)

Sec. C7-40-7. - Retirement of Persons with Less Than Twenty-five Years of Service Who Have Reached Age Sixty.

Any custodian or employee of the maintenance department who shall have rendered less than twenty-five (25) years of service in the public schools of Stamford and who shall have reached the sixtieth (60) birthday may retire upon a pension prorated in accordance with the number of years of service. (Referendum 11-3-1987)

Sec. C7-40-8. - Retirement of Persons Who Have Reached Age Seventy and Persons Mentally or Physically Unfit With Less Than Twenty-five Years of Service.

Any custodian or employee of the maintenance department who shall have rendered less than twenty-five (25) years of service in the public schools of Stamford and who shall have reached the seventieth (70) birthday shall retire upon a pension prorated in accordance with the number of years of service and any custodian or employee of the maintenance department who shall have been retired under Section C7-40-5 because of mental or physical illness shall receive a pension equal to one-half of the average contract annual salary for the five (5) years immediately preceding retirement, but not less than one thousand dollars annually, but said pension shall be paid only during the incapacity of such custodian or employee. (S.A. No. 489, 1949; Referendum 11-3-1987)

Sec. C7-40-9. - Payment of Benefits or Refund for Persons who Die Before Retirement or Become Permanently Injured in Performance of Duties.

In case of death before fifteen (15) years of continuous service, a refund shall be paid to the dependents of any custodian or employee of the maintenance department to the amount of the assessments paid, together with interest, as paid by the State Teachers' Retirement Association. The word "dependent" as used herein shall mean any person related by blood or marriage to the custodian or employee, who shall have been furnished support by such custodian or employee. When any full-time member of the custodian or mechanic's staff shall die or be permanently injured in the actual performance of duties, the Board of Trustees shall direct that a pension be paid, equal to one-half of the salary of such deceased custodian or mechanic, to the surviving spouse or dependent children. The pension shall be paid to the surviving spouse until death or remarriage, and thereafter such part of the pension, as the Trustees shall find reasonable, to the children of such custodian or mechanic who are under the age of sixteen (16) years.

(S.A. No. 489, 1949; Referendum 11-3-1987)

Sec. C7-40-10. - Payment of Pension to Surviving Spouse or Dependent Children Upon Death of Retired Member.

When any retired member of the custodian or mechanic's staff shall die, having served actively as such member of the custodian or mechanic's staff for fifteen (15) years or more, the Board of Trustees shall direct that the pension paid to said deceased custodian or member of the mechanic's staff at the time of death, shall be continued to be paid to the surviving spouse or dependent children. The pension shall be paid to the surviving spouse until death or remarriage, and thereafter such part to the pension, as the Trustees shall find reasonable, to the children of such custodian or mechanic who are under the age of sixteen (16) years.

(S.A. No. 614, 1955; Referendum 11-3-1987)

Sec. C7-40-11. - Refund to Persons Who Terminate Service Prior to Retirement.

When a custodian or employee of the maintenance department shall leave the service, except by retirement, or when service shall be terminated for any cause, the total amount paid in assessments, together with the accrued interest, as above stated, shall be refunded.

(Referendum 11-3-1987)

Sec. C7-40-12. - Assignability, etc., of Pension Rights.

No retired custodian or employee of the maintenance department shall have the right to pledge, assign, transfer or create and charge any lien upon the annual pension, nor shall it be subject to any process of attachment, nor shall such pension be paid to any person except such retired custodian or employee of the maintenance department.

(Referendum 11-3-1987)

Sec. C7-40-13. - Promulgation of Rules and Regulations by Board of Education.

The Board of Education is authorized to make such rules as may be necessary or convenient for the administration of said retirement system and to fix the maximum age at which custodians or employees of the maintenance department may be employed and to change the same, from time to time, as may be necessary or expedient.

Sec. C7-40-14. - Annual Statement of Fund and Investments.

Said Trustees shall file with the Clerk of the Board of Finance of the City, on or before the first day of July in each year, a statement of said retirement Fund, showing the amount thereof and all payments and disbursements made therefrom and the

securities in which said Fund has been invested. (Referendum 11-7-1995)

PART 8.

BUDGETARY PROCEDURES

DIVISION 1.

FISCAL CALENDAR

Sec. C8-10-1. - Fiscal Year.

The fiscal year shall commence on July first and end on June thirtieth.

Sec. C8-10-2. - Tax Payments.

Half of the taxes and service charges for the respective areas shall be payable on the first day of the fiscal year. If not paid on or before August first, such half shall bear interest from July first at such rates per month as are permitted by the General Statutes. The second half of such taxes and service charges shall be payable on the following January first. If not paid on or before February first, such second half shall bear interest from January first at such rates per month as are permitted by the General Statutes. The Tax Collector shall place a lien on tax delinquent property for the amount of any taxes or charges unpaid on February first of any year as provided by the General Statutes.

The tax on motor vehicles shall be due and payable in full on the first day of July. If not paid on or before August first, such tax shall bear interest from July first at such rates per month as are permitted by the General Statutes. (Referendum 11-6-1979)

Sec. C8-10-3. - Presentation of Tax Bills.

Immediately upon receiving notice of the tax rates and service charges established by the Board of Finance, the Tax Collector shall prepare the tax bills for the taxes to be levied for the following year. Tax bills shall be prepared and distributed prior to the first day of the fiscal year. The Board of Representatives may extend said date for issuing of tax bills if necessary, in which event the interest charges provided for in Section C8-10-2 shall not be applicable until thirty days after such extended date. (S.A. No. 428, 1951; Referendum 11-7-1995)

Sec. C8-10-4. - Date of Tax Liens.

The lien date for taxes annually laid by the City shall be the date specified in the October Grand List upon which said taxes were laid. (Referendum 11-7-1995)

DIVISION 2.

ESTIMATES AND CAPITAL PROJECTS

Sec. C8-20-1. - Preparation of General Estimates.

The Director of Administration shall, on or before the tenth day of December of each year, furnish the head of each department, board, commission, authority, agency, and other entity receiving or expending City funds or state or federal funds granted to the City, forms for the proposed operating budget requests for the next three fiscal years, based upon a uniform object classification. Each such official shall prepare budgetary requests upon such forms and submit them to the Director of Administration on or before the tenth day of January; and on the eighth day of March, the Director of Administration shall transmit the same to the Mayor.

(Referendum 11-8-1960; Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-20-2. - Department Estimates for Capital Projects Program.

