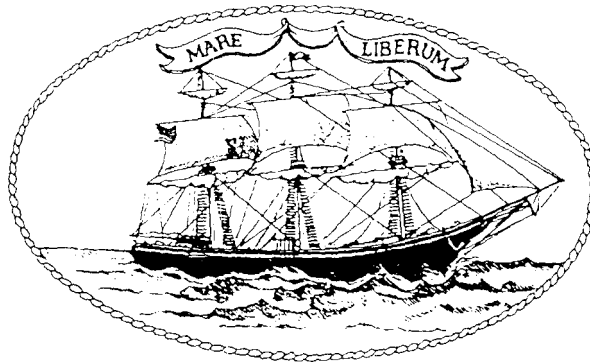


CHARTER

CITY OF

NEW LONDON, CONNECTICUT



This publication contains the Charter of the City of New London, Connecticut, published by order of the City Council.

I hereby certify that the following is a true and correct copy of the charter of the City of New London

Effective date is December 2, 2010 except for sections regarding the mayor which becomes effective on November 8, 2011

PREAMBLE

We, the people of the City of New London, Connecticut, trusting in God and grateful for the freedoms we enjoy, do ordain, establish, approve, and adopt this Home Rule Charter through which the City of New London intends to possess and exercise the broadest rights, powers, privileges and authority of self-government permitted under the Constitution and Laws of the State of Connecticut.

TABLE OF CONTENTS

	<u>Page</u>
CHARTER	
Article	
I. Powers	4
II. Elections	11
III. City Council	18
IV. Referendum	22
V. Referendum Petitions	23
VI. Administrative Service	25
VII. Department of Law	31
VIII. Department of Finance and Financial Provisions	32
IX. Police Force; Fire Department	46
X. Reserved	47
XI. Schools	48
XII, XIII. Reserved	51
XIV. Public Improvements	52
XV. Police Court	58
XVI. Prosecuting Attorney	58
XVII. City Court	58
XVIII. General Provisions	59
Charter Comparative Table	
Charter Index	

CHARTER***Art. I. Powers, §§ 1-5****Art. II. Elections, §§ 6-20****Art. III. City Council, §§ 21-29****Art. IV. Referendum, §§ 30-34****Art. V. Referendum Petitions, §§ 35-38****Art. VI. Administrative Service, §§ 39-47****Art. VII. Department of Law, § 48****Art. VIII. Department of Finance and Financial Provisions, §§ 49-72****Art. IX. Police Force; Fire Department, §§ 73-77a****Art. X. Reserved, §§ 78, 79****Art. XI. Schools, §§ 80-87****Arts. XII, XIII. Reserved, §§ 88-95****Art. XIV. Public Improvements, §§ 96-111****Art. XV. Police Court, §§ 112-128****Art. XVI. Prosecuting Attorney, §§ 129-134****Art. XVII. City Court, §§ 135-143h****Art. XVIII. General Provisions, §§ 144-171****ARTICLE I. POWERS*****Sec. 1. Territorial limits and boundaries.**

The territorial limits and boundaries of the corporation of the City of New London shall henceforth be the same as the territorial limits and boundaries of the Town of New London.

Editor's note—See act of incorporation in article I of subpart B of part I, Code of Ordinances.

* **Editor's note**—Printed herein is Special Act No. 330 of 1921, as amended. Amendments are indicated by history notes appearing in parentheses () at the end of the amended section. Catchlines, article numbers, and headings have been added to facilitate usage. Other additions are indicated by brackets []. Editor's notes have also been added at the end of certain sections.

Sec. 2. Incorporation.

The electors of the state dwelling within the limits hereinbefore specified shall be a body politic and corporate by the name of the City of New London, and as such shall have perpetual succession, may sue and be sued, plead and be impleaded in all suits of whatever nature, and may have a common seal and alter or change the same at pleasure.

Sec. 3. Powers in general.

The City of New London shall have power: To acquire real or personal property, within or without the city, in furtherance of any power granted by this charter or the laws of the state, by purchase, gift, devise, condemnation, lease or lease with privilege to purchase, and to hold, lease, sell, manage, improve and control such property as fully as though a natural person; to provide for the due execution, authentication and delivery of deeds, grants and releases of city property, or contracts, and evidences of indebtedness issued by the city; to assess, levy and collect taxes for general or special purposes on all property, subjects and objects which the city may lawfully tax; to regulate the methods of assessing and collecting taxes for city purposes, and to regulate the method of borrowing money for any purpose for which taxes may be levied; to borrow money on the faith and credit of the city, by the issue and sale of bonds or notes of the city, for such general or special purposes, and to the extent, authorized by law; to provide for the manner of keeping and auditing the accounts of the city and of adjusting and paying claims of the city; to levy and collect assessments for local improvements upon property benefited thereby; to appropriate the moneys of the city for all lawful purposes and to provide for the management, regulation and control of the finances and accounts of the city; to establish, maintain and prescribe the duties of a city watch and a city police force, with jurisdiction within the city and over all property of the city outside the limits thereof, and to confer upon watchmen and policemen the ordinary powers of constables of towns; to make and enforce police, sanitary and other similar regulations applicable within the city and to all property of the city outside the limits thereof; to define, prohibit, abate, suppress and prevent, within the city, all nuisances and causes thereof and all things detrimental to the health, morals, safety, convenience and welfare of its inhabitants, and to cause the abatement of any nuisance at the expense of the owner or owners of the premises upon which such nuisance exists; to punish resistance, hindrance or obstruction of

public officers in the discharge of their duties; to preserve the public peace and good order and to prevent and quell riots and disorderly assemblages; to prevent vice, suppress gambling houses, houses of ill fame and disorderly houses and to punish gambling and policy playing; to provide for such inspection service within and without the city, and to make such regulations as may be necessary to insure the purity and wholesomeness of food products sold within the city; to do all things necessary or desirable to secure and promote the public health; to provide for the appointment of inspectors and for the inspection of lumber, timber and produce of all kinds brought to the city for sale or exportation; to regulate weights and measures in accordance with the lawful standards thereof; to regulate the measuring, inspecting and manner of selling wood, coal and the sale of goods by public auction in the city; to license, require license fees for, prohibit or regulate the peddling or vending of merchandise or any article of trade within the streets and other public places of the city, and to regulate, license and require license fees of persons who desire to sell any kind of goods or wares for short spaces of time and who only temporarily occupy storerooms; but such ordinances shall not hinder or interfere with the sale within the city of the produce of the farms and gardens of the state; to regulate and prohibit the going at large of dogs and other animals in the streets and public places of the city and to prevent cruelty to animals and all inhuman sports; to prohibit, restrain, license or regulate all sports, exhibitions, public amusements and performances, and all places where games may be played for pay; to regulate or prohibit games, coasting and sliding on the streets and sidewalks of the city; to provide for and regulate the burial of the dead, to provide for the care of burial grounds in or within the jurisdiction of the city; to prohibit interments in such grounds when it may be deemed expedient for the public health and to provide for the protection and preservation of the fences, posts, railings, monuments, trees or shrubbery within or around burial grounds, streets or public places of the city; to regulate the speed of animals, vehicles and cars, and the driving or leading of animals through the streets; to license or regulate all public vehicles, regulate the charges of hackmen, cartmen, truckmen, expressmen, public drivers and other carriers and to regulate all public conveyances in their use of the streets; and provide public stands therefore; to keep the streets and public places free from undue noise and to prevent tumultuous or disorderly noises or disturbances in the night season and on Sundays; to regulate or prohibit the erection or use, and to require the removal of sinks, cesspools, styes,

drains, sewers, privies, barns and outhouses; to prevent illegal voting; to protect from defacement or injury all public buildings; public monuments and other public property in the city, and the fences by which any lands are enclosed, and to provide for the care of grounds upon which monuments are or may be erected; to organize, maintain and regulate a fire department, provide the necessary apparatus for extinguishing fires and do all other things necessary or desirable to protect the city from fire; to license, regulate or prohibit the keeping, storing, selling or use of any explosive or inflammable substances or materials within the city or their conveyance into, through and out of the city; to regulate the construction, reconstruction, materials, location, height, maintenance, use and occupancy of buildings; to provide for the care and support of the poor and to devise and employ means for the relief and prevention of poverty and destitution; and the powers and duties of selectmen of the Town of New London relative to paupers as now provided or as may hereafter be provided by law shall, unless otherwise expressly provided, be exercised by the City of New London in conformity with this act; to provide public entertainments and amusements for the people of the city; to establish, lay out, construct, widen, straighten, extend, grade, improve, maintain and vacate streets, alleys and other public ways, and to establish, improve, maintain and vacate parks, public places and grounds of all kinds; to establish building lines on the lands abutting on any street, highway or public place, between which lines and any such street, highway or public place no building or part thereof shall be erected; to create, provide for, construct, regulate and maintain all things in the nature of public works and improvements; to regulate and control the use, for whatever purposes, of the streets and other public places of the city; to provide a public water supply, and to establish, maintain, extend and control water works; and said city shall have all the powers conferred by the provisions of an act to provide the City of New London with a supply of pure and wholesome water, approved July 5, 1871, and acts amendatory thereof; and, except as otherwise provided in this charter, such powers conferred by said act of July 5, 1871, and acts amendatory thereof, upon the city, the board of water commissioners and the board of water and sewer commissioners, shall be exercised in behalf of said city by such officers and boards and in such manner as the council may prescribe by ordinance; to adopt plans for the construction or extension of the sewerage system of the city; and may lay out, contract for, construct, maintain and repair sewers and surface drains with lateral branches to street lines

in, through, under, over, into and along any highway, watercourse, river, cove, wharf, harbor or any other place or property, public or private, as it may find expedient and necessary and may enter upon, take, occupy and appropriate any such place or property, real or personal, or any rights, privileges or easements therein; and shall have all the powers and authority conferred by the laws of this state for such purposes, and such other powers as shall be necessary for the performance of its duties; to provide for lighting the streets, highways, avenues and other public places of the city and for the care and preservation of public lamps, lamp posts and fixtures; to make regulations relative to wharves, channels and docks, wharf lines, bulkhead lines for coves, and the anchorage and mooring of vessels; to provide that wharves and docks shall be kept in such manner as not to endanger the health of inhabitants of the city or interfere with or obstruct the entrance of vessels to any wharf or dock or their departure therefrom; to provide for putting any wharf or dock into a sanitary and orderly condition and for assessing the expense thereof in whole or in part against the proprietor thereof; and to provide for and regulate the quarantining of vessels; to locate, build, equip, maintain, operate and lease public docks, wharves and landings upon the westerly bank of the Thames river, within the limits of the city, and to make such docks, wharves and landings easy of access to vessels by building and maintaining along said river, within the same limits, embankments, dykes and other structures and obtaining a suitable depth of water by dredging, excavating or otherwise removing, sand, earth and other deposits from the bed of such river within the limits aforesaid; to maintain and operate a ferry across the Thames river between New London and the Town of Groton and to determine the service thereof and fix the charges therefore subject to control by the public utilities commission of the state; to establish public bath houses and bathing beaches and to regulate or prohibit swimming or bathing in public or exposed places within the city; to prevent and punish trespassers in gardens, cemeteries and enclosures; to regulate or prohibit the excavation, altering or opening of streets, sidewalks, highways, public places and grounds and the leaving upon, above or under the surface thereof, whether temporarily or permanently, of any work, material or thing, and to regulate or prohibit the removal of buildings upon or through the streets or other public places of the city; to regulate or prohibit the placing, erecting or keeping of signs, awnings or other things upon or over the sidewalks, streets and public places of the city; to regulate or prohibit the laying of gas pipes, drains, sewers and other structures and fixtures in

the streets and public places of the city; to control the distribution of space, for whatever purpose, in, over, under or across all streets and public places of the city; to prohibit the discharge of drains from roofs of buildings over or upon the sidewalks; to require owners of land adjacent to any sidewalk or public walk to remove snow, ice and sleet therefrom, and upon their failure to do so to cause such snow, ice or sleet to be removed and the expense thereof to be made a debt due the city and added to the tax bill of the owner of such land next to be made out, and to hold such land for the payment thereof in the same manner as for the remainder of such tax bill; to purchase, harvest, manufacture and sell ice, to establish a plant for the manufacture of ice and to do all other acts incident to harvesting, housing, manufacturing or selling of ice; to provide by ordinance for regulating the emission of smoke from any chimney, smoke stack or other source within the limits of the city, prescribe penalties for the violation of any such ordinance and provide for the enforcement thereof through inspectors or otherwise; to provide for the collection of city taxes and for regulating the duties of the city tax collector; to establish and maintain a system of public schools, and to appropriate the money of the city in aid of, and otherwise co-operate with, local schools supported in part by income from endowments and not under the control of the board of education; to enter into or upon any land for the purpose of making necessary surveys in connection with any public improvements or proposed public improvement authorized by this act; and shall have power to take by eminent domain any lands, rights, easements, privileges, franchises or construction which may be necessary in the judgment of the council for the purpose of establishing, constructing or maintaining a system or systems of water supply; a system or systems of sewerage and drainage; schools and school purposes; wharves, highways, public places and grounds, parks and all things in the nature of public works and improvements and to establish building lines, and said city may, through its mayor with the approval of the council and the board of compensation, agree with the owner or owners of any such land, rights, easements, privileges, franchises or construction as to the amount of compensation to be paid to such owner or owners for the same; and in case of disagreement between said mayor and the owner or owners as to such compensation or as to the amount of damages to be awarded to any person claiming to be injured by the doings of said city or in case the owner shall be an infant, or insane or absent from the state, or unknown, or the owner of an uncertain or contingent interest, then such land, rights,

easements, privileges, franchises or construction may be condemned and taken and compensation fixed or benefits and damages ascertained by the board of compensation as hereinafter provided; to prescribe the form and amount of bonds to be given by the treasurer and other officers of the city and the forms of oaths or affirmations required of officers and employees; to establish, combine and abolish departments and offices within the limits prescribed by this act and to prescribe the duties and fix the compensation of officers and employees when not prescribed or fixed herein; to prescribe penalties and forfeitures for the violation of any ordinance made in pursuance of the provisions of this act; to pass such ordinances, in pursuance of the powers granted by this act or by any law, as may be deemed expedient for maintaining and promoting the peace, safety, good government and welfare of the city and for the performance of the functions thereof.

