CHARTER

Sec 1. Incorporation.

Sec. 2. Determination of taxable property, etc.

Ward Limits.

Sec. 3. Enumerated. [Approved at referendum 11-5-2002]

Elections. (Effective the Tuesday after the first Monday of November 2005).

Sec. 4. When held; elective officers; frequency, etc.

Sec. 5. Vacancies in elective offices. (Effective the Tuesday after the first Monday of November, 2005)

Sec. 6. General grant of powers.

Sec. 7. Existing laws and ordinances.

Sec. 8. Saving clause.

Sec. 9. Filing list of nominees by political parties.

Sec. 10. (Reserved)2

Sec. 11. (Reserved)3

Sec. 12. Mayor.

Sec. 13. Appointments-Officers enumerated.

Sec. 14. Dual office-holding, etc. (Effective the First Saturday of December, 2005)

Sec. 15. Board meeting, right to vote.

Sec. 16. President of Board as Mayor Pro Tempore.

Sec.17. Mayor as ex officio member of Board of Finance Committee.

Treasurer.

Sec. 18. Duties generally.

Town/City Clerk. (Effective the First Saturday of December, 2005)

Sec. 19. Generally.

Constables.

Sec. 20. Powers and duties.

Registrars of Voters.

2016 AUG 5 PM 4:04

Sec. 21. Powers and duties.

Aldermen.

Sec. 22. Generally.

Sec. 23. Passage of ordinances, etc.; notice of special meetings, etc.

Sec. 24. Grants and leases of real estate.

Sec. 25. Fire police force.

Sec. 26. Compelling attendance and testimony of witnesses.

Sec. 27. (Reserved)4

Sec. 28. (Reserved)5

Sec. 29. Authority to make temporary loans.

Sec. 30. Legislative authority.

Board of Apportionment and Taxation.

Sec. 31. Generally. [Approved at referendum 11-5-2002]

Sec. 32. Powers and duties.

Sec. 33. Annual appropriation for certain charities.

Sec. 34. Disposition of unused appropriations.

Sec. 35. Liability of city officials for expenses beyond appropriations.

Finance Director (Effective the First Saturday of December, 2005)

Sec. 36. Generally.

Sec. 37. Duties in General (Effective the First Saturday of December, 2005)

Sec. 38. Responsibility for processing claims, etc., against city. (Effective the First Saturday of December, 2005)

Sec. 39. Monthly financial report. (Effective the First Saturday of December, 2005)

Health.

Sec. 40. Generally. [Approved at referendum 11-5-2002]

Tax Collector.

Sec. 41. Generally.

Sec. 42. Uncollectible taxes.

2016 AUG 5 PM 4:04

~~Street Commissioner.~~Director of Public Works.

Sec. 43. Generally.

Board of Police Commissioners.

Sec. 44. Generally.

Police Department.

Sec. 45. Generally.

Sec. 46. Political activity.

Sec. 46A. (Reserved)5

Sec. 47. Appointments, promotions and vacancies.

Sec. 48. Vacancy in office of Chief of Police.

Sec. 49. Auxiliary police.

Fire Commissioner.

Sec. 50. Powers and duties generally.

Sec. 51. Limitation on number of active members who are not actual residents of city. [Approved at referendum 11-5-2002]

Sec. 52. Board of Ethics.

Sinking Fund Commissioners.

Sec. 53. (Reserved)6

Sec. 54. (Reserved)7

Sec. 55. Annual appropriation to sinking fund.

Assessment Officer.

Sec. 56. Assessment Officer; office created; appointment.

Sec. 57. Qualifications. [Approved at referendum 11-4-2003]

Sec. 58. Powers and duties.

Sec. 59. Certain provisions not to apply.

Sec. 60. (Reserved)8

Sec. 61. Submittal of taxable personal property lists-Required.

Sec. 62. Same-Form.

Sec. 63. Same-Penalty for failure to submit; exceptions.

Board of Assessment Appeals.

2016 AUG 5 PM 4:04

Sec. 64. Generally. [Approved at referendum 11-5-2002]

Finance Committee.