The Mayor shall fix a date not later than the tenth day of December of each year on which the head of each department, board, commission, authority, agency and other entity receiving or expending City funds or state or federal funds granted to the City, shall submit to the Planning Board, to the duly delegated member of the Board of Representatives, to the Chairperson of the Board of Finance and to the Director of Administration, a detailed estimate of all capital projects pending, or which should be undertaken within the six succeeding fiscal years, including a detailed budget by project for Expected Expenditures in the next fiscal year. These estimates shall be known as "Department Estimates for Capital Projects", and shall be in such form as may be prescribed by the Planning Board and shall contain all information that may be required by the Planning Board, by the Director of Administration, or by law or ordinance. These Departmental Estimates for Capital Projects shall be public records and open for inspection at reasonable times. The Department heads must present their proposed capital budgets by December 15 to a joint public meeting of the Planning Board, the Board of Finance and the duly delegated member(s) of the Board of Representatives. (Referendum 11-8-1960; Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-20-3. - Report of Director of Administration.

On or before the fifteenth day of December, the Director of Administration shall report to the Board of Finance and to the Mayor, the amount and nature of the expenditures which, in the Director's opinion, the City may incur safely for capital projects during each of the six succeeding fiscal years, and the estimated effect of such expenditures upon the current budgets for each of those years, together with the Director's recommendations in relation thereto. (Referendum 11-8-1960; Referendum 11-6-1962; Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-20-4. - Certificate of the Board of Finance.

On or before the fifteenth day of January, the Board of Finance shall transmit to the Planning Board the report made by the Director of Administration, pursuant to Section C8-20-3 together with its certificate of the amount and nature of expenditures which, in its opinion, the City may incur safely for capital projects in the next fiscal year, with the recommendations as to the method of financing such capital projects as to be included in the budget for that year. (S.A. No. 290, 1953; Referendum 11-8-1960; Referendum 11-6-1962; Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-20-5. - Preparation of Proposed Capital Program.

Each member of the Board of Finance and any member of the Board of Representatives to whom such duty may be delegated by resolution of the Board, may, and the Director of Administration shall, in person or by deputy, attend all hearings before the Planning Board at which the heads of departments, boards, commissions, authorities or agencies or any other persons are heard in respect to departmental estimates. Any such officer may ask questions and require the production of pertinent data in respect to such estimates. The Director of Administration shall render to the Planning Board such assistance and advice in respect to the preparation of the proposed capital projects program as may be requested by it. Any resident of the City may attend such hearings, but shall

not have the right to be heard. Before taking final action on the proposed capital projects program, the Planning Board shall hold a public hearing not later than the tenth day of February on public notice. (Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-20-6. - Submission of Proposed Capital Program.

The Planning Board shall thereupon prepare its capital projects budget and submit it to the Mayor on or before the first day of March. The Mayor may revise this budget, but may not include therein any new projects without first submitting them to the Planning Board. If the Planning Board is opposed to such new project, that fact shall be recorded by the Mayor when submitting recommendations to the Board of Finance and the Board of Representatives. A capital project shall consist only of those purposes defined in Sec. C1-10-4 of this Charter. (Referendum 11-8-1960; Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-20-7. - Restrictions on Capital Project Authorizations at Other Times.

No obligations of the City shall be authorized for any capital project not included in the capital projects budget as finally recommended by the Mayor. Upon the request of the Mayor, the Board of Finance may amend the capital projects budget to increase the amount appropriated or the amount of obligations which may be authorized for any project previously authorized if such increase is, in the opinion of the Board of Finance, necessary for the completion of the project, or to add new capital projects. (Referendum 11-7-1995)

However, before any such action can be taken, an advisory opinion of the Planning Board shall be obtained. When the Board of Finance adopts an amendment adding a project to the capital projects budget, or increasing the expenditures or the obligations which may be authorized on account of any project, such amendment shall be submitted to the Board of Representatives. If the Board of Representatives adopts it, the capital projects budget shall be deemed amended accordingly. Not later than five days after such adoption, the amendment to the capital projects budget shall be filed in the Office of the Town and City Clerk and public notice thereof shall be given. (S.A. No. 290, 1953; Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-20-8. - (Reserved)⁴⁰

⁴⁰**Editor's Note** - Former Sec. C8-20-8 (previously Sec. C-611.6), Obligation Limitations, was repealed by referendum vote 11-3-1987.

Sec. C8-20-9. - Approval Requirements for Increasing Capital Projects Budget.

The procedures outlined in Section C8-20-7 for increasing an existing capital projects budget shall require the affirmative vote of four members of the Board of Finance, and its adoption by the Board of Representatives shall require a two-thirds vote of those present at the meeting, which two-thirds shall not be less than a majority vote of the entire membership. (Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-20-10. - Capital Project Sunset Provision.

If there has been no acquisition, leasing, start of construction or contracted for pre-construction by the City with respect to a capital project and four years have passed since the project

was approved, the approval of that project shall be deemed rescinded. The approval of capital projects which were approved on or before the effective date of this provision shall be deemed rescinded if there has been no acquisition, leasing, start of construction or contracted for pre-construction by the City with respect to the project, and three years have passed since the project was approved or one year has passed since the effective date of this provision, whichever date shall be later. If the approval of a capital project is rescinded pursuant to this provision, then the project, if it is to obtain approval, must do so in accordance with the procedures set forth in Sections C8-20-1 through C8-20-7, inclusive. For the purposes of this section, "contracted for pre-construction" shall include preliminary studies, surveys, designs, site preparations, or contracts pursuant to the terms of which such project shall proceed. (Referendum 11-7-1995)

For purposes of this section the requirement of acquisition, leasing, start of construction or contracted for pre-construction will be satisfied if there has been an expenditure of 25% of the budget for the proposed capital project. However this amount may be changed in the discretion of the Board of Representatives at the time of its initial approval of the particular capital project. (Referendum 11-7-1995)

Sec. C8-20-11. - Excess Capital Project Funds.

No funds appropriated for expenditure in relation to a capital project shall be utilized for any City operating expenses, including but not limited to, interest payments, under any circumstances; provided, however, such unexpended capital project funds may be used to retire debt, refinance debt or fund approved capital projects unless the expenditure otherwise complies with Sections C8-20-1 through C8-20-7, inclusive. (Referendum 11-7-1995)

DIVISION 3.

THE MAYOR'S BUDGET

Sec. C8-30-1. - The Budget Process.