Sec. 3a. Water and water pollution authority.

The mayor shall appoint with the approval of council, a water and water pollution authority consisting of seven members who shall be electors of the City of New London. The authority shall have all the powers and duties conferred upon it by law and specifically by Chapters 102 and 103 of the Connecticut General Statutes, Revision of 1958 as amended. The members shall serve without compensation. Each appointment to the water and water pollution control authority shall be for a term of five years, except that initially two electors shall be appointed for a term of five years, two electors shall be appointed for a term of four years, two electors shall be appointed for a term of three years and one elector shall be appointed for a term of two years, and thereafter all appointments shall be for terms of five years unless such appointment is to fill a vacancy in an unexpired term. There shall be no more than four members from any one political party appointed to any regular or unexpired term on the authority. The mayor may remove for improper performance of duties, malfeasance or misfeasance in office, a violation of any Code of Ethics of the City of New London or for any other proper cause, any member of the water and water pollution control authority appointed by it, provided that the member shall have been served with a written notice of intention to remove the member, containing a clear statement of grounds for such removal and of the time and place, not less than ten nor more than thirty days after service of such notice, at which the member shall be given an opportunity to be heard thereon. Such

hearing shall be public at the option of the member who may be represented by counsel. Absenteeism in excess of sixty per cent of all of the meetings in any one year may be considered just cause for removal of any member who has been so absent. The action of the mayor shall be final. All charter provisions, ordinances, and regulations of the City of New London shall remain in full force and effect except as they are inconsistent with this charter provision.

(Referendum of 11-3-81, § II)

Sec. 4. Enumeration of powers not in limitation thereof.

The enumeration of powers by this act shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein, implied thereby and appropriate to the exercise thereof, the City of New London shall have and may exercise all powers that now are or hereafter may be granted to cities and towns by the constitution and laws of Connecticut; and all the powers of the city shall be exercised and enforced in the manner prescribed in this act or, when not so prescribed, then in such manner as may be provided by ordinance of the council.

Sec. 5. Prosecution of misdemeanors.

The violation of any ordinance of the City of New London shall be a misdemeanor and may be prosecuted as such before the police court of the city in the same manner as any other offense, and such court may impose therefore the penalty prescribed by such ordinance and enforce the same in the manner judgments of the court are enforced in other cases.

Editor's note—Police court jurisdiction now lies with the court of common pleas. See Gen. Stats. §§51-164h, 51-274.

ARTICLE II ELECTIONS

Sec. 6. Qualification of electors.

Every elector of this state, qualified to vote in the Town of New London, residing within the territorial limits of the City of New London and registered according to law shall have the right to vote at all city elections. Any voter who shall change his residence from one ward to another during the thirty days preceding a city election, shall not be entitled to vote at

such election in the ward to which he removes but shall be entitled to vote in the ward from which he has removed as though he had not removed therefrom.

Sec. 7. Division of city into wards.

For the purpose of conducting elections, provisions shall be made by ordinance for dividing the city into wards composed of contiguous and compact territory and as nearly equal in population as may be. Until such provision is made by ordinance the wards existing at the time of the adoption of this act shall continue to be wards of the city for the purposes required by this act and the election laws of the state.

Sec. 8. Registrars—Generally.

The registrars of voters of the Town of New London shall be the registrars of voters for the City of New London and they shall each appoint some suitable person as assistant registrar in each ward. The registrars, in making out the lists required by law to be made out by them, shall prepare separate lists of the electors in each ward for the use of the assistant registrars thereof. Such lists shall be prepared at the expense of the city and shall be delivered to the assistant registrars before sunset of the day preceding any city election.

Editor's note—See act on registration of electors, article IV of subpart B of this part.

Sec. 8a. Same—Election by political parties.

Not later than sixty days before the first Monday in December, 1967, and biennially thereafter, each of the two political parties which at the preceding state election received the largest number of votes shall, at a meeting of their own committees, appoint one elector to serve as registrar of voters for a term of two years from the next succeeding first Monday in December, and until his successor shall have qualified. The term of each of the registrars of voters of said city, in office at the time of the passage of this act, shall terminate on the first Monday of December, 1967. If a vacancy shall occur in the office of registrar, the town committee of the political party of which such registrar was a member shall appoint a qualified elector to fill the place for the unexpired portion of the term. No provision of the charter of said city prohibiting, restricting or limiting participation in political activities, or serving as a member, agent or officer of a political organization, shall be construed to apply

to registrars of voters. Those holding this office at the time this act takes effect shall continue to hold office until his successor has qualified.

(S.A. No. 483 of 1933, § 7; S.A. No. 294 of 1957; S.A. No. 378 of 1965, §12)

Editor's note—Section number was added by editor.

Sec. 9. Qualifications of elected officers; Dual candidacy prohibited.

Any elector of the City of New London, who has been a resident for at least one year prior to his or her election, shall be eligible for any elective office. No person shall accept nomination for more than one municipal office to be voted for at a municipal election.

Sec. 10. Date of regular election; opening of polls.

A city election for the choice of officers shall be held biennially in the odd-numbered years on the first Tuesday after the first Monday of November, which shall be deemed the regular city election. At all city elections, the polls shall remain open from such time in the forenoon to such time in the afternoon as is prescribed by law for state elections.

(S.A. No. 483 of 1933, § 3; S.A. No. 372 of 1953, § 1; S.A. No. 123 of 1957, § 1; S.A. No. 378 of 1965, § 1)

Sec. 11. Nomination by petition.

Any elector eligible to a place filled by election as provided in this act shall be placed in nomination therefor by petition filed with the city clerk and signed by three hundred electors of the city or a number of electors equal in number to at least five per cent of those who voted at the last-preceding regular city election, whichever is greater. The signatures to a nominating petition need not all be appended to one paper but to each separate paper there shall be attached an affidavit of the circulator thereof, stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his name in ink or indelible pencil and, after his name, shall designate his residence by street and number or other description sufficient to identify the place, and give the date when his signature was made. No elector shall sign petitions for more candidates for any office than the number of places to be filled therein at the forthcoming election.

(S.A. No. 483 of 1933, § 5; S.A. No. 372 of 1953, § 2)

Sec. 12. Form of nominating petitions.

The form of nominating petition papers shall be substantially as follows:

We, the undersigned, hereby present _____ whose residence is _____ New London, Connecticut, for the office of _____, to be voted for at the election to be held on the _____ day of November ____; and we individually certify that we are qualified to vote for candidates for the above office and that we have not signed more nominating petitions than there are places to be filled therein at the said election.

Name	Street and Number	Date
_____	_____	_____
_____	_____	_____

STATE OF CONNECTICUT)

) SS.

COUNTY OF NEW LONDON)

_____ being of full age and duly cautioned and sworn, deposes and says that he is the circulator of this petition paper and that the signatures appended thereto were made in his presence and are the genuine signatures of the persons whose names they purport to be.

Signed _____

Subscribed and sworn to before me this _____ day of _____ 20__

Notary Public

(S.A. No. 378 of 1965, § 2)

Sec. 13. Filing of petition; acceptance of nomination.

All separate papers comprising a nominating petition shall be assembled and filed with the city clerk as one instrument at least thirty days prior to the next succeeding second Tuesday in November. Within five days after the filing of the nominating petition the clerk shall notify the person named therein as a candidate whether such petition is found to be signed by the required number of qualified electors. Any eligible person placed in nomination as hereinbefore provided shall have his name printed on the ballots, if, within five days after such notification, he shall have filed with the city clerk a written acceptance of the nomination.

(S.A. No. 378 of 1965, § 3)

Sec. 13a. Order of names on ballot.

The order of the names of candidates on all ballots used for city elections in the City of New London shall be selected by lot, and surnames shall be printed in capital letters.

(S.A. No. 481 of 1927, § 1; Referendum of 11-2-93)

Editor's note—Section number added by editor.

Sec. 14. Designation of political party on ballot.

Ballots or ballot labels used in city elections held under said act and any amendments thereto shall be without party mark or designation, except that all candidates nominated by a political party as provided herein shall have some appropriate designation indicating the political party by which they have been nominated.

(S.A. No. 355 of 1931; S.A. No. 483 of 1933, § 2; S.A. No. 372 of 1953, § 3; S.A. No. 186 of 1957, §1)

Sec. 14a. Nomination by political parties.

In addition to the method provided in Number 330 of the Special Acts of 1921, and in any amendments thereto, for nominating candidates for any office to be filled at a city election, the two political parties which polled the highest number of votes for governor at the last-preceding state election for such office may each nominate for each of the offices to be filled any elector eligible to elective office in, said city as provided in said act. Such nominations shall be by town committee, party caucus or convention or primary, in

accordance with the provisions of the general statutes for nominations for municipal office. Nominations so made shall be made and certified to the city clerk within the time limit and in accordance with the provisions of the general statutes. Any person so nominated shall have that person's name placed upon the ballots or labels for the city election subject to the same conditions as provided by said act for persons nominated by petition, except that the persons nominated by the political party which polled the highest number of votes for governor in the last-preceding state election shall have their names appear first on such ballots or ballot labels pursuant to section 13a of this charter, and the persons nominated by the political party which polled the next highest number of votes for governor at the last-preceding state election shall have their names appear second on such ballots or ballot labels pursuant to section 13a of this charter.

(S.A. No. 483 of 1933, § 1; S.A. No. 372 of 1953, § 4; S.A. No. 186 of 1957, § 2; S.A. No. 378 of 1965, § 4; S.A. No. 6 of 1969; Referendum of 11-2-93)

Editor's note—Section number added by editor.

Sec. 14b. Use of voting machines.

The council of the City of New London is authorized to provide that voting machines may be used for all elections in the City of New London.

(S.A. No. 481 of 1927, § 2)

Editor's note—Section number added by editor.

Sec. 15. Repealed.

(Repealed by S.A. No. 481 of 1927, § 12.)

Sec. 16. Blank spaces on ballots for write-in votes.

As many blank spaces shall be left on the ballots below the printed names of candidates for each office as there are places to be filled in such office. In any such space an elector may write the name of any eligible person and votes cast for such persons shall be counted as though for candidates whose names are printed on the ballots.

Sec. 17. Publication of notice of election.

On the tenth day prior to the city election to be held on the first Tuesday after the first Monday in November in the odd-numbered years, the city clerk shall cause notice thereof to be published in such daily newspaper, or newspapers, of general circulation in the city as the council may have designated. Such published notice shall contain a list of the candidates for cash office whose names are entitled to be printed on the official ballots, state the time of the holding of the election and designate a voting place in each ward.

(S.A. No. 481 of 1927, § 4; S.A. No. 378 of 1965, § 5)

Sec. 18. Determination of winners.

The candidates for any office in any city election, in number equal to the places to be filled in any office, who receive the highest number of votes shall be declared elected. A tie between two or more such candidates shall be decided by lot in the presence of such candidates or their representatives or attorneys, under the direction of the city clerk.

(S.A. No. 355 of 1933, § 3; S.A. No. 483 of 1933, § 4; S.A. No. 372 of 1953, § 5; S.A. No. 123 of 1957, § 2)

Sec. 19. Filling of vacancies.