The Mayor, the Board of Education, the Board of Finance and the Board of Representatives shall annually work together in good faith to develop and approve a municipal budget which shall include all expected revenues and expenditures for the next fiscal year and, for the purposes of financial planning, detailed estimates of revenues, capital expenses and operating expenses for each of the two fiscal years thereafter; however, it being understood that the budget estimates for the two years following the next fiscal year shall be for planning purposes, only those appropriations included in the budget for the next fiscal year shall be binding on the City. (Referendum 11-7-1995)

Sec. C8-30-2. - The Mayor's Budget.

On or before the eighth day of March, the Mayor shall prepare and submit a budget to the Board of Finance which budget shall consist of the capital projects budget and the proposed operating budget for the next fiscal year and detailed budget estimates (i.e., estimates of revenues, capital expenditures, and operating expenses) for each of the two fiscal years thereafter.

(a) The capital projects budget shall include the following information:

(1) A detailed estimate of the cost of each proposed project, listed according to the department, board, commission, authority or agency of the City principally concerned with the project, which are

expected to be commenced in the next fiscal year; (Referendum 11-7-1995)

(2) A statement as to any off-setting reimbursements, such as state or federal grants anticipated in connection with the project;

(3) A recommendation, at the discretion of the Mayor, which will not be binding on the Board of Finance or the Board of Representatives, as to the method of financing any recommended project;

(4) Such comparison with any prior year's appropriation for capital projects as the Mayor considers advisable, or the Board of Finance shall have requested;

(5) A report summarizing the status of each previously approved capital project stating those which have been completed, and the balance of any unexpended bond funds available with recommendations for either redemption of bonds or other capital projects use; and (Referendum 11-7-1995)

(6) Any other information the Mayor believes to be pertinent, or which is requested by the Board of Finance.

(b) The proposed operating budget shall contain the following information:

(1) A detailed estimate on a year-by-year basis of the expense of conducting each department, board, commission, authority, and agency of the City for the next three fiscal years. (Referendum 11-7-1995)

(2) The expenditures for corresponding items for the last preceding year, appropriations, plus transfers and additions to February first for corresponding items, as compared with proposed appropriations for the next ensuing three fiscal years with the reason for increases and decreases; (Referendum 11-7-1995)

(3) The total amount of the City debt outstanding, with a schedule of maturities of bond issues;

(4) The amount required for interest on the City debt, and for maturing serial bonds and other maturing obligations, and other fixed charges, and the amount required to fund pensions currently which amount shall be determined by an independent actuary designated by the Mayor for that purpose and shall not be subject to reduction or rejection by the Board of Finance or the Board of Representatives; and

(5) An itemization of all anticipated revenue from sources other than taxes for the next ensuing three fiscal years and the average annual income from each source for the past five years. (Referendum 11-7-1995)

(6) The amount of funding budgeted to comply with federal, state and local laws except in instances where the applicability is being contested or the City intends to contest same in good faith. (Referendum 11-7-1995)

The budget shall also show, on a year-by-year basis, an estimate of the amount of money to be raised by taxes and service charges, with revenue from other sources, to meet the proposed expenditures, the amount required to meet deficiencies in the current fiscal year and any other information the Mayor believes to be pertinent or which is requested by the Board of Finance.

(S.A. No. 290, 1953; Referendum 11-8-1960; Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-30-3. - Contingency Appropriation and Operating Reserve or "Rainy Day" Fund.

(a) The Mayor's proposed operating budget may include an appropriation the purpose of which is to fund unanticipated or unforeseeable expenses of the City during the fiscal year. No portion of this appropriation may be used to fund additional operating expenses of a recurring nature, although it may be used to fund unanticipated incremental increases of ordinary operating expenses.

(b) The Mayor may direct on or before the 15th day of October, subject to the approval of the Board of Finance and Board of Representatives, that any portion of any budget surplus from the prior fiscal year, as evidenced by the audited financial statements for such prior year approved by the Board of Finance, be transferred to an Operating Reserve or "Rainy Day" Fund. In no event shall the Mayor transfer monies to the Fund that would cause the balance of the Fund to exceed five percent (5%) of the total amount of general fund expenditures in the prior fiscal year. Any portion of the Fund may be withdrawn at any time and used for any lawful purpose upon the special request of the Mayor. Approval of such request shall require (i) the affirmative vote of four members of the Board of Finance and (ii) the affirmative vote of two-thirds of those present at a meeting of the Board of Representatives which two-thirds shall not be less than a majority of the entire membership. (Referendum 11-7-1995; Referendum 11-2-2004)

Sec. C8-30-4. - Preliminary Budget of the Board of Education.

The Board of Education shall provide the Mayor, by March first, on a year-by-year basis, the total dollars requested in its budget for each of the next three fiscal years and estimates of non-tax revenues for each such period. The Mayor shall have no power to amend the budget of the Board of Education, and it is solely for the Mayor's information in preparing the Mayor's budget and for review of the operating budget for the entire City. (Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-30-5. - Budget Approval by the Board of Finance.

The Board of Finance may approve, reject or lower any item in the budget for the next ensuing fiscal year except as provided under Sec. C8-30-2(b)(6) and shall, on or before the twentieth day of April, transmit the budget as revised by it to the Clerk of the Board of Representatives. Any item in the budget for the next ensuing fiscal year not rejected or revised by the Board of Finance shall be deemed approved by it. With respect to the Capital Projects Budget, the Board of Finance shall show the amount it proposes to raise through current taxation and the amount remaining for which bonds would be required with respect to each project. With respect to the Mayor's proposed capital projects budget and operating budget for the two fiscal years subsequent to the next ensuing fiscal year the Board of Finance shall, on or before the twentieth day of April, transmit its recommendations thereon to the Clerk of the Board of Representatives. (S.A. No. 290, 1953; Referendum 11-8-1960; Referendum 11-7-1995)

Sec. C8-30-6. - Preliminary Estimate of Tax Rates.

Computation of the preliminary estimate shall take into consideration:

(a) The total valuation or Grand List of property taxable within each of the service districts of the City as prepared by the Assessor in accordance with Sections C5-110-5 and C5-110-6;

(b) Estimated revenue from service charges and all other sources;

(c) Amounts approved by the Board of Finance for the operating and capital projects budgets for the next ensuing fiscal year in accordance with Section C8-30-3; (Referendum 11-7-1995)

(d) Amounts approved by the Board of Finance for the Board of Education budget for the next ensuing fiscal year in accordance with Section C8-30-5; and (Referendum 11-7-1995)

(e) An estimate of any other amounts for which the Board of Finance is required to provide when fixing the tax rates under Section C8-30-10, including, but not limited to, estimated unbudgeted additional appropriations for the next fiscal year, funding of pension costs, and the prior year's deficit or surplus. (Referendum 11-7-1995) (Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-30-7. - Action of Board of Representatives on Budget.

The Mayor shall transmit a copy of the multi-year budget provided for in Section C8-30-2 and the accompanying message to the Board of Representatives at the same time that the Mayor submits copies to the Board of Finance. Upon receiving the budget from the Board of Finance, the Board of Representatives may approve, reject or reduce any item in the budget for the next ensuing fiscal year approved by the Board of Finance. The Board of Representatives shall take final action on the budget for the next ensuing fiscal year and adopt the annual appropriation resolution on or before the fifteenth day of May and file the same with the Town and City Clerk. Any items in the budget for the next ensuing fiscal year not rejected or reduced by the Board of Representatives shall be deemed to have been approved by that Board. If any item in the Capital Projects budget should be reduced, the Board shall indicate what reduction, if any, shall be made in the amount to be raised by current taxation, but no action shall be taken which will result in an increase in any amount recommended by the Board of Finance to be covered by bond obligations. With respect to the proposed capital projects budget and operating budget for the two fiscal years subsequent to the next fiscal year, the Board of Representatives shall, on or before the fifteenth day of May, transmit its written comments to the Mayor and to the Board of Finance. (S.A. No. 290, 1953; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-30-8. - Action on Board of Education Budget.

Not later than the eighth day of March the Board of Education shall submit its budget for the next fiscal year and for each of the two fiscal years thereafter to the Board of Finance. The Board of Finance shall take final action on the budget on or before the twentieth day of April and shall immediately transmit the same to the Clerk of the Board of Representatives. The Board of Finance shall have the power to approve, reject or lower any item in the budget which is not for a purpose within the statutory provisions imposing a duty upon the Board of Education or within the provisions which vest the Board of

Education with a discretion to be independently exercised. It may not reject, but may only approve, any item for a purpose which the statutes make it the duty of the Board of Education to effectuate or which vests in the Board of Education a discretion to be independently exercised by it, but it may reduce such item if it exceeds the amount reasonably necessary for the accomplishment of the purpose, taking into consideration, along with the educational needs of the City, its financial condition and other expenditures it is necessary to make. The Board of Representatives shall have the same powers as the Board of Finance with respect to the Board of Education budget. It shall receive the budget from the Board of Finance not later than the twentieth day of April and shall complete its action thereon not later than the fifteenth day of May. All appropriations granted to this Board shall be expended in its discretion.

(Referendum 11-8-1960; Referendum 11-7-1995)

Sec. C8-30-9. - Public Hearings.

The Board of Finance and the Board of Representatives shall jointly hold public hearings on budgets as proposed by the Mayor and the Board of Education. These hearings shall be held on or before the eighth day of April after three days public notice.

(Referendum 11-8-1960; Referendum 11-7-1995)

Sec. C8-30-10. - Fixing of Tax Rates.

On or before the twenty-fifth day of May, the Board of Finance shall determine and fix the tax rates and service charges upon the ratable estate in each of the tax districts of the City, such tax to be fixed and determined upon such estate within the City contained in the assessments as finally completed, to an amount sufficient, together with other funds available for the purpose to meet and provide for all appropriations made for the current fiscal year; to fund pensions currently in an amount determined by an independent actuary designated by the Mayor for this purpose; to meet any deficiency in funds arising from uncollected taxes, service charges or special assessments; to meet and provide for the payment of any item or items of indebtedness which may become due and payable during such fiscal year, such as the principal of bonds, interest payments into sinking funds and other obligations for the payment of which no other provision has been made; and to provide for the payment of any other items said Board shall deem proper. (Referendum 11-7-1995)

Should any special or further appropriations be made in any fiscal year after the tax rate for that year has been fixed as herein provided, said Board may lay a special tax in like manner as provided for laying the regular tax. If such special tax shall not be laid to provide funds for such further appropriations, then an amount sufficient to provide such funds shall be included in the regular Stamford tax for the next fiscal year.

(Referendum 11-8-1960; Referendum 11-6-1979; Referendum 11-7-1995)

Sec. C8-30-11. - Control of Appropriations.

All appropriations in the operating budget for the ensuing fiscal year made by the Board of Representatives shall be made by items, specifying the amount of money appropriated therein and the purpose for which the amount is appropriated. Except as specifically set forth in this section, no money appropriated for any item shall be used for any other purpose, but transfers of appropriations may, with the approval of the Board of Finance, be made in proper cases from one item to another. Notwithstanding the foregoing, with the approval of the Director of Administration (or the Mayor, in the case of the Office of Administration), (1) a transfer or transfers between non-salary line item accounts within an office, department,

board, commission, authority or agency not to exceed (a) in the case of any single transfer, the greater of \$50,000 or 5% of the budget of said office, department, board, commission, authority or agency and (b) in the case of all such transfers during any fiscal year, the greater of \$100,000 or 10% of the budget of said office, department, board, commission, authority or agency, may be made in any one fiscal year, and (2) transfers of up to 10% of the annual appropriation from salary accounts to overtime accounts and/or from overtime accounts to salary accounts. At the end of each fiscal year, any unencumbered balance in any group of appropriations in the current operating budget not necessary to meet liabilities already incurred with respect to such group shall cease to be available for the purpose for which they were appropriated, with the exception of grants which have been extended by federal or state authority into the next fiscal year.

(Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-30-12. - Additional Appropriations.

If any emergency arises in the fiscal year, adjustments in allocations shall be made at that time to avoid a deficiency at the end of the fiscal year, but no adjustments shall require transfers exceeding ten percent of any department's outstanding appropriations. No additional appropriations shall be granted to any department, board, commission, authority or agency, unless the Mayor, or in the case of requests for special appropriations for education, the Board of Education, shall make a special request therefor with a statement from the Controller certifying to its probable effect on the tax rate for the current or succeeding year based on the last published Grand List and also the probable effect on the tax rate of the total of the additional appropriations made as a result of special requests since the then current budget was adopted. Approval of such request shall require the affirmative vote of four members of the Board of Finance, and its adoption by the Board of Representatives shall require a two-thirds vote of those present at the meeting, which two-thirds shall not be less than a majority of the entire membership. Within five days of such adoption, the Board of Finance may, subject to the approval within ten days of the Board of Representatives, lay a special tax to finance the appropriation. If such special tax is not laid, then the amount of such appropriation shall be included in the taxes for the next fiscal year.

(S.A. No. 309, 1953; S.A. No. 290, 1957; Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-30-13. - Appropriations Not to be Exceeded.