If a vacancy occurs in the city council or the board of education, it shall be mandatory that some eligible person shall be chosen to fill the place by a majority vote of the remaining members of the city council or board of education, as the case may be, within thirty days after such vacancy occurs. If the city council or board of education fails to so act within thirty days from the date of the vacancy, the next highest vote getter among those unsuccessful candidates running for the office that has been vacated shall be deemed to be appointed to fill the vacancy regardless of party affiliation. If the next highest vote getter fails to accept the appointment, the third highest vote getter shall be appointed to fill the vacancy, and so on until the seat is filled. Any person so chosen to fill a vacancy shall continue in office until the first Monday in December next following a regular city election and until a successor is elected and has qualified. Any place held, or which might be held, by a person so chosen to fill a vacancy shall be regarded as a place to be filled at any regular city election next held after such vacancy occurs.

(S.A. No. 378 of 1965, § 6; Referendum of 11-8-77; Referendum of 11-2-93)

Sec. 20. Application of state law; moderators.

Except as otherwise provided in this act, all city elections shall be conducted and the ballots printed, given in, received and counted in the manner prescribed by the laws of this state for general elections. The master moderator shall not be assigned to any specific ward or voting districts but shall go from one polling place to another during the day to aid in any way needed. He shall be the presiding officer for the purpose of declaring the result of the ballot of the whole city and of making the returns required by law. The moderators of the wards or voting districts shall be assistant presiding officers and shall make returns of their polls to the presiding moderator as required by law.

(S.A. No. 5 of 1969)

ARTICLE III. CITY COUNCIL**Sec. 21. Election.**

Legislative powers shall be vested in a council of seven members elected from the city at large. At the regular city election to be held in November, 1967, the entire council of seven members shall be chosen for a term of two years, and at each subsequent biennial election the entire council of seven members is to be chosen. The city elections for 1965 and 1966 shall be held in the manner prescribed before the effective date of this act except that those officers elected in September of 1965 and 1966 shall be elected to a term of office to expire on the first Monday of December, 1967.

(S.A. No. 378 of 1965, § 7; Referendum of 11-2-93)

Sec. 22. Meetings.

At seven o'clock p.m. on the first Monday in December next following a regular city election, the council shall meet at the usual place for holding such meetings, at which time the newly elected members shall assume the duties of office. Thereafter, they shall meet at such time and place as may be prescribed by ordinance, but not less frequently than twice each month. Special meetings of the council may be called by the mayor and or council

president, and shall be called by the city clerk upon written request of five members of the council. All meetings of the council and of committees thereof shall be open to the public. The council and any committees thereof may hold executive sessions when deemed necessary and as allowed by state statutes. The council shall provide by its rules that citizens shall have a reasonable opportunity to be heard at any meeting other than an executive session in regard to any matter considered or to be considered thereat, and any elector may present a measure in writing to the council and it shall be voted upon by council for final passage within sixty days of its receipt.

(S.A. No. 481 of 1927, § 5; S.A. No. 378 of 1965, § 8; Referendum of 11-2-93)

Sec. 23. Journal of proceedings; discipline of members; quorum.

The council shall keep a journal of its proceedings, may determine its own rules of procedure, punish its members for disorderly behavior and, with the consent of five sevenths of all the members, may expel a member. A majority of all the members elected to the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

Sec. 24. Council officers.

The council shall annually on the first Monday of December elect one of its members as council president. The council president shall preside at meetings of the council and perform such other duties consistent with his office as may be imposed by the council. The council shall also annually on the first Monday of December elect one of its members as president pro tempore. During the absence or disability of the council president, the president pro tempore may perform any or all of the duties of the council president. During the absence or disability of both the council president and the president pro tempore, the council shall appoint another of its members as president pro tempore with the same duties and powers during such absence or disability.

(S.A. No. 481 of 1927, § 6; S.A. No. 355 of 1931, § 2; S.A. No. 447 of 1933, § 1; S.A. No. 378 of 1965, § 9; S.A. No. 239 of 1967)

Sec. 25. Appointment of city clerk; assistant.

The city clerk shall be an unaffiliated city employee in the merit system of the city, shall be clerk of the council and, ex-officio, clerk of the Town of New London. The city clerk shall perform the duties imposed upon him by this act, the duties not inconsistent therewith imposed upon city clerks by law, the duties imposed by law upon town clerks, and such other duties as may be required by the council and mayor. All records of the city clerk shall have the same validity as records of town clerks and shall be, either by themselves or by certified copies thereof under the hand of the clerk and the seal of the city, evidence in all courts of the truth of the matters contained therein. The assistant city clerk shall be an unaffiliated city employee in the merit system of the city that, having duly qualified, may perform any or all of the duties of the city clerk, and all records and acts of the assistant city clerk shall have the same validity as the records and acts of the city clerk. The position and salary of the city clerk and assistant city clerk shall be established in the same manner as other unaffiliated city employees.

Sec. 26. Legislation—Introduction and passage.

Ordinances and resolutions shall be introduced in the council only in written or printed form. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on three separate days, or the requirement of reading on three separate days has been dispensed with by a five-sevenths vote of all the members of the council. The final reading shall be in full unless a written or printed copy of the measure shall have been furnished to each member of the council prior to such reading. The vote upon the passage of all ordinances and resolutions shall be taken by yeas and nays and entered on the journal of the proceedings of the council, and every ordinance or resolution shall require on final passage the affirmative vote of a majority of all the members. No member of the council shall be excused from voting except on matters involving the consideration of his own official conduct or where his financial interests are involved.

Sec. 27. Submission of ordinances to the mayor.

Before any ordinance takes effect, council shall certify the ordinance to the mayor for his approval, who shall either (a) sign the ordinance, whereupon it shall be recorded by the

city clerk and become law pursuant to this charter or (2) veto the ordinance, returning it to council within 10 days of council certification, with reasons of disapproval. If, within fifteen days of veto, six councilors vote to override the veto, the ordinance shall become law without mayoral approval and the city clerk shall certify it as such. If the mayor does not return an ordinance within ten days, the ordinance shall become law pursuant with this charter, without mayoral approval. The mayor may disapprove or reduce any item or items of any ordinance making appropriations, except the items in the annual operating budget ordinance making appropriations for (a) board of finance (b) referendum expenses (c) council legal counsel. Subject only to the foregoing exceptions, the approved part or parts of any ordinance making an appropriation shall become law, and the part or parts disapproved shall not become law unless passed by the council over the mayor's veto by a six-sevenths vote of all its members.

Sec. 28. Same—Emergency.

No ordinance shall go into effect sooner than thirty days after its passage by the council unless it be declared an emergency measure on the ground of urgent public need for the preservation of the public peace, health, safety or property, the facts showing such emergency and need being specifically stated in the measure itself. No ordinance shall be passed as an emergency measure except by the affirmative vote of not less than six-sevenths of the members of the council, and no ordinance or resolution granting, amending, renewing or extending any public utility franchise or other special privilege or permitting the leasing or sale of any real property of the city, or regulating or fixing rates to be charged for public utility services or creating bonds shall ever be so passed.

Sec. 29. Compensation.

The council may by ordinance provide for compensation of its members to be paid in equal monthly installments. The council president may be granted an additional compensation.

(S.A. No. 481 of 1927, § 7; S.A. No. 378 of 1965, § 10; Referendum of 11-2-93)

ARTICLE IV. REFERENDUM

Sec. 30. Filing of petition permitted.

If, within fifteen days after the final passage of a measure by the council or the city clerk's certification of a new ordinance per Sec. 27, a petition signed by electors of the city equal in number to at least ten per centum of those who voted at the last preceding regular city election be filed with the city clerk requesting that such measure, or any part thereof, be either repealed or submitted to a vote of the electors, it shall not, unless it be an emergency measure, become operative until the steps indicated herein have been taken. Such petition shall be known as a referendum petition.

Sec. 31. Submittal of petition to council and electors.

If a referendum petition, or amended petition, be found sufficient by the city clerk, he shall certify that fact to the council at its next regular meeting. Upon receipt of the clerk's certificate the council shall proceed to reconsider the measure, or part thereof, and its final vote upon such reconsideration shall be upon the question, "Shall the measure, or part of the measure, as specified in the referendum petition be repealed?" If upon such reconsideration the measure, or part thereof, be not repealed, it shall be submitted to the electors at the next municipal election held not less than thirty days after such final vote by the council. The council by five-sevenths vote of its members may submit the measure to the electors at a special election to be held not sooner than the time aforesaid. If, when submitted to the electors, any such measure, or part thereof, be not approved by a majority of those voting thereon it shall be deemed repealed.

Sec. 32. Ballot.

Measures, or parts of measures, required by referendum petition or by vote of the council to be submitted to the electors shall be submitted by ballot title. There shall appear upon the official ballot a ballot title, which may be distinct from the legal title of any such referred measure and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance thereof. The ballot title shall be prepared by the city clerk. The ballots used when voting upon any such measure shall have below the ballot title thereof the two propositions in the order herein indicated: "For the measure" and "Against the measure." Immediately at the left of each proposition there shall be a square in which by

County of New London)

_____ being of full age and duly warned and sworn, deposes and says that he is the circulator of the foregoing petition paper and that the signatures appended thereto were made in his presence and are the genuine signatures of the persons whose names they purport to be.

Signed _____

Subscribed and sworn to before me this _____ day of _____ 20__.

Notary Public.

Sec. 36. Filing for certification.

All papers comprising a referendum petition shall be assembled and filed with the city clerk as one instrument, with a statement attached thereto giving the names and addresses of five electors who, as a committee of petitioners, shall be officially regarded as the committee filing the petition in behalf of themselves or other petitioners. Within ten days after the petition is filed, the clerk shall determine whether it is signed by a sufficient number of electors and shall attach thereto a certificate showing the result of his examination. If he shall certify that the petition is insufficient, he shall set forth in a certificate the particulars in which it is defective and shall at once notify the committee of petitioners of his findings by depositing in the post office at New London, postage prepaid, a copy of such certificate addressed to each of the five members of such committee to his address as given in said petition.

Sec. 37. Amendment.

The clerk may amend a referendum petition at any time within ten days after the making of a certificate of insufficiency by filing a supplementary petition upon additional papers signed and filed as provided in the case of an original petition. The clerk shall, within

five days after such an amendment is filed, make examination of the amended petition and, if his certificate shall show the petition still to be insufficient, he shall file it in his office and notify the committee of petitioners of his findings in the manner as stated in section thirty-six of this act, and no further action shall be had on such insufficient petition.

Sec. 38. Measure defined.

The word "measure" as used in sections thirty to thirty-seven, inclusive, is defined to mean: Any ordinance of any kind other than an ordinance making an appropriation; any ordinance, or part of any ordinance, making an appropriation of, or creating or authorizing the creation of, a liability of three hundred dollars or more; any ordinance, resolution or vote of the council authorizing the sale or purchase of land, water rights, wharves, ferry property and franchises; the leasing of any real property, wharves, ferries, ferry franchises, or the creation of or issuance of any bonds of the city.

ARTICLE VI. ADMINISTRATIVE SERVICE

Sec. 39. The mayor.

There shall be a mayor who shall be the chief executive officer of the city and shall be responsible for the conduct of the executive and administrative work of the city and shall devote full time to the duties of that office. No person shall be eligible for or continue to hold the office of mayor, either by election or appointment, unless he is a citizen of the United States, and a qualified elector.

Sec. 39a. Powers of the mayor.

The mayor shall have the power to: approve or veto any ordinance in whole or in part adopted by council; appoint officers and employees, with the approval of the council, except as otherwise provided in this charter; exercise within the limits of the city all the emergency powers given to the chief executive officer of a municipality under the general statutes; call special meetings of the council when required by public necessity; supervise and administer all phases of the budgetary process; examine at any time 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**; negotiate contracts for the city, subject to council approval; sign all contracts, bonds or other instruments requiring the consent of the municipality; exercise such other powers and perform such other duties as may be prescribed by this charter, ordinances, resolutions and applicable laws: shall be an ex-officio member of the board of education and all other boards, agencies, committees, authorities, and commissions without vote.

Sec. 39b. Duties and responsibilities of the mayor.

The mayor shall: Enforce the provisions of this charter, city ordinances and all general laws applicable thereto; report annually to the council and to the public a statement of the finances and general conditions of the affairs of the city; submit to the council for its consideration and adoption not later than ninety days before the end of the fiscal year an annual operating budget and a capital budget; see to it that the city does not, except in case of unforeseeable emergency, incur a deficit in any fiscal year; establish schedules and procedures to be followed by all municipal departments, offices and agencies in connection therewith; direct and control all departments of the municipal government and require each department to make an annual and such other reports on its work to council; supervise the care and custody of all municipal property, institutions and agencies; make recommendations concerning the nature and location of municipal improvements and execute improvements determined by the council.