No liability shall be incurred or expenditure made by any officer or employee which is not provided for in the annual appropriation resolution, or in a special appropriation resolution, or by a bond issue, nor shall the City pay out any money for any purpose not authorized by an appropriation. Notwithstanding the above, an expenditure may be made and a liability may be incurred provided authorization has been obtained from the Chairperson of the Board of Finance by the Director of Administration in written form for the following emergencies: (Referendum 11-7-1995)

Snow removal and special election expenses and for any situation where the public health and safety are endangered.

When the above procedure is followed, the City's obligation shall be the same as if the normal budget procedure had been followed, however, the appropriation request must still go through the normal appropriation procedure. (Referendum 11-6-1979; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-30-14. - Validation of Budget Action Taken After Last

Specified Date.

If any action in connection with the Mayor's budget or the Board of Education's budget shall take place after the last date specified for such action, the Board of Representatives may validate such action by a two-thirds vote of the entire membership.

(S.A. No. 376, 1953; Referendum 11-7-1995)

DIVISION 4.

TAXATION

Sec. C8-40-1. - Tax Districts Generally.

Stamford shall be divided into two districts, the City Tax District and the Town Tax District, or such other tax districts as may be determined from time to time by the Board of Finance and the Board of Representatives. (Referendum 11-3-1987)

Sec. C8-40-2. - City Tax District.

The City Tax District shall consist of the territory served by the Regular Fire Department as delineated on the map referred to in Section C5-40-3 as may be amended from time to time. (Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C8-40-3. - Town Tax District.

The Town Tax District shall comprise the entire area of Stamford. (Referendum 11-6-1979)

Sec. C8-40-4. - Tax for Fire Service.

(a) The property within the City Tax District shall be subject to taxation in an amount necessary to raise the net appropriation for all costs incurred for the operation of the Regular Fire Department, including principal and interest payments for bonds issued for capital improvements for the Regular Fire Department; provided it shall not be liable for any part of the contribution made to the Volunteer Fire Departments.

(b) Except for the property within the City Tax District which is served by the Regular Fire Department, all other property within the Town Tax District which is served, or to which services are available by the Volunteer Fire Departments, shall be subject to taxation in an amount necessary to raise the net appropriation for the City's contributions for all costs incurred for the operation of the Volunteer Fire Departments, including fire hydrants, water supplies, and principal and interest payments for bonds issued for capital improvements for the Volunteer Fire Departments. (Referendum 11-6-1979)

Sec. C8-40-5. - Tax for Sanitation.

All property served or to which sanitation services are available shall be liable to taxation so as to include the payment of the balance of the bonded indebtedness of the sanitation facilities, sewers, incinerators and sewer treatment plant in the proportion that the total assessment of such district served or to which the services are available bears to the total assessment of the City served or to which the services are available. In addition thereto, all property served or to which the services are available by the Sanitation Bureau shall be liable to taxation in an amount necessary to raise the net appropriation for the sanitation operating expenses in the same proportion. (Referendum 11-7-1995)

LEGAL

When, after extension of sanitary sewers by the Water Pollution Control [Commission]*Authority*, sanitary sewer service becomes available to property, said property shall thereupon be liable for additional taxation to be levied for sanitary services and the Water Pollution Control [Commission]*Authority* and the City Engineer shall certify and submit to the Assessor such list of properties, which list shall forthwith be incorporated in the assessment by the Assessor.

(Referendum 11-6-1979; Referendum 11-7-1995)

Sec. C8-40-6. - Taxation in Town Tax District.

Except as herein before provided in Sections C8-40-4 and C8-40-5, the property in the Town Tax District shall be taxed sufficiently to meet, together with all other funds available for the purpose, all the expenses and appropriations made for the next fiscal year.

(Referendum 11-6-1979)

Sec. C8-40-7. - The Tax Bill.

The tax bill presented to each property owner in Stamford shall record as separate items the mill levy laid for the net appropriations for the Board of Education, the Social Services functions of the Office of Administration, Debt Services, General Government expenses and the special items taxable against the particular Tax District.

(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-40-8. - Adjustment of Special Charges.

Whenever one of the special service charges shows either a deficit or a surplus at the end of the year, that deficit or surplus shall be computed in making the appropriation for that particular charge in the following year and the deficit or surplus shall be absorbed in that year. This section shall not apply to appropriations to Volunteer Fire Departments.

Sec. C8-40-9. - Computation of Net Appropriations.

In computing the net appropriations of any department or service charge, the Controller shall deduct from the budget appropriations all estimated receipts of that department or service from sources other than taxes.

Sec. C8-40-10. - Taxation of Motor Vehicles.

All motor vehicles within the City shall be taxed at a uniform city-wide mill rate.

(Referendum 11-8-1977; Referendum 11-7-1995)

DIVISION 5.

BONDS

Sec. C8-50-1. - Bonds.

A. Bond Issue Generally.

If so requested by the Mayor and approved by the Board of Finance, the Board of Representatives may authorize the issuance of bonds under the corporate name and seal and upon the faith and credit of the City, registered or with coupons attached, bearing interest at a rate or rates not greater than the maximum rate approved by the Board of Finance, payable semi-annually. The bonds shall not be sold at less than par, and accrued interest and the funds realized from the sale of the bonds shall be applied solely for the purpose of paying for public improvements or other municipal works of a permanent character and paying for land taken for the purpose of such improvements or municipal works. The bonds so authorized shall be issued in the manner and in the principal amount that

the Board of Finance may prescribe from time to time. The bonds or other obligations shall be signed by the Mayor and countersigned by the Controller, and any coupons attached shall bear the facsimile signature of the Controller. The bonds when so executed and delivered shall be obligations of the City and of all of the inhabitants and property thereof according to the tenor and purport of the same, and said bonds or other obligations, 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.

(S.A. No. 290, 1953; Referendum 11-6-1979)

B. Status of Unexpended Funds.

The status of each capital project shall be reviewed quarterly in the manner provided in Section C8-30-2. The Mayor, with written advisement from the Planning Board, shall submit a report with specific recommendations to the Board of Finance and the Board of Representatives, stating when each uncompleted or partially-completed capital project is expected to be completed, those which have been completed, and the balance of any unexpended bond funds for completed projects. (Referendum 11-6-1979; Res. No. 3301, 6-1-2009; Referendum 11-7-1995)

Sec. C8-50-2. - Bond Anticipation Notes.