Sec. 39c. Compensation.

The salary shall be set by the city council by ordinance, in the year preceding the mayoral election and shall not be increased or diminished during the mayor's term of office.

Sec. 39d. Organization of the office of the mayor.

(a) The mayor may appoint a personal secretary or equivalent positions. In addition, the mayor may employ such other staff necessary for the administration of official duties as the council may provide. All such assistants and staff shall be appointed by the mayor and shall serve at the pleasure of the mayor.

(b) The budget shall provide for a chief administrative officer who shall be the principal managerial aide to the mayor. The chief administrative officer shall be unclassified employee of the city and shall be appointed by and serve at the pleasure of the mayor. Said chief administrative officer shall be appointed on the basis of substantial executive and administrative experience, qualifications and knowledge.

Sec. 39e. Reserved.

Sec. 39f. Temporary absence, disability or vacancy.

In the event that the mayor is temporarily absent or disabled and is, because of such absence or disability, unable to perform the duties of the mayor's office, the council president, or in the president's absence or disability, such member as the council 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 council but shall in no event exceed in proportion the salary of the mayor. Absence from the city shall not constitute temporary absence in the event the mayor is in contact with the chief administrative officer by electronic or voice communications. The council shall provide by ordinance a procedure for determining said absence or disability. The office of mayor shall be deemed vacant if the mayor dies, retires, resigns, becomes ineligible to serve, or moves from the city. In any such event, an election to fill a vacancy for the unexpired term in the office of mayor shall be held at the next municipal or general election occurring more than thirty days after the vacancy occurs, unless the vacancy occurs in the last year of the term, in which event a mayor shall be chosen by the council by a majority vote of all its members. Any person so chosen to fill a vacancy shall continue in office until a successor is elected and has qualified. Any place held, or which might be held, by a person so chosen to fill a vacancy shall be regarded as a place to be filled at the next municipal or general election next held after such vacancy occurs.

Sec.39g. Election and term.

The mayor shall be elected at-large, by a plurality of the electors of the city and shall serve for a term of four years. Upon adoption of this charter, a city election shall be held on the first Tuesday after the first Monday of November. Thereafter, the mayor shall be elected quadrennially.

Sec. 40. Administration of city affairs by mayor and merit system.

The mayor shall be responsible for the proper administration of the affairs of the city and to that end shall make all appointments in the administrative service of the city, except as otherwise provided in this act and except in such cases as the mayor may authorize the head of a department or office to appoint subordinates in such department or office. Said appointments and promotions in the administrative service of the city shall be made in accordance with procedures prescribed by the city's personnel board, established by ordinance, on the basis of merit and shall include, but not be limited by, considerations of education, training, competitive examination, experience and the recommendation of the immediate supervisor, and shall give some weight to seniority or tenure with the city, and shall be made without regard to disability, sexual orientation, race, color, religion, marital status, national origin, citizenship, sex, age or political affiliation. Neither the council nor any of its committees or members shall dictate, or attempt to dictate, the appointment of any person to office or employment by the mayor, or in any manner interfere with the mayor or prevent the mayor from exercising the mayor's own judgment in the appointment and removal of officers or employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the mayor's office, and neither the council nor any member thereof shall give orders to any subordinate of the mayor either publicly or privately.

(Referendum of 11-8-77; Referendum of 11-2-92)

Sec. 41. Mayor or his delegate may appear before council.

Any administrative officer of the city in matters relating to the functions of their office and the mayor at any time shall have the right to appear before the council or any of its committees for the purpose of expressing their views on matters pending before it.

Sec. 42. Appointment of health officer.

The mayor shall appoint a health officer and shall prescribe the duties to be performed by such officer, and subject to the approval of the council, shall fix his compensation. Said health officer shall have and perform all the duties required by the general statutes to be performed by city health officers, and shall perform such other duties as the council has prescribed by ordinance. Said health officer shall hold office at the will of the mayor and may be removed by him.

Sec. 43. Establishment of departments.

There shall be a department of law, a department of finance and such other departments and offices as may be established by ordinance. The council may discontinue any department or office established by ordinance, and may determine, combine, distribute or abolish the functions and duties of departments and offices so established; but no function or duty assigned by this charter to the department of law or the department of finance shall be abolished or assigned to any other department or office. No administrative department or office shall be established or discontinued until the recommendation of the mayor thereon shall have been heard by the council.

Sec. 44. Appointment of directors and department heads.

A director of law shall be appointed by the mayor, with council approval, without definite term and may be removed at the pleasure thereof. He shall appoint and may remove such assistants and subordinates as the council may authorize him to employ. All other directors and heads of administrative departments and offices shall be appointed by the mayor on the basis of executive and administrative ability and of training and experience in the work which they are to administer. All such officers shall be responsible to the mayor.

Sec. 45. Residency of appointees.

Any person appointed to a board or commission of the city must be a resident of the city at the time of the appointment of such person and shall remain a resident of the city during the term of office of such person. If such person ceases to be a resident of the city at

any time during the tenure of his appointment, such appointment shall terminate and his office shall thereupon become vacant.

(Referendum of 11-8-77)

Sec. 45a. Residency of employees.

(1) Residency: Residency shall mean the actual principal domicile of an individual determined by where the individual normally eats, sleeps and maintains his or her personal and household effects.

(2) The mayor, the director of law, the director of finance, the city clerk, the assistant city clerk, and all departmental heads shall, during the period of such employment, maintain a continuous residency in the city. If such person ceases to be a resident of the city at any time during the tenure of his employment, such appointment shall terminate and his or her office shall thereupon become vacant; provided, however, that any such employee who resided outside the city limits prior to January 1, 1978 may continue such residency.

(3) If any such employee is not a resident of the city at the time of his or her employment, such person shall have one year from the commencement date of his or her employment to become a resident of the city. If such person fails to become a resident of the city within said one-year period, such appointment shall terminate and the office shall thereupon become vacant.

(4) The city council or its designee shall enact or adopt such regulations and provisions as are appropriate in order that some preference may be given to city residents who apply for any position of employment with the city, and to further provide reasonable incentives to other city employees to reside in the city.

(Referendum of 11-8-77; Referendum of 11-5-85)

Sec. 46. Removal of appointive officers or employees.

Any appointive officer or employee of the city may be removed, suspended, laid off or reduced in grade by the officer responsible for his appointment for any reason which, in the opinion of such officer, will promote the efficiency of the service. Any officer or employee so removed, suspended, laid off or reduced in grade shall, if he so request, be furnished with a written statement of the reason therefor, be allowed a reasonable time for

answering such reasons in writing and be given a public hearing by the officer making such removal, suspension, lay-off or reduction in grade, before the order therefor shall be made final. No trial or examination of witnesses shall be required in any such case except in the discretion of the officer making such removal, suspension, lay-off or reduction in grade, and the action of such officer shall be final. The written statement of reasons and the reply of the officer or employee thereto, as provided for in this section, shall be filed as a public record in the office of the city clerk.

Sec. 47. Investigations of department conduct.

The council, the mayor or any person or committee authorized by either of them shall have power to inquire into the conduct of any department or office of the city and to make investigations as to the city affairs, and for that purpose may subpoena witnesses, administer oaths and compel the production of books and papers. The council and or mayor shall designate a police officer to serve such subpoenas. Any person who, being sworn as a witness in any such inquiry or investigation, shall be guilty of wilful false swearing, shall be deemed to have committed the crime of perjury and shall be prosecuted and punished therefor.

ARTICLE VII. DEPARTMENT OF LAW

Sec. 48. Director of law.

The director of law shall have practiced as an attorney at law in the state of Connecticut for at least five years. He shall be head of the department of law and as such shall be the chief legal advisor of and attorney for the city and of all officers and departments thereof in matters relating to their official duties. When so requested he shall give advice in writing to the council, the mayor or any head of a department or office of the city upon any question of law involving their respective powers or duties. He shall prosecute or defend all suits for and in behalf of the city and shall prepare all contracts, surety bonds and instruments, in writing, in which the city is concerned, and endorse on each his approval of the form and correctness thereof. No such surety bond, contract or instrument shall become

effective without such endorsement of the director of law thereon. During the absence or disability of the director of law, an assistant director of law appointed under the provisions of section forty-four of this charter shall have full authority to perform all the duties of the director of law.

(S.A. No. 440 of 1941)

ARTICLE VIII. DEPARTMENT OF FINANCE AND FINANCIAL PROVISIONS

Sec. 49. Director of finance.

The mayor shall appoint a director of finance who shall be a qualified accountant of at least five years experience, who shall have charge of the department of finance and the administration of the financial affairs of the city, including the keeping and supervision of all accounts; the collection of taxes; the custody and disbursement of city funds and money; the making and collection of special assessments; the assessment of property for taxation; the issuance of licenses; the collection of license fees; the control over expenditures; the purchase, storage and distribution of supplies needed by the city; and such other duties as the council may by ordinance require.

Sec. 50. Keeping of accounts for all departments and offices; financial reports.

Accounts shall be kept by the department of finance for all departments and offices of the city. The forms of all such accounts and of the financial reports rendered to or by the department of finance shall be prescribed by the director of finance. The accounts and accounting procedure of the city shall be adequate to record all cash receipts and disbursements, all revenues accrued and liabilities incurred and all transactions affecting the acquisition, custody and disposition of values, and for making such reports of the financial transactions and condition of the city as may be required by law or ordinance. Financial reports shall be prepared for each quarter and fiscal year and for such other periods as may be required by the mayor or the council.

Sec. 51. Monthly statement of revenues and expenses.

The director of finance shall prepare for submission to the council at its first meeting in each month a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the city and of each department, division and office thereof at the date of such statement.

Sec. 52. Board of finance.

There shall be in the City of New London a board of finance of five members to be appointed by the council at its first regular meeting in July, 1933, upon the recommendation of the mayor, to serve for the terms of one, two, three, four and five years, respectively, from the date of said meeting and until their respective successors shall be appointed. At its first regular meeting in July of each year after the year 1933, there shall be appointed by the council upon the recommendation of the mayor, one member of said board of finance to serve for the term of five years from the date of said meeting and until his successor shall be appointed. Any vacancy occurring in said board shall be filled for the unexpired portion of the term by appointment by the council. No member of the council shall be appointed to said board nor shall any person be appointed to said board unless at the time of his appointment he shall be eligible to elective office in said city. Said board shall choose from among its members a president and a secretary and shall determine its own rules of procedure. It shall keep a record of its proceedings and shall be entitled to the services of a clerk to be assigned to it by the mayor. A vote of the majority of the members of said board shall determine the action thereof in all matters. The members of said board shall serve without compensation.

(S.A. No. 479 of 1933, § 1; Referendum of 11-8-77)

Sec. 52a. Appropriating board.

There shall be in said city an appropriating board consisting of the members of the council and the members of the board of finance. The president of the council shall be the chairman of said board and the city clerk shall be clerk of said board and keep the records thereof. Meetings of said board shall be called in the manner provided for the calling of special meetings of the council.

(S.A. No. 479 of 1933, § 2)

Editor's note—Section number added by editor.

Sec. 52b* . Designation as a complying municipality.

The City of New London is designated as a complying municipality under chapter 110 of the general statutes with the same effect, except as otherwise provided in sections 3 to 6,[†] inclusive, of this act, as though it had become such pursuant to section 7-382 of the general statutes.

Sec. 52c. Mayor to submit annual estimate of expenditures and revenues for ensuing fiscal year.

Not later than ninety days before the commencement of each fiscal year the mayor shall prepare and submit to the council and to the board of finance an estimate of the expenditures and revenues of all city departments, divisions and offices for the ensuing fiscal year. Such estimate shall be compiled from detailed information obtained from the several departments, divisions and offices on uniform blanks furnished by the finance director. The classification of the estimate of the mayor shall be as nearly uniform as possible for all departments, divisions and offices, and shall give the following information: (a) A detailed estimate of the expense of conducting each department, division and office of the city for the ensuing fiscal year; (b) expenditures for corresponding items for the current and last preceding fiscal years, with reasons for increases or decreases recommended as compared with the appropriations for the current year; (c) the value of supplies and materials on hand at the date of the preparation of the estimate; (d) the total amount of city debt outstanding, with a schedule of maturities of bond issues; (e) the amount required for interest on city debt, for sinking funds and for maturing serial bonds; (f) an itemization of all anticipated revenue of the city from sources other than taxes; (g) an estimate of the amount of money required to be raised from taxes which, with revenue from other sources, would be necessary to meet the

* **Editor's note** -Section number added by editor.

[†] **Editor's note**—Sections 3 to 6 have been designated by the editor as sections 52c, 52d, 53a and 53b respectively.

expenditures proposed; (h) such other information as the mayor may think desirable or as may be required by the council.

(S.A. No. 479 of 1933, § 3; S.A. No. 409 of 1967, § 3; Referendum of 11-8-77)

Editor's note—Section number added by editor.

Sec. 52d. Annual appropriations ordinance—Submitted to the board of finance.

Not later than sixty days before the commencement of each fiscal year the council shall submit to the board of finance an ordinance for all city proposed appropriations and a separate ordinance for all board of education proposed appropriations for the ensuing fiscal year.

(S.A. No. 479 of 1933, § 4; S.A. No. 409 of 1967, § 4; Referendum of 11-8-77)

Editor's note—Section number added by editor.

Sec. 53. Same—Public hearing; publication.

Immediately after the submission of the proposed appropriation ordinances to the board of finance, the council shall make provision for a public hearing thereon before the appropriating board and shall cause such proposed ordinances to be published at least once in a daily newspaper of said city, to be designated by the council, together with the date of the public hearing thereon. The council shall also provide for the printing of a reasonable number of copies of such proposed ordinances for distribution to citizens.

(S.A. No. 479 of 1933, § 5)

Sec. 53a. Same—Recommendations of board of finance.

Not later than forty-five days before commencement of each fiscal year the board of finance shall report to the council its approval of, or recommendations as to, all appropriations proposed by the council for the ensuing fiscal year.

(S.A. No. 479 of 1933, § 6; S.A. No. 409 of 1967, § 5; Referendum of 11-8-77)

Editor's note—Section number added by editor.

Sec. 53b. Same—Passage; limitation.

Not later than thirty days before the commencement of each fiscal year the council shall pass the appropriation ordinances for such fiscal year and by ordinance lay such taxes upon the assessment list of the city last completed as together with estimated revenue from other sources will meet the appropriations made. The money appropriated by any appropriation ordinance passed by the council shall not exceed the amount recommended or approved by the board of finance except upon the approval of at least eight members of the appropriating board at a meeting of said board.

(S.A. No. 479 of 1933, § 7; S.A. No. 409 of 1967, § 6)

Editor's note—Section number added by editor.

Sec. 53c. Fiscal year.

Until otherwise provided by ordinance or statute, the fiscal year of the city shall begin on the first day of July of each year and shall end with the last day of June.

(S.A. No. 479 of 1933, § 8)

Editor's note—Section number added by editor.

Sec. 53d. Payment of tax levy in installments to support appropriations ordinance.

The city's tax levy to meet the appropriation ordinances for each fiscal year shall be due and payable in two installments, the first of which shall be due and payable on the first day of such fiscal year and the second of which shall be due and payable on the succeeding January first.

(S.A. No. 409 of 1967, § 7)

Editor's note—Section number added by editor; ordinance accepting the act which created this section is printed in section 19-3 of the Code of Ordinances.

Sec. 54. Appropriations for current expenses prior to effective date of annual appropriation ordinance.

Before the annual appropriation ordinances have become effective, the council, upon the recommendation in writing of the mayor, may make appropriations for the current expenses of the city, chargeable to the appropriation for the year when effective, to an amount not to exceed for any item twenty-five percent of the amount appropriated for a similar item for the previous year. No other liabilities shall be incurred by any officer or

employee of the city; except in accordance with the provisions of the annual appropriation ordinances.

(S.A. No. 479 of 1933, § 9)

Sec. 54a. Issuance of bonds.

No bonds shall be issued by the city except upon the approval of the board of finance as to the amount and the particular purpose for which the issue is to be made, except such issue be approved by the vote of at least eight members of the appropriating board at a meeting of said board. Any balance of the avails of any bond issue remaining after the purposes of the issue have been satisfied or abandoned may be appropriated by the council for any permanent improvements in the city with the approval of the board of finance, or with the approval of at least eight members of the appropriating board at a meeting of said board. If such balance shall not be so appropriated within ninety days from the time of the completion of the purposes for which the bonds were issued, it shall be applied in reduction of the bonded indebtedness of the city.

(S.A. No. 479 of 1933, § 10)

Editor's note—Section number added by editor.

Sec. 55. Repealed.

(S.A. No. 273 of 1931; S.A. No. 409 of 1967, § 8)

Sec. 56. Transfer of unencumbered balances.

Upon request of the mayor the council may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office, department or division, but appropriations made for school purposes shall not be transferred to any other department or purpose, and transfers between items of school appropriations shall be made by the council only upon request of the board of education.

Sec. 57. Use of accruing revenue.

Any accruing revenue of the city, not appropriated as hereinbefore provided, and the balance at any time remaining after the purposes of an appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the council to such uses as will not conflict with any uses for which specifically such revenue accrued.

Sec. 58. Money drawn by appropriation only; use of unencumbered balances.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred except in pursuance of appropriations made by the council. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriation; but appropriations to be paid out of the revenues of the current year may be made in furtherance of improvements or other objects or works of the city which will not be completed within such year, and any such appropriations shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

Sec. 59. Contracts to be supported by appropriations.

No liability shall be enforceable against the city upon any contract not supported by previous appropriation, nor shall the city be liable for any service, material or supplies furnished to the city or to any department, office or division thereof, the financial requirements of which are to be met out of the proceeds of taxes or of any other funds controlled by the council, unless the council shall previously have made an appropriation therefor. In the event that contracts are made to extend over a period longer than one year and which are to be met from current receipts of the city, it shall be lawful for the council to make appropriation sufficient to answer the requirements of any such contract for only one year, and the contract shall be legal and binding upon the city notwithstanding no appropriation has been made for the ensuing years over which it is to be operative, and it shall be the duty of the council to make appropriations from year to year as required for the purposes of such contracts. The obligations of the city under such contracts shall not be considered to be a part of the indebtedness of the city.

Sec. 60. Accounts for each specific appropriation.

Accounts shall be kept for each specific item of appropriation made by the council and every warrant on the treasury shall state specifically against which of said items the warrant is drawn. Each such account shall show in detail the appropriations made thereto by the council, the amount drawn thereon, the unpaid obligations charged against it and the unencumbered balance to the credit thereof.

Sec. 61. Claims paid upon certified voucher and warrant.

No claim against the city shall be paid except upon a voucher certified by the head of the appropriate department or other division of the city government, and by means of a warrant on the city treasury issued and signed by the director of finance and countersigned by the mayor or other officer of the city authorized by the council to countersign warrants. The director of finance shall examine all pay rolls, bills and other claims and demands against the city, and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and duly certified; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has otherwise been legally authorized; and that there is money in the city treasury to make payment. He may require any claimant to make oath to the validity of a claim. He may investigate any claim, and for that purpose may administer oaths and examine witnesses, and if he finds a claim to be fraudulent, erroneous or otherwise invalid, he shall not issue a warrant therefor.

Sec. 62. Abatement of taxes on poor.

The council may by resolution or ordinance provide for the abatement of taxes assessed by said city upon such persons as are poor and unable to pay the same.

Sec. 63. Liability of director of finance.

If the director of finance issues a warrant on the treasury authorizing payment for any item for which no appropriation has been made, or for the payment of which there is not sufficient balance in the proper fund, or which for any other cause should not be approved, he and his sureties shall be individually liable to the city for the amount of such warrant, if paid.

Sec. 64. Treasurer.

The mayor shall appoint a treasurer who shall be an officer in the department of finance subordinate to the director thereof. The city treasurer shall be the custodian of all public money of the city and of all other public money coming into that person's hands as city treasurer. All money received by any officer or employee of the city for or in connection with the business of the city shall be paid promptly into the city treasury and shall be deposited with such responsible banking institutions located within the State of Connecticut or other depositories pursuant to Connecticut General Statutes Sections 7-400 through 7-402 or as shall agree to pay the highest rate of interest. All interest on money so deposited shall accrue to the benefit of the city. The council shall provide, by ordinance for the prompt and regular payment and deposit of all city money as required by this section. Public money, other than that of the city, coming into the hands of the city treasurer shall be preserved and kept in the place or places provided by any law applicable thereto. The city treasurer shall disburse the public money of the city only upon warrant issued by the director of finance as hereinbefore provided, and the city treasurer shall disburse all other public money coming into his hands as city treasurer, in pursuance of the provisions of any law applicable thereto. The city treasurer shall be treasurer of the school fund and of the town deposit fund, and shall have the powers and perform the duties conferred upon and required of town treasurers by any law not inconsistent with this act.

(Referendum of 11-2-93)

Sec. 65. Assessor.

The mayor shall appoint an assessor who shall be an officer in the department of finance subordinate to the director thereof. The assessor shall have the powers and perform the duties that now are, or hereafter may be, conferred upon or required of town assessors by law. He shall have such number of assistants, clerical and otherwise, as may be authorized by the council. It shall be the duty of the assessor to recommend to the council, and with their approval to install, a scientific and equitable system for the assessment of property within the city. Any such system so installed shall provide, among other things, for tax maps and land value maps, and for recording separately the value of each parcel of land and the value of any building or structure thereon. The tax maps shall show the dimensions of each separately

assessed parcel of land within the city, and the land value maps shall show the value per front foot, according to a standard unit of depth, of all land abutting on any street, public way or place of the city; but as to acreage tracts, the land value maps shall show the value per acre. All such maps and other records of the assessor shall be open to public inspection at all reasonable times. The assessor and his assistants, or any of them, shall have power and authority to administer oaths in connection with the valuation of property for city taxation.

Sec. 65a. Notification to bring lists of taxable property.

The assessor of the City of New London shall, at least fifteen days before the first day of September of each year, post on the public signpost of said city, or publish in a newspaper published in said city, a notice requiring all persons therein liable to pay taxes, to bring in, between September first and October first, inclusive, written or printed lists of the taxable property belonging to them on the first day of September in that year.

(S.A. No. 366 of 1951, § 1)

Editor's note—Section number added by editor.

Sec. 65b. Submittal of list of taxable property.

Each resident of the City of New London, liable to give a list and pay taxes therein, shall give in the list required by section 1718 of the general statutes on or before the first day of October in each year. When the first day of October shall be Sunday, the list may be made out and sworn to on the following day.

(S.A. No. 366 of 1951, § 2)

Editor's note—Section number added by editor.

Sec. 65c. Property to be included on filed taxable lists.

All persons required to file lists of property subject to taxation with the assessor of the City of New London shall not include real estate or motor vehicles in such lists, except that any record owner of real estate situated in said city to which any new construction, improvements or interior or exterior alterations exceeding three hundred dollars in value shall have been added, or from which any building shall have been wholly or partially razed or

removed during the twelve months next preceding the first day of September, shall be required to prepare, swear to, sign and file a list of such real estate with said assessor.

(S.A. No. 422 of 1943, § 1; S.A. No. 366 of 1951, § 3)

Editor's note—Section number added by editor.

Sec. 65d*. Penalty for failure to file taxable lists.

The addition of ten per cent to taxpayers' lists provided by law for failure to file lists shall not apply to any failure to file such lists of real estate or motor vehicles as are not excepted by the provisions of section 3[†] of this act.

(S.A. No. 422 of 1943, § 2; S.A. No. 366 of 1951, § 4)

Sec. 66. Board of Assessment Appeals.

The mayor shall appoint three electors of the city as a board of assessment appeals for the purpose of equalizing assessments upon all property assessed for city purposes. The members of said board shall hold office until their successors are chosen by the mayor. It shall be the duty of the full board to examine, and if necessary revise, assessments as returned by the assessor to the end that all property within the city shall be assessed as nearly as may be at its present true and accurate value and in all other respects perform the duties of tax review as prescribed by the laws of this state. The board shall have power to summon any property owner of the city before them, to take testimony under oath, and to require the production of books, papers, accounts and other evidence of the ownership and value of property within the city. Any person failing to appear before the board when summoned, or failing to give or produce such testimony or evidence, shall be guilty of contempt and may be punished by the board by a fine not exceeding five hundred dollars.

(1939 Cumm. Supp. to Gen. Stats, of 1930, § 108e)

Editor's note—1939 Cumm. Supp. to Gen. Stat. of 1930, not included in 1949 or 1958 revisions of general statutes.

Sec. 67. Collector of taxes.

* Editor's Note – Section number added by editor.

† Editor's Note - Section 3 is designated as section 65c.