Whenever the Board of Representatives shall have authorized the issue of bonds to finance a capital project or projects pursuant to the provisions of Section C8-50-1, the Board of Finance may, by at least a majority of all its members, authorize the making of a temporary loan or loans by the issuance of a temporary note or notes, for a period of not more than one year, in anticipation of the money to be derived from the sale of such bonds for designated capital projects. Temporary notes issued for a shorter period than one year may be renewed from time to time by the issue of other temporary notes maturing within the required period of one year, provided the period from the date of issue of the original loan to the date of maturity of the renewal loan shall not be more than one year. Except as herein otherwise provided, the term, rate of interest, form, manner of sale and other particulars of such temporary notes shall be determined by at least a majority of all the members of the Board of Finance or the determination thereof may be delegated by said Board to the Director of Administration with the approval of the Mayor. Notes shall be signed and countersigned in the manner provided in Section C8-50-1 for bonds, and the amount of any temporary loan or loans shall not exceed the principal amount of bonds in anticipation of which they are issued. All outstanding temporary notes or renewal notes issued hereunder shall be included in the aggregate indebtedness of the City when ascertaining the City's borrowing capacity under any general or special statute, unless the bonds in anticipation of which such notes are issued would not be so included, but temporary notes or renewal notes which have become due and for the payment of which adequate funds have been provided shall not be deemed to be outstanding. All temporary notes and renewal notes issued hereunder and the debts evidenced thereby shall be obligations of the City and of all the inhabitants and property thereof according to their tenor. The proceeds of bonds in anticipation of which temporary notes or renewal notes have been issued shall first be applied to the payment of any such notes, and the period during which any such notes shall be outstanding shall not be included in computing the term for which such bonds may be issued.

(S.A. No. 290, 1953; Referendum 11-7-1995)

Sec. C8-50-3. - Emergency Bond Issues.

In case of a public emergency which shall require abnormal expenditure on the part of the City, the City may issue bonds

for the payment of such emergency expenditure. An issue of bonds under this section shall require the affirmative vote of five members of the Board of Finance and of three-fourths of the entire membership of the Board of Representatives. The earliest maturity shall be not more than two years from date of issue and all such bonds shall be paid in full and retired at the expiration of not more than ten years from the date of issuance. (Referendum 11-7-1995)

Sec. C8-50-4. - Revenue Anticipation Notes and Tax Anticipation Notes.

The Mayor may, in the name of the City, with the approval of the Board of Representatives, borrow such monies as may be necessary to meet the temporary financial requirements of the City or such as may be borrowed in anticipation of the collection of special assessments. The monies so borrowed shall be evidenced by notes given in the name of the City and signed by the Mayor and countersigned by the Controller. These notes shall be repaid, so far as may be possible, from the income of the City received during the current fiscal year. If any of the monies so borrowed shall remain unpaid at the end of the fiscal year the amount thereof shall be included in the estimates and appropriations for the succeeding fiscal year. (Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-50-5. - Authorization of Appropriations and Issuance of Bonds for School Construction Project.

Notwithstanding any other provisions of the Charter of the City, law or statute to the contrary, a contract concerning a duly authorized capital project for the Board of Education of said City which provides for a payment, or payments, by the City in a fiscal year, or years, subsequent to the date of said contract, may be executed on behalf of the City after approval by the Mayor, Planning Board, Board of Finance and Board of Representatives, and the budget appropriating authorities shall thereafter appropriate, upon written request of the Mayor, the necessary funds in the appropriate following fiscal year in accordance with the terms and provisions of the schedule of payments of said contract provided no such schedule shall provide for payment over a term in excess of three years. (S.A. No. 89, 1969; Referendum 11-6-1979; Referendum 11-7-1995)

DIVISION 6.

SPECIAL ASSESSMENT

Sec. C8-60-1. - Power of Board of Representatives Concerning Public Improvements.

The Board of Representatives is empowered, with the approval of the Mayor, which approval, however, shall not be required until after the resolution referred to in Section C8-60-7 of this Chapter whenever in its opinion public health, safety, welfare, convenience, or necessity so require, to alter, establish or discontinue any building line; to cause any stream or any part thereof to be taken, occupied and appropriated or straightened, lowered or deepened; to cause any well, dam or obstruction to be lowered or removed, or to cause any culvert to be enlarged, lowered, altered or removed, or any storm sewer or storm drain to be laid out, built or constructed through or across public or private grounds, streets or highways; to lay out, alter, extend, enlarge, exchange or discontinue any highway or grade thereof; to take any land for park purposes, parkways or other municipal purposes; and to provide for any public improvements whatsoever, whether or not requiring an assessment for benefits or damages or both, and to assess benefits and damages therefor.

(S.A. No. 297, 1957; Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C8-60-2. - Limit of Power.

The powers granted to the Board of Representatives by Section C8-60-1 shall not be exercised without approval by the Board of Finance, and are not to be construed as in any way restricting or affecting the powers and duties of the Mayor or the municipal departments to carry out and complete public improvements, or as conferring any executive or administrative powers upon the Board of Representatives.
(S.A. No. 297, 1957)

Sec. C8-60-3. - Procedure Concerning Public Improvements.

Before exercising the powers granted in Section C8-60-1, the Board of Representatives shall declare by resolution its intention to do so. Such resolution shall, in general terms, describe the action contemplated and shall request the Mayor to cause a report to be made thereon. The Mayor shall thereupon direct the Office of Operations to do the preliminary engineering work, including the preparation of necessary surveys, plans, profiles, specifications and estimates of the total cost of the intended action, work or improvement, and to submit the same to the Director of Administration, who shall make estimates of the value of any land proposed to be taken and of the amount of the benefits or damages which should be assessed against or in favor of each piece of property affected. A copy of the Mayor's report, with copies of the report of the Office of Operations and of the estimate of the Director of Administration, shall be filed for public inspection in such office as the Mayor may designate. When any part of the cost of a public work or improvement is to be assessed against property benefited thereby, the resolution of the Board of Representatives shall so declare and shall indicate what part of such cost is to be assessed.
(Referendum 11-7-1995)

Sec. C8-60-4. - Notice and Hearing Before the Director of Administration.

Upon the filing of the Mayor's report as provided in Section C8-60-3, [public notice] Public Notice thereof and of the resolutions of the Board of Representatives relating thereto shall be given. Such notice shall be addressed to all persons interested in any property which would be affected by the proposed action, and it shall name each person known to be so interested and such notice shall specify a time and place when such person may appear before the Director of Administration and be heard in respect to the price of any land proposed to be taken or in respect to any assessment for benefits or of damages, as set forth in the report of the Director of Administration. Such notice shall be published at least three times in an official newspaper, and a copy thereof served either personally or by registered mail on each person named therein as aforesaid, at least five days before the date of the hearing before the Director of Administration. The Director of Administration shall hold a hearing at the time and place specified in the notice and may from time to time adjourn the hearing to be held at such times and places as deemed proper until all parties interested in property affected shall have had an opportunity to be heard.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-60-5. - Report to Board of Representatives.