The mayor shall appoint a collector of taxes, who shall be an officer in the department of finance, subject to the director thereof. The mayor may in his discretion appoint either the city treasurer or the assessor to be collector of taxes. The collector of taxes having been duly qualified, and having received a warrant for that purpose, signed by the mayor, shall have the same duties and powers in the premises as the collectors of town taxes have under the provisions of the general statutes and shall be accountable to the mayor in the same manner as the collectors of town taxes are to the selectmen. In case the said collector of taxes shall not perform his duties, then the mayor shall issue his warrant, directed to any proper officer, to collect out of the estate of the negligent collector, the sums due him, or that have not been collected by reason of his negligence; said city may pursue any, or all remedies available in law for such negligence, and to make good to said city any loss or damage, by reason of the same. Said collector of taxes shall have power, and it shall be his duty to collect all taxes, assessments and liens, whether made before or after his appointment; and upon his death, resignation, removal or inability to serve, or upon the appointment of his successor, all books, rate bills, vouchers and papers under his control relating to said taxes, assessments and liens, shall be immediately delivered to his successor in said office or duty, who shall then have a right to the possession of the same, and who shall be deputed by a proper warrant, signed by the mayor to collect all such taxes, assessments and liens remaining due; it shall also be the duty of said collector of taxes to collect the personal tax, provided for by the statutes of this state and he shall be the person to whom the mayor shall deliver the rate bill for said personal tax and the warrant therefor, as provided by section 1298 of the general statutes; and said collector of taxes shall have all the powers and duties in relation to such personal tax as are provided for by the statutes of this state relating to the collection of such tax; in addition to the duties prescribed by statute, the collector of taxes shall perform such other duties as shall be prescribed by ordinance, relating to the collection of such tax.

Sec. 68. Purchasing agent.

The mayor shall appoint a purchasing agent who shall be an officer in the department of finance subordinate to the director. The purchasing agent shall make all purchases for the city under such regulations as may be prescribed by ordinance and shall, under regulations prescribed by ordinance, sell all real and personal property of the city not needed for public

use or that may have become unsuitable for use. The purchasing agent shall have charge of such storerooms and warehouses of the city as the council may by ordinance provide. Before making any purchase or sale, the purchasing agent shall give opportunity for competition under such rules and regulations as may be established by ordinance. Supplies required by any department, division or office may be furnished upon requisition from the stores under the control of the purchasing agent, and whenever so furnished shall be paid for by the department, division or office to which furnished by warrant made payable to the credit of the store's account. The purchasing agent shall not furnish any supplies to any department, division or office unless there be to the credit of such department, division or office an available appropriation balance in excess of all unpaid obligations sufficient to pay for such supplies.

(Referendum of 11-2-93)

Sec. 69. Public work or improvement—Contract or direct labor.

Any public work or improvement may be executed by contract as may be determined by the city council or by direct labor of the city as may be determined by the mayor. All contracts for more than an amount that has been established by ordinance shall be awarded to the lowest responsible bidder after public advertisement and competition as may be prescribed by ordinance, but the mayor shall have power to reject all bids and readvertise. All advertisements as to contracts shall contain a reservation of the foregoing right. Contracts for public work shall be signed by the mayor after approval thereof by the council.

(S.A. No. 40 of 1967; Referendum of 11-2-93)

Sec. 70. Same—Modification of contracts.

When it becomes necessary in the opinion of the mayor to make alterations or modifications in a contract for any public work or improvement such alterations or modifications shall be made only when authorized by the council upon the written recommendation of the mayor. No such alteration shall be valid unless the price to be paid for the work or material, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the mayor prior to such authorization by the council.

Sec. 71. Audit of officer's accounts.

Upon the death, resignation, removal or expiration of the term of any officer of the city, other than the director of finance, the director of finance shall cause an audit and investigation of the accounts of such officer to be made and shall report to the mayor and the council. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government. As soon as practicable after the close of each fiscal year an audit shall be made of the accounts of all city officers; and upon the death, resignation or removal of the director of finance an audit shall be made of his accounts. Such annual audits shall be made by qualified public accountants, selected by the council, who have no personal interest, direct or indirect, in the financial affairs of the city or of any of its officers or employees. In lieu of the annual audit provided for above, the council may provide, during any fiscal year, for an audit of the accounts of all city officers to be made monthly during such fiscal year or at any other intervals as determined by the council, provided a final report, showing the results of the monthly or other periodic audits for the entire fiscal year, be submitted to the council as soon as practicable after the close of each fiscal year.

(S.A. No. 203 of 1937)

Sec. 72. Accounts of city-owned public utilities.

Accounts shall be kept for each public utility owned or operated by the city in such manner as to show the complete financial result of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. These accounts shall show the actual cost to the city of each public utility owned; the cost of all extensions, additions and improvements; all expenses of maintenance; the amount set aside for sinking fund purposes; and, in case of city operation, all operating expenses of every description. They shall show as nearly as possible the value of any service furnished to or rendered by such public utility by or to any other city or governmental department. They shall also show a proper allowance for depreciation, insurance, interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The council shall annually cause to be made and printed for public distribution a report showing

the financial results of such ownership, or ownership and operation, which report shall give the information specified in this section and such other information as the council may deem expedient.

ARTICLE IX. POLICE FORCE; FIRE DEPARTMENT

Sec. 73. Composition of police force.

The police force of the city shall consist of a chief of police and such number of other officers and patrolmen as the council may, by ordinance, prescribe. The mayor shall appoint the chief of police and the services of the chief of police and the other officers, members and employees of the police force shall be under his control in the performance of his duties as chief executive of the city.

(S.A. No. 384 of 1955, § 1)

Sec. 73a. Reserved.

(S.A. No. 162 of 1923; S.A. No. 481 of 1927, § 11; S.A. No. 244 of 1963; Referendum of 11-2-93)

Editor's note—Section number added by editor.

Sec. 74. Veteran reserve.

In addition to the regular police force there shall be an honorary grade, known as the veteran reserve, to which the council, upon recommendation by the mayor, may transfer any member of the regular force who, through age, or physical disability incurred in the discharge of duty, or through long and faithful service, shall become permanently disqualified for the more active duties of the regular grade. The pay of members of the veteran reserve shall be fixed by the council in accordance with the amount of duty performed, and shall not be more than one-half or less than one-fourth of the rate of compensation received by such members at the time of their transfer from the regular grade. Any member of the veteran reserve may be removed in the same manner as a member of the regular force.

Sec. 75. Repealed.

(Referendum of 11-2-93)

Sec. 76. City sheriffs—Appointment; fees.

The mayor may appoint as city sheriffs two or more persons, one of whom shall be either a member of the regular police force or of the veteran reserve. In addition to his powers and duties as a member of the police force or veteran reserve, the person so appointed, as well as the other persons appointed as city sheriffs, shall have, within the limits of the city, the same power and authority as state marshals and shall be liable to the same penalties for neglect of duty. All fees collected by the city sheriff, who is not a member of the city police force or veteran reserve, shall be retained by him in lieu of salary.

(S.A. No. 509 of 1939)

Sec. 77. Repealed.

(Referendum of 11-2-93)

Sec. 77a. Fire department.

The paid fire forces of the City of New London shall consist of one chief and such other officers as the council may from time to time designate, and such number of regular and substitute firemen and other employees as the mayor, with the approval of the council, may from time to time determine. The chief shall be appointed by the mayor.

ARTICLE X. RESERVED*

Sec. - 78, 79. Reserved.

* **Editor's note**—Charter amendments approved by the voters on November 2, 1995, deleted selectmen from the charter; hence, § 78, election of selectmen as amended by S.A. No. 483 of 1933, § 8 and S.A. No. 378 of 1965, § 11; and § 79, powers and duties of selectmen, were deleted at the city's instruction. Prior to deletion, § 79 bore no history note.

ARTICLE XI. SCHOOLS**Sec. 80. Board of education—Election.**

There shall be in the City of New London a board of education who is to be elected by the city at large at the regular city elections to be held on the first Tuesday after the first Monday in November, 1967. The nomination of members to the board shall be made in the same manner as nominations are made for the city council. The seven candidates receiving the highest number of votes at the regular city election shall be declared to be elected for a term of two years from the first Monday of December next following the regular city election. The entire board of seven members shall be so elected at each biennial election hereafter. Members of the board of education holding office at the time this act takes effect shall continue to hold office until their successors have been duly nominated, elected and qualified under provisions of this act.

(S.A. No. 482 of 1933, § 1; S.A. No. 378 of 1965, § 13)

Sec. 81. Same—Rules of procedure; officers.

The board of education shall determine its own rules of procedure, choose one of its members as president and one of its members as secretary. These officers shall be chosen at the first meeting of the board in December of each year.

(S.A. No. 482 of 1933, § 1; S.A. No. 378 of 1965, § 13)

Sec. 82. Same—In charge of schools.

The board of education shall be in charge of the city schools and shall be responsible for conducting such schools as an educational system. It shall determine all educational policies including the establishment of courses of study, the fixing and maintenance of educational standards, the choice of all books and material used in instruction, the establishment and maintenance of discipline in the schools and the location, type, design, repair and equipment of school buildings.

Sec. 83. Same - Choosing of superintendent, teachers, officers and employees; compensation.

The board of education shall choose a superintendent of schools who shall be responsible to the board for the execution of its policies and for conducting the schools under its control in conformity with the rules of the board and the laws of this state. The board shall also choose such teachers and other officers and employees as may be required to conduct the city schools. The compensation of the superintendent of schools and of all teachers, officers of instruction and supervision and employees shall be fixed by the board of education.

Sec. 84. Construction, repair and maintenance; appropriations; purchases.

The construction, repair and maintenance of school buildings and grounds shall be in charge of such department or departments or of such office or offices, subject to the mayor as the council may by ordinance provide. Provision shall be made in the annual school appropriations for meeting the cost of service rendered to the city schools by any department or office of the city. Purchases by and for the city schools shall be made through the purchasing agent of the city as in the case of purchases by and for city departments and offices.

Sec. 85. Appropriations and purchases.

Estimates of the expense of conducting all schools, exclusive of the endowed high schools of the city, for which appropriations are sought shall be prepared and submitted to the council by inclusion in the annual budget estimate of the mayor not later than ninety days before the end of each fiscal year, but shall be in such amount for each item and purpose as may be specified by the board of education. Upon receipt of the budget estimate and in preparation of the annual appropriation ordinance as provided in the charter of the City of New London, the council shall use the itemized budget submitted by the board of education as a basis for the appropriation for school purposes. After the passage of the appropriation ordinance, the money appropriated by the city for school purposes shall be expended in the discretion of the board of education, provided nothing herein shall be construed to make any other person than the city treasurer the custodian of public money of the city appropriated for schools. All purchases by and for the city schools shall be made through the purchasing agent of the city, on detailed requisitions authorized by the board of education, and in accordance

with such regulations for public advertisement and bidding as may be prescribed by ordinance in the case of purchases by and for other city departments and offices. Accounts for schools shall be kept by the department of finance as for all other departments of the city, and expenditures authorized by the board of education shall be paid only upon vouchers certified by the superintendent of schools as authorized by the board of education, and by means of a warrant on the city treasury issued and signed by the director of finance and countersigned by the mayor. Expenditures by the board of education shall not exceed the appropriations made by the council for school purposes. The board of education may transfer any unexpended or uncontracted for portion of any appropriation for school purposes to any other item of such itemized appropriation, and the secretary of the board of education shall forthwith notify the director of finance of any such transfer. At the close of each fiscal year the unencumbered balance of each appropriation for schools shall revert to the city treasury and shall be subject to future appropriation by the council. The construction, repair and maintenance of school buildings and grounds shall continue to be in charge of such department or departments or of such office or offices, subject to the mayor, as the council may by ordinance provide, and in order that the electors of the city may have the right to a referendum thereon as in other cases, any resolution or vote of the board of education authorizing the sale or purchase of land, or the lease of any real property, shall be subject to the approval of the council. The members of the board of education and of other boards requesting appropriations for school purposes, or committees thereof appointed for that purpose, shall attend all public hearings on the annual appropriation ordinance when appropriations for school purposes are being considered.

(S.A. No. 392 of 1931, § 1; S.A. No. 479 of 1933, § 3)

Sec. 86. Teachers' retirement fund.

The teachers' retirement fund of the city shall be continued only to meet the obligations created against it prior to the taking effect of this act, and the City of New London shall not be obliged to make any further payments thereto except as may be necessary to render such fund sufficient to meet such obligations. Any balance in the teachers' retirement fund remaining after all obligations are satisfied shall be paid into the treasury of the city for school purposes. All teachers employed by the City of New London in

its public schools shall be thereby members of the teachers' retirement association of the state. The council, in behalf of the city, may by resolution provide for the appropriation annually of a sufficient sum to pay all obligations created against such teachers' retirement fund; and in such case, said fund shall be paid into the treasury of the city for general city purposes.

Editor's note—See acts on teachers' retirement fund in article III of subpart B of part I, Code of Ordinances.

Sec. 87. Powers and duties of city.

The City of New London shall be substituted for and take the place of the Town of New London in all matters concerning education. All rights, powers and duties relative to education, schools, school districts, school houses, school lands, playgrounds, school property and school offices heretofore conferred or imposed, or hereafter to be conferred or imposed, upon towns are hereby conferred and imposed upon the City of New London. All the powers, obligatory duties, rights and property of the City of New London in respect to education and schools, whether as such city or as a union school district, shall be vested in and belong to the City of New London which shall, for all intents and purposes, be a union school district. The board of education shall be charged with and perform the duties of a school committee and shall have all the powers and act in the place and stead of such committee in all things. The powers and duties of the City of New London specified in this section shall be exercised and performed by the board of education except as otherwise provided in this act or unless otherwise ordered by the city.

ARTICLES XII, XIII RESERVED*

Secs. 88—95. Reserved.

* **Editor's note**—A referendum held Nov. 3, 1981, § I, approved an amendment to the Charter which provided for the repeal of Art. XII, §§ 88—91, City Planning, and Art. XIII, §§ 93—95, Platting, and enacted new provisions relative to a planning and zoning commission designated as § 160.

ARTICLE XIV. PUBLIC IMPROVEMENTS**Sec. 96. Board of compensation.**

The council shall appoint a board of compensation of three members who shall serve at the pleasure of the council. Members of the council shall not be appointed to the board of compensation, but officers in the administrative service of the city, other than the mayor, may be so appointed. Persons holding any other office under the city shall receive no compensation for service on such board, but members thereof holding no other office under the city shall receive such compensation as may be fixed by ordinance. The board shall choose one of its members to be president and may determine its own rules of procedure, except as such rules may be established by ordinance. A vote of a majority of the members of the board shall determine the action thereof in all matters.

Sec. 97. Resolution of intention; report by mayor.

Before proceeding to take any land for public use, lay out, widen, extend, exchange or discontinue any street, public way, place or park, establish any wharf, dock, landing place or building line, or to lay or construct any sewer or surface drain, or to take any land or interest in land therefor, or to take any lands or interest therein within the limits of said city for the purposes of the city's water supply, or make any public improvement for which benefits or damages may be assessed against, or in favor of property affected thereby, the council shall first declare by resolution its intention so to do. Any such resolution shall give a general description of the action contemplated and shall direct the mayor to have a report prepared thereon. The report so prepared shall include all necessary surveys, plans, profiles and specifications; estimates of the total cost of any such action, work or improvement; estimates of the value of any land proposed to be taken; and estimates of the amount of benefit or damage which should be assessed against or in favor of any property affected. A copy of the report shall, when completed, be placed on file for public inspection in such office of the city as the mayor may designate. When any portion of the cost of a public work or improvement is to be assessed against property benefitted thereby, the resolution of the council shall so declare and indicate the portion of such cost to be so assessed.

Sec. 98. Notice of contemplated action.

Upon the completion of the report, as provided in the foregoing section, notice thereof and of the contemplated action of the council shall be given to all parties in interest, by publication not less than three times in at least one daily newspaper of general circulation in the city to be designated by the council. Such notice shall be addressed to all persons interested in lands which would be affected by the proposed action, naming each person known to be so interested, and shall specify a time and place when such persons may appear before the board of compensation and be heard respecting the price of any land proposed to be taken, or any assessment of benefits or damages, as set forth in the report prepared under the direction of the mayor. The meeting of the board of compensation pursuant to any such notice shall not be sooner than one week after the last publication thereof as provided in this section.

Sec. 99. Hearings; report of board of compensation.

The board of compensation shall meet at the time and place specified in such notice, and may continue to meet by adjournment to such time and place as it may deem proper until all parties in interest, as named in the notice, shall have had a reasonable opportunity to be heard. After such hearings, which shall be based on the report prepared under the direction of the mayor, the board of compensation shall report its recommendations to the council. Such report shall indicate the amount which, in the judgment of the board, should be paid for any land proposed to be taken, the probable cost of making any public improvement or of taking any other action indicated in the published notice as contemplated by the council, and shall assess benefits and damages against or in favor of property which would be affected by such improvement or action, if benefits are to be assessed and if there will be any damages. The report of the board of compensation to the council shall be in writing and shall have annexed thereto a survey showing the particular designation of any land proposed to be taken and the layout of any work or improvement contemplated.

Sec. 100. Assessing properties benefited.

In assessing benefits the board, of compensation shall assess upon and against each owner of property benefited the amount of his due proportion of the whole cost of such work,

improvement or action, including both damages and the estimated cost of construction. If the council shall have ordered the assessment upon properties benefited of only a part of such whole cost, the board of compensation shall assess upon each such owner his due proportion of such part.

Sec. 101. Council action by ordinance.

The council may accept as submitted, modify or reject a report made by the board of compensation. If, after receiving any such report, the council determines to proceed with the action, work or improvement described therein, it shall pass an ordinance directing that such action, work or improvement be carried out in accordance with the report as finally approved by the council, and the report so approved shall be recorded in the land records of the Town of New London. Upon the passage of such ordinance and the recording of the report, each and all actions, improvements and work provided for therein shall be deemed duly and legally authorized, and all assessments of benefits and damages so provided for shall be deemed duly and legally made.

Sec. 102. Notice of assessments.

Immediately after the passage of the ordinance and the recording of the report, as provided in section one hundred one of this act, the city clerk shall cause a notice to be published containing a list of all persons whose land may have been taken, or against or in favor of whom benefits or damages may have been assessed, with the amount to be paid to or by each such person in accordance with such ordinance and report. The notice shall order the payment to the city of all benefits assessed and shall indicate a time and place fixed by the council, at which the city will make payment for any land taken or damage assessed. Such notice shall be published once each week for four consecutive weeks in at least one daily newspaper of general circulation in the city to be designated by the council, and the city clerk shall, within ten days after the passage of such ordinance, mail, postage paid, a copy thereof to each person named therein. In case of estates of deceased persons in process of settlement such notice mailed to the executor or administrator thereof shall be deemed notice to the owner. Upon the completion of such publication each such assessment of benefits shall become a debt to the city and shall bear legal interest from the time when it becomes due and

payable. After the publication of notice as aforesaid, the city may, except as hereinafter provided, enter upon any land taken, or do and complete any action, work or improvement in accordance with such ordinance and report.

Sec. 103. Application to court by parties aggrieved by assessments.

Any party in interest aggrieved by the price fixed for any land to be taken, or by any assessment of benefits or damages, may make written application for relief to the superior court, provided that he shall have filed a copy of such application with the city clerk within thirty days after the first publication of the notice provided for in section one hundred two of this act. 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 equity may require. The court may, at its discretion, allow costs to either party. All such appeals shall be privileged cases in the superior court and the director of law shall cause them to be heard as speedily as possible.

Sec. 104. Taking of land after filing of security.

No land taken as aforesaid shall be occupied by the city until the time for taking appeals shall have expired, and until all appeals shall have been finally disposed of, unless the city shall file an offer to give such security as the court may require for the payment of all damages which may finally be awarded to the appellant, and the court, or any judge thereof in vacation, after hearing the parties, upon such notice as the court or judge may deem sufficient, shall fix the security to be given by the city. When security shall have been given as aforesaid, the city may immediately enter upon, take possession of, and use such land for the purpose or purposes for which it was taken.

Sec. 105. Assessment of damages versus benefits.

If an assessment of damages be made in favor of any person and an assessment of benefits also be made against such person, the difference between such assessment of damages and benefits shall be paid by him to the city, or by the city to him, as the case may

be, and he shall be deemed to have received just compensation for all his damages. If an assessment of benefits be made against any person and no assessment of damages be made in his favor he 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, he shall be deemed to have received just compensation for all his damages. If any person shall refuse to receive the amount due him for any property taken or damages assessed, or if no one be found in this state having authority to receive the amount due any such person, such amount shall be deposited in the city treasury to be paid to the person entitled to receive it when he shall apply therefor.

Sec. 106. Assessment of benefits lien on property.

Assessment of benefits, made as provided in this act, shall be and remain liens or incumbrances upon the land or other properties upon which they are made, and shall take precedence of all other liens or incumbrances, except taxes due the state and other prior public liens. Any such lien shall be liable to be foreclosed in the same manner as if it were a mortgage on such lands and buildings in favor of the city to secure the amount of the assessment. 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 clerk of the city describing the premises on which such lien exists, 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 clerk of New London. And any such lien shall cease to exist whenever a certificate discharging the same, signed by the director of finance, shall be filed for record with the town clerk. All such certificates shall be recorded by the town clerk upon the land records of the Town of New London, and the legal fees for filing, recording and releasing such liens shall be added to the assessment.

Sec. 106a. Abatement or waiver of interest due.

The council of the City of New London may, by resolution or ordinance, provide for the abatement or waiver of interest due to said city upon any debt to the city arising out of the assessment of benefits for any public sewer, when such interest shall accrue prior to the completion of such sewer.

(S.A. No. 161 of 1927)

Editor's note—Section number added by editor.

Sec. 107. Termination of lien.

Any lien created on account of a 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 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 clerk of the city, 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 city as a lien thereon, be filed with the town clerk of New London for record.

Sec. 108. Expense of constructing or repairing curbs and sidewalks.

One-half the expense of laying, constructing or repairing any curb or sidewalk in front of any property shall be paid by the city unless the owner shall agree to pay a greater portion or the whole thereof.

Sec. 109. Water and sewer assessments.

In addition to supplying its inhabitants with water the city may contract to supply water to persons outside the city limits and may fix the rate to be charged for such service, provided such rate shall not be less than the rate charged to inhabitants of the City of New London. All rates due for water supplied to properties outside the limits of said city shall be and remain a lien upon the houses, tenements or lot wherein or in connection with which said water shall have been used by the owner or occupier thereof, which liens shall have priority over all subsequent incumbrances, and may be enforced and foreclosed by and in the name of said city in a court of competent jurisdiction in the same manner as liens of mechanics on lands and buildings are now foreclosed according to the rules of equity; provided said liens shall not be perfected unless said city shall, within ninety days after said water rates become due, lodge with the town clerk of the town wherein such tenement, lot or house is situated, a certificate in writing, sworn to by the director of finance of said city, of the amount due as near as the same can be ascertained, and a general description of the premises holden; and

provided the water shall not be introduced into any building or premises occupied by a tenant, without the consent of the owner or owners thereof first obtained in writing. All moneys received for water rates shall be paid into the city treasury. All moneys received for sewer assessments shall be paid into the city treasury.

(S.A. No. 367 of 1945)

Sec. 110. Sewer connections.

In assessing benefits for the construction of sewers the expenses of bringing connections to the property line may be included in such assessments.

Sec. 111. Rules for assessment of benefits.

The council may, by ordinance, establish rules for the assessment of benefits, and rules so established shall be observed by the board of compensation in making such assessment. If such rules be not established by ordinance the board of compensation shall assess benefits in such manner as it may deem reasonable.

ARTICLE XV. POLICE COURT

Secs. 112—128. Repealed.

(P.A. No. 28 of 1959; Gen. Stats. §§ 51-164h, 51-274)

ARTICLE XVI. PROSECUTING ATTORNEY

Secs. 129—134. Repealed.

(P.A. No. 28 of 1959; Gen. Stats.; § 51-164h, 51-274)

ARTICLE XVII. CITY COURT

Secs. 135—143h. Repealed.

(P.A. No. 28 of 1959, Gen. Stats. §§ 51-164h, 51-274)

ARTICLE XVIII. GENERAL PROVISIONS**Sec. 144. Public records and accounts.**

All accounts and records of every office and department of the city shall be open to the public at all reasonable times, except records and documents from which might be secured information which might defeat the lawful purpose of the officer or department withholding them from access to the public.

Sec. 145. Political solicitations and patronage in administrative service prohibited.

No person in the administrative service of the city shall directly or indirectly give, solicit or receive, or in any manner be concerned in giving, soliciting or receiving any assessment, subscription or contribution to be used in a city election. No person shall orally or by letter solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for use in city elections from any person holding a position in the administrative service. No person shall use or promise to use his influence or official authority to secure any appointment, or prospective appointment, to any city position as a reward or return for personal or partisan political service.

Sec. 146. Political activity by city officials and employees.

No person about to be appointed to any position in the service of the city shall sign or execute a resignation dated or undated in advance of such appointment. No person in the service of the city shall discharge, suspend, reduce in grade or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. Otherwise, all political activities of employees of the City of New London shall be in compliance with C.G.S. Section 7-421, Political activities of classified municipal employees. Candidacy of municipal employees for elected office. Leaves of absences. Service on governmental bodies of the town in which the employee resides; C.G.S. 7-421(a) Inconsistent statutory or charter provisions; and C.G.S. 7-421(b) Limitation on restrictions of political rights of municipal employees.

(S.A. No. 191 of 1945; Referendum of 11-2-93)

Sec. 147. Violations of sections 145 and 146.