After such hearings the Director of Administration shall make a report in writing to the Board of Representatives of the amount which in the Director's judgment should be paid for each particular piece of property to be taken, the probable cost of making the improvement or taking the contemplated action, and the damages and benefits which should be assessed in favor of or against each property. Such report shall, so far as ascertainable, state the name of each owner of the property

to be assessed for benefits or for damages. In no case shall the total assessed benefits exceed the sum of the cost of the proposed project and the total damages to be assessed.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-60-6. - Filing of Lis Pendens.

A lis pendens containing the names of the persons named in the notice identifying the property affected and setting forth the nature of the work or improvement shall, at or about the time of the first publication of the notice of hearing, be recorded in the land records of Stamford.

Sec. C8-60-7. - Action of Board of Representatives on Report Concerning Public Improvements.

The Board of Representatives may accept the report of the Director of Administration as submitted or modify or reject or refer it back to the Director of Administration. The Board may increase the amount of benefits and lower the amount of damages, but it may not lower the benefits or increase the damages without the approval of the Director of Administration. It may abandon the project or improvement. If, after receiving the report of the Director of Administration, the Board of Representatives shall determine to proceed with the action, work or improvement, it shall adopt a resolution directing that such action, work or improvement be carried out in accordance with the report finally approved by it, and the report so approved shall be recorded in the land records of Stamford. Upon the passage of such resolution and the recording of the report, the action, work and improvement provided for therein shall be deemed duly and legally authorized, and all assessments of benefits and damages as estimated shall be deemed duly and legally made, provided that said report shall not be recorded in the land records of Stamford as herein required, and that no liability against the City shall be incurred in any proceedings for the purposes specified in Section C8-60-1 unless and until the Board of Representatives shall have appropriated sufficient funds for the purpose of paying the excess, if any, of the aggregate total of the estimated cost of the improvement and the damages to be awarded over the benefits to be assessed.
(Referendum 11-7-1995)

Sec. C8-60-8. - Notice of Adoption of Report.

After the adoption of the resolution and its approval by the Mayor and after the Board of Representatives shall have made the appropriation and after the recording of the report, all as provided in the preceding section, the Director of Administration shall give public notice of such resolution to the persons whose lands are to be taken, or against or in whose favor benefits or damages are to be assessed, with the amount to be paid to or by each such person in accordance with such resolution and report. The notice shall direct the payment to the City of all benefits assessed and shall state a time and place at which the City will make payment for any land taken or damage assessed. The Director of Administration shall, as before, give public notice and serve in person or by mail, a copy of such notice to each person named therein, at their last known address. In the case of the estate of a deceased person in process of settlement, a notice mailed to the Executor or Administrator thereof shall be deemed notice to the owner. After the publication and mailing of notice as aforesaid, the City may, except as hereinafter provided, enter upon any land taken or undertake and complete any action, work or improvement in accordance with such resolution and report.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-60-9. - Title Transfer.

If the Board of Representatives adopts the report of the

Director of Administration with or without modifications, it shall transmit the same with its resolution of adoption to the Mayor, and the Mayor shall, within ten days thereafter, return the same to the Board of Representatives with approval or disapproval noted thereon. If the Mayor approves the resolution, any land to be taken shall be deemed condemned[, and title thereto shall vest in the City as of the date that the Mayor returns the resolution and report to the Board of Representatives]. Title to such land shall vest in the City in accordance with the General Statutes.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-60-10. - Appeal by Property Owners.

Any party aggrieved by the price fixed for any land to be taken, or by the assessment of benefits or damages, may make written application for relief to the proper court and shall proceed in accordance with the provisions of the General Statutes[, provided that he or she shall have filed a copy of such application with the Director of Administration within thirty (30) days after the first publication of the notice provided for in Section C8-60-8]. No such application shall operate to vacate any appraisal, assessment or lien based thereon, but the same shall stand until modified or revised by the court. [The court may, by committee or otherwise, inquire into the allegations of such application and may confirm, modify or annul the appraisal, assessment or action complained of, or make such order in the premises as justice may require. The court may, at its discretion, allow costs to either party.] All such appeals shall be privileged cases in the court and the Corporation Counsel shall cause them to be heard as speedily as possible.
(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-60-11. - Time Payments.

In the event that any special assessment made under the provisions of this Chapter shall amount to more than five percent of the assessed value of the affected property, the owner of the property may pay such assessment in such equal annual installments as the owner then elects over a period not exceeding ten years from the due date of the special assessment. The first installment shall become due and payable on the due date of assessment. Interest shall be paid on the assessment at the rate of five percent per annum and shall be due and payable on all unpaid installments whenever an installment becomes due and payable. If any installment is not paid within sixty days after its due date, the entire unpaid balance of the assessment shall become immediately due and payable and shall draw such interest from the due date of the defaulted installment and the Tax Collector shall file a lien on the property. Any owner may pay the unpaid balance of an assessment with the accrued interest at any time.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-60-12. - Payments of Benefits and Damages.

If an assessment of damages be made in favor of any person and an assessment for benefits also be made against such person, the difference between such assessment of damages and benefits shall be paid by the person to the City, or by the City to the person as the case may be, and the person shall be deemed to have received just compensation for all damages. If an assessment for benefits be made against any person and no assessment of damages be made in the person's favor, the person shall pay to the City the amount of benefits assessed. If the assessment of damages made in favor of any person and benefits made against such person be equal, the person shall be deemed to have received just compensation for all damages.
(Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C8-60-13. - Assessment of Benefits; Lien and Collection of

Same.

Assessments for benefits made as provided in this Chapter shall be and remain liens or encumbrances upon the land or other properties upon which they are made, and shall take precedence of all other liens or encumbrances, except taxes due the State and other prior public liens. Any such lien may be foreclosed in the same manner as a mortgage on such lands and properties given to the City to secure the amount of the assessment. The assessment may be collected by warrant signed by the Mayor in the same manner as taxes are collected. Such liens shall not continue to exist for a period longer than ninety days after the assessment becomes due and payable, unless within that period a certificate signed by the Tax Collector, or, in the event of installment paying as provided by Section C8-60-11, within ninety days of the due date of the first installment, describing the premises on which such liens exist, the work or improvement on account of which it is claimed, and the amount claimed by the City as the lien thereon, shall be filed for record with the Town and City Clerk of Stamford. Any such lien may be satisfied of record by filing with the Town and City Clerk a certificate signed by the Tax Collector of the payment and satisfaction thereof. All such certificates shall be recorded by the Town and City Clerk upon the land records of Stamford and the legal fees for filing, recording and releasing such liens shall be added to the assessment. Every such lien shall date from the recording of the lis pendens described in Section C8-60-6.