Any person who shall wilfully or through culpable negligence violate any of the provisions of sections one hundred forty-five and one hundred forty-six of this act shall be fined not less than fifty dollars nor more than one thousand dollars or imprisoned not exceeding six months, or both. No such person shall be appointed to any position in the service of the city and, if he be an officer or employee of the city, he shall immediately forfeit his office or employment.

Sec. 148. Financial interests of officers and employees.

No member of the council or any other officer or employee of the city shall have a financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, material, supplies or services, except on behalf of the city as an officer or employee or as a member of the council. Any wilful violation of this section shall constitute malfeasance in office, and any member of the council, officer or employee found guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the city, shall render the contract involved voidable by the mayor or the council. This section shall not apply to members of the council, the board of education, the Ocean Beach Park board, the finance board, the zoning board of appeals, the planning board or any other board of the City of New London, elective or appointive, who may be members of a firm or corporation which has secured a city contract after public advertisement for bids as the lowest responsible bidder, provided such member of any such board is not otherwise an officer or employee of the city.

(S.A. No. 449 of 1947, § 1)

Sec. 149. Oath of officers.

All officers of the city shall be sworn or affirmed to the faithful discharge of their duties, and the form of oath or affirmation to be administered shall be as follows: "Having been chosen _____ of the City of New London, do you swear that you will faithfully discharge the duties of the office, according to your best skill and judgment; so

help you God;" or, "Having been chosen _____ of the City of New London, do you solemnly and sincerely affirm and declare that you will faithfully discharge the duties of the office according to your best skill and judgment, upon the pains and penalties of perjury." Any such oath or affirmation may be administered by the city clerk or by any councilman of the city, if he has first been sworn or affirmed according to this act, or by a justice of the peace or any other officer authorized by law to administer oaths.

Sec. 150. Bond of officers.

The mayor, the director of finance, the city treasurer and such other officers and employees as the council may require so to do, shall give bond in such amount and with such surety as may be approved by the council. Premiums on such bonds may be paid by the city.

Sec. 151. Continuation of officers and administrative service.

From and after the approval of this act by the electors of New London, as hereinafter provided, the only elective officers of the town and city government of New London shall be the mayor, members of the city council, and the members of the board of education. All persons holding administrative office at the time this act takes effect, whether elected or appointed, shall continue in office in the performance of their duties until provision shall have been made in accordance with the provisions of this act for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed by law upon any office, commission, board or department of the city or town abolished by this act shall, upon the taking effect thereof, be exercised and discharged by the office or department designated by the council unless otherwise provided herein.

Sec. 152. Continuation of contracts, public improvements, ordinances and resolutions.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this act shall continue in full force and effect. All public work begun prior to the taking effect of this act shall be continued and perfected thereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws. All ordinances

and resolutions in force at the time of the taking effect of this charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

Sec. 153. Severability.

The finding of the invalidity of any provision of this act shall not be deemed to invalidate the remaining provisions thereof.

Sec. 154. Veteran firemen reserve.

In addition to the paid members of the fire department there shall be an honorary grade known as the veteran firemen reserve to which the council, on recommendation by the mayor, may transfer any member of the regular fire department force who, through age, or physical disability incurred in the discharge of duty, or through long and faithful service shall become permanently disqualified for the more active duties of the regular grade. The compensation of members of the veteran firemen reserve shall be fixed by the council in accordance with the amount of duty performed and shall not be more than one-half or less than one-fourth of the rate of compensation received by such members at the time of their transfer from the regular grade. Any member of the veteran firemen reserve may be removed in the same manner as a member of the regular force.

Sec. 155. Pension roll.

The council, upon recommendation of the mayor, may provide a pension roll to which may be transferred any appointive officer or employee of any department of the city, except the police and fire departments, who through age, or physical disability incurred in the discharge of duty or through long and faithful service shall become permanently disqualified for further service. The compensation of such officers or employees of the city transferred to the pension roll shall be fixed by the council and shall not be more than one-half or less than one-fourth of the rate of compensation received by such officers or employees at the time of their transfer from active service.

Sec. 156. Adoption of act.

On the first Monday in June, 1921, the question of the adoption of this act shall be submitted to the electors of New London. The vote upon the question shall be conducted and the ballots given in, received and counted in the manner prescribed by the laws of the state for general elections. Each ward shall be considered a voting district and shall be used as such. The ballots used in voting on such adoption shall have printed thereon the question "Shall the City of New London adopt the council-manager plan of government as provided in the act of _____ 1921?" Immediately below the question shall appear the words "Yes" and "No" one above the other in the order named. At the left of each of the words shall be a square in which by making a cross mark (X) the elector can indicate his choice for or against the proposed plan. Such ballots shall be in form substantially as follows:

Shall the City of New London adopt the Council-Manager Plan of Government as provided in the Act of _____, 20__.	
<input type="checkbox"/>	YES
<input type="checkbox"/>	NO

Sec. 157. Effective.

If when submitted to the electors of the city as provided in the foregoing section a majority of the electors voting on the question vote in favor of the adoption of this act it shall be deemed adopted; and for the purpose of nominating and electing members of the council and members of the board of education it shall be in effect from and after such adoption.

Sec. 158. Powers and duties with respect to nominations and elections.

For the purpose of nominating and electing the officers first chosen under this act, the court of common council and the city clerk under the existing charter of New London shall have the powers and perform the duties with respect to nominations and elections conferred on and required of the city council and the city clerk by this act.

Sec. 159. Repealer.

Upon the taking effect of any part of this act the provisions of the present city charter and of any other law or ordinance in conflict with such part shall be deemed repealed; and, from and after the first Monday in October next following the adoption of this act, all

provisions of the present city charter or other law of the state, or of any ordinance, in conflict therewith shall be deemed repealed in so far as the same may affect the City of New London.

Sec. 160. Planning and zoning commission.

The city council of the City of New London shall appoint a planning and zoning commission consisting of seven members who shall be electors of the City of New London. The commission shall have all the powers and duties as set forth for municipal planning and zoning commissions in Chapters 124 and 126 of the Connecticut General Statutes, Revision of 1958 as amended. The members shall serve without compensation. Appointments to and removals from the commission shall be the affirmative vote of not less than five-sevenths of the members of the city council of the City of New London. Each appointment to the planning and zoning commission shall be for a term of five years, except that initially two electors shall be appointed for a term of five years, two electors shall be appointed for a term of four years, two electors shall be appointed for a term of three years and one elector shall be appointed for a term of two years, and thereafter all appointments shall be for terms of five years unless such appointment is to fill a vacancy in an unexpired term. The city council shall further appoint three alternate members to the planning and zoning commission each for a term of five years, except that initially one shall be appointed for a term of four years, one shall be appointed for a term of three years, and one shall be appointed for a term of two years, and thereafter appointments shall be for terms of five years unless such appointment is to fill a vacancy in an unexpired term. No member shall serve more than two consecutive five-year terms, except that this restriction shall not apply to alternate members. There shall be no more than four members from any one political party appointed to regular terms on the commission and no more than two alternates from any one political party shall be appointed, except that initially, as to regular members, there shall be three members from the major party being defined as that party receiving the highest number of votes cast for its candidates in the 1981 City Municipal Election and two members from the minority party being defined as that party receiving the second highest number of votes cast for its candidates in the 1981 City Municipal Election and one member from the third party being defined as that party receiving the third highest number of votes cast for its candidates in the 1981 City Municipal Election and one member shall be an unaffiliated elector. The city council may remove for

improper performance of duties, malfeasance or misfeasance in office, a violation of any Code of Ethics of the City of New London or for any other proper cause, any member of the planning and zoning commission appointed by it, provided the member shall have been served with a written notice of intention of the city council to remove the member, containing a clear statement of the grounds for such removal and of the time and place, not less than ten nor more than thirty days after service of such notice, at which the member shall be given an opportunity to be heard thereon. Such hearing shall be public at the option of the member who may be represented by counsel. Absenteeism in excess of sixty per cent of all of the meetings in any one year may be considered just cause for removal of any member who has been so absent. The action of the city council shall be final. All charter provisions, ordinances and regulations of the City of New London shall remain in full force and effect except as they are inconsistent with this charter provision and Chapters 124 and 126 of the Connecticut General Statutes, revision of 1958 as amended. Nothing herein contained shall be deemed to amend or supercede the provisions of Article VI, sections 7 through 19 of the Related Laws of the City of New London pertaining to the zoning board of appeals.

(Referendum of 11-3-81, § I)

Secs. 161—168. Repealed.

(S.A. No. 380 of 1993; Referendum of 11-3-81, § 3; Referendum of 11-2-93)

Sec. 169. Procedure for repeal of act [re Ocean Beach Park Board].

After said board shall have been in operation for three years, if a petition signed by electors of the city equal in number to at least ten per cent of those who voted at the last preceding regular city election, be filed with the city clerk requesting that this amendment to the city charter be repealed, and, upon such petition being found sufficient by the city clerk, the council shall submit to the electors at the next municipal election, held not less than thirty days after the filing of said petition, or at a special election to be held not sooner than such time, the question: "Shall the charter amendment providing for the Ocean Beach Park board be repealed?" If a majority of the electors voting thereon vote in the affirmative, the powers and duties of said board shall cease at the close of the fiscal year next following the date of

such election and be performed as otherwise provided in the charter of the city. (Referendum of 11-3-81, § III)

Editor's note—It should be noted that § 169 was rendered obsolete with the deletion of §§ 161—168 which pertained to the establishment and operation of Ocean Beach Park Board.

Sec. 170. Code of Ethics.

The City of New London shall appoint a board of ethics consisting of seven (7) members who shall be electors of the City of New London and the director of law shall be an ex officio member of said board who shall serve without voting privileges. No member of this board shall be an elected or an appointed official, or an employee of the City of New London.

The board of ethics shall prepare and propose a Code of Ethics as an ordinance for adoption by the city council, after public hearing by the combined city council and board of ethics, setting forth for the guidance of the elected and appointed officials and employees of the City of New London, the standards of conduct reasonably expected of them. Said Code of Ethics shall establish the rules, regulations and procedures for the board of ethics. The said board of ethics shall render advisory opinions upon written request of elected and appointed city officials and employees as to potential conflicts of interest. Said board of ethics shall further have the power to investigate with the power of subpoena written allegations of conflict of interest of elected and appointed city officials and employees and to issue decisions and orders as may be provided in the Code of Ethics.

Appointments to and removals from the board shall be by the affirmative vote of not less than five-sevenths of the members of the city council of the City of New London. Each appointment to the board shall be for a term of seven years except that initially, one elector shall be appointed for a term of seven years, one elector shall be appointed for a term of six years, one elector shall be appointed for a term of five years, one elector shall be appointed for a term of four years, one elector shall be appointed for a term of three years, one elector shall be appointed for a term of two years, one elector shall be appointed for a term of one year, and thereafter, all appointments shall be for terms of seven years unless such appointment is to fill a vacancy in an unexpired term. The members shall serve without compensation. There shall be no more than four members from any one political party

appointed to the board except that initially there shall be three members from the majority party being defined as that party receiving the highest number of votes cast for its candidates in the 1981 City Municipal Election and two members from the minority party being defined as that party receiving the second highest number of votes cast for its candidates in the 1981 City Municipal Election and one member from the third party being defined as that party receiving the third highest number of votes cast for its candidates in the 1981 City Municipal Election and one member shall be an unaffiliated elector.

The city council may remove for improper performance of duties, malfeasance or misfeasance in office, a violation of the Code of Ethics of the City of New London or for other proper cause, any member of the board appointed by it, provided the member shall have been served with a written notice of intention of the city council to remove the member containing a clear statement of the grounds for such removal and of the time and place, not less than ten nor more than thirty days after service of such notice, at which the member shall be given an opportunity to be heard thereon. Such hearing shall be public at the option of the member who may be represented by counsel. Absenteeism in excess of sixty per cent of all of the meetings in any one year may be considered just cause for removal of any member who has been so absent. The action of the city council shall be final. All charter provisions, ordinances and regulations for the City of New London shall remain in full force and effect except as they are inconsistent with this charter provision. (Referendum of 11-3-81, § V)

Editor's note—The code of ethics adopted by the city on Feb. 6, 1984, is set out in the Code of Ordinances as § 15-201, et seq.

Sec. 171. Gender of words.

Whenever in this charter a word is used with reference to a natural person, denoting the person's gender, it shall apply to both sexes, unless otherwise expressly provided.

CHARTER COMPARATIVE TABLE INTENTIONALLY OMITTED

CHARTER INDEX INTENTIONALLY OMITTED

C:\Documents and Settings\vpia\Desktop\CHARTER FINAL 11 17 10 .doc