(Referendum 11-8-1977; Referendum 11-7-1995)

Sec. C8-60-14. - Extension of Lien on Appeal.

Any lien created on account of public work or improvement of any kind shall, if an appeal be taken from the assessment of damages or benefits, or both, continue to exist for a period of ninety (90) days after the final judgment of the court or judge having jurisdiction of the appeal, or after the termination of the appellate proceedings, but no longer unless within such time a certificate, signed by the Tax Collector, describing the premises on which the lien exists, the work or improvement on account of which it is claimed and the amount claimed by the town as a lien thereon, shall be filed with the Town and City Clerk of Stamford for record.

(Referendum 11-8-1977)

Sec. C8-60-15. - Assessment of Benefits to Include Connections with Sewers.

In assessing benefits for the construction of sewers, or in paving, constructing, repairing or improving any street, the expenses of bringing connections from any existing or proposed sewers, water mains, gas mains or conduits or any of them to the property line may be included in such assessments.

Sec. C8-60-16. - Adjustment of Assessment.

Upon the completion of any project covered by this Chapter, the Engineer shall certify to the Director of Administration the completion thereof. Upon receipt of the certificate, the Director of Administration shall determine the actual cost of the project. If such actual cost differs from the estimated cost by more than five percent of the estimated cost, the Director of Administration shall assess the excess cost against the respective properties or make refunds or credits in the amount by which the actual cost fell short of the estimated cost.

(Referendum 11-77-1995)

Sec. C8-60-17. - Apportionment of Assessments.

In assessing benefits, the Director of Administration shall not assess any part thereof for paving any street or any part thereof but shall assess the cost of laying or constructing any

paved sidewalk in any street along any parcel of property where no paved sidewalk had previously existed against the adjoining property; and in the case of laying out, building and constructing storm sewers and storm drains through and along streets, and through or across public or private grounds, shall assess the expense of the construction or relaying thereof, or such part of such expense as it may deem just and reasonable, upon any private grounds abutting upon the line of any such storm sewer or storm drain and property abutting upon the streets through which such storm sewers or storm drains are laid and which may be benefited thereby, and in proportion to the benefits received by such property. In the case of storm sewers or storm drains laid through or across private grounds, it shall assess the damages resulting to any such private grounds from the construction of any such storm sewer or storm drain in favor of the owner or owners of such private grounds so damaged.

(Referendum 11-8-1977; Referendum 11-7-1995)

PART 9.

MISCELLANEOUS PROCEDURES

DIVISION 1.

CONTINUANCE OF OPERATION

Sec. C9-10-1. - Continuance of Contracts.

Any contract entered into by the City, or bond or undertaking made to or for the benefit of the City before any of the amendatory provisions of this Charter take effect, containing a provision that it may be enforced or shall be performed by some Office, Department, Board, Commission, Authority or Agency which is abolished by the amendatory provisions of this Charter, shall, notwithstanding continue in full force and effect and shall be enforced and performed by the Office, Department, Board, Commission, Authority or Agency upon which are conferred and imposed powers, functions and duties corresponding to those theretofore exercised by the Office, Department, Board, Commission, Authority or Agency so abolished.

(Referendum 11-8-1977; Referendum 11-3-1987)

Sec. C9-10-2. - Continuance of Personnel.

All persons holding office or membership on any Board at the time any amendatory provisions of this Charter take effect, whether elected or appointed, shall continue in office unless such office has been abolished.

(Referendum 11-8-1977; Referendum 11-3-1987; Referendum 11-7-1995)

Sec. C9-10-3. - Continuance of Provisions.

The pensions heretofore granted by the Town or City shall continue, as prior to the effective date of this Charter.

(Referendum 11-7-1995)

Sec. C9-10-4. - Transfer of Records and Property.

All records, property and equipment whatsoever of any Department, Office, Board, Commission, Authority or Agency or part thereof, all of the powers and duties of which are assigned to any other Office, Department, Board, Commission, Authority or Agency by this Charter, shall be transferred and delivered intact to the Office, Department, Board, Commission, Authority or Agency to which such powers and duties are so assigned. If part of the powers and duties of any Office, Department, Board, Commission, Authority or Agency or part thereof are, by this Charter, assigned to another Office, Department, Board, Commission, Authority or Agency or part

thereof, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact to the Office, Department, Board, Commission, Authority or Agency to which such powers and duties are so assigned.

(Referendum 11-8-1977)

Sec. C9-10-5. - (Reserved)⁴¹

⁴¹**Editor's Note** - Former Sec. C9-10-5, (previously Sec. C-903.1), Transition to Three-Year Terms; Appointive Boards and Commissions, was repealed by referendum vote 11-3-1987.

Sec. C9-10-6. - (Reserved)⁴²

⁴²**Editor's Note** - Former Sec. C9-10-6 (previously Sec. C-903.3), Office of Budget and Management, Office of Data Processing, Office of Collections, Department of Traffic and Parking, Board of Recreation and Stamford Parking Authority, was repealed by referendum vote 11-3-1987.

DIVISION 2.

RESERVED⁴³

⁴³**Editor's Note** - Former 2 (previously Ch. 91 of Title IX), Financial Transition, consisting of Secs. C9-20-1 through C9-20-4, was repealed by referendum vote 11-3-1987.

Sec. C9-20-1. - (Reserved)

Sec. C9-20-2. - (Reserved)

Sec. C9-20-3. - (Reserved)

Sec. C9-20-4. - (Reserved)

DIVISION 3.

RESERVED⁴⁴

⁴⁴**Editor's Note** - Former 3 (previously Ch. 92 of Title IX), Referendum, consisting of Sec. C9-30-1, was repealed by referendum vote 11-3-1987.

Sec. C9-30-1. - (Reserved)

DIVISION 4.

TRANSITION PROVISIONS⁴⁵

⁴⁵**Editor's Note** - Former 4, Transition Provisions, consisting of Sec. C9-40-1 and Sec. C9-40-2, was repealed by referendum vote 11-7-1995.

Sec. C9-40-1. - (Reserved)

Sec. C9-40-2. - (Reserved)