Sec. 65. Generally.

Sec. 66. Procedure for making certain purchases-Sealed bid required; exceptions.

Sec. 67. Same-Opening bids, etc.

Sec. 68. Security for bids.

Sec. 69. Payment of bills, claims, etc.

Sec. 70. Salaries of city officials and employees.

Bonds of City Officials.

Sec. 71. Required-Generally.

Sec. 72. Same-Form, cost, etc.

School District.

Sec. 73. Generally.

Board of Education. (Effective the Tuesday After the First Monday of November 2005)

Sec. 74 Composition, powers and duties.

Sec. 75. Vacancies.

Sec. 76. Fiscal affairs.

Highways.

Sec. 77. Layout; construction; alteration; grading, etc.

Sec. 78. Procedure for appealing damage or assessment of benefits.

Sec. 79. Limitations on settlement of claims for damage.

Sec. 80. Assessment of improvement expense where appropriations have been made.

Sidewalks, Curbs and Gutters.

Sec. 81. Authority to construct generally.

Sec. 82. Execution of construction; assessment of expense.

Sec. 83. Notice to abutting property owners regarding sidewalks, etc., improvements.

Sec. 84. Removing obstructions.

2016 AUG 5 PM 4:04

Assessments.

Sec. 85. Manner of making generally.

Sec. 86. Failure, neglect of Tax Collector to comply with requirements.

Sec. 87. Lien of tax assessments.

Sec. 88. Right to file lien when appeal is taken from appraisal of damages or assessments of benefits.

Sec. 89. Enforcing collection.

Sec. 90. Assessment of benefits generally.

Public Parks.

Sec. 91. Generally.

Sec. 92. Use of Coon Hollow Park for educational purposes authorized.

Issuing Bonds.

Sec. 93. Authority to issue generally.

Public Library.

Sec. 94. Generally.

Sec. 95. Board of Directors-Authority generally.

Sec. 96. Same-Organization.

Sec. 97. Fiscal affairs.

Sec. 98. Rules and regulations.

Sec. 99. Management, etc., of library trust funds.

Birmingham Water Company.

Sec. 100. Authority to acquire, etc.

Sec. 101. Meetings of boards and commissions.

Sec. 102. Fire Chief-Assistant Fire Chiefs. [Approved at referendum 11-5-2002]

2016 AUG 5 PM 4:04

2016 AUG 5 PM 4:05

The Charter

Sec 1. Incorporation.

All inhabitants of the City of Derby shall be and hereafter remain a body politic and corporate by the name of the City of Derby, and by such name they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded in all suits of any nature whatsoever, and of purchasing, holding and conveying any estate, real or personal, and may have a common Seal, and alter the same. They shall also be freemen of said city, and shall have all the powers conferred upon a city under the general statutes.

Sec. 2. Determination of taxable property, etc.

All the inhabitants and property within the limits of the city shall be liable to taxation to defray expenses imposed upon said city in such amounts as are determined by the Board of Apportionment and Taxation. It shall be the duty of the Assessment Officer and Board of Assessment Appeals ~~Tax Review~~ of said city to indicate in the compilation of the grand list that property which is and that property which is not taxable by said city. All motor vehicles registered in the names of residents of the City of Derby shall be liable to taxation at the rate imposed upon the property within the limits of the city. It shall be the duty and responsibility of the Board of Apportionment and Taxation to decide in what manner and for what purposes the revenue derived from the taxation is to be expended.

2016 AUG 5 PM 4:05

Ward Limits.

Sec. 3. Enumerated. ~~[Approved at referendum 11-5-2002]~~

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

Elections. ~~**(Effective the Tuesday after the first Monday of November 2005).**~~

Sec. 4. When held; elective officers; frequency, etc.

a) A city election shall be held on the Tuesday after the first Monday of November on ~~November 2005, and biennially thereafter,~~ the odd numbered years except as otherwise provided in this section or unless otherwise provided for by the Connecticut General Statutes, in the several wards of said city, at which time the electors in said city by a plurality of the votes cast, shall elect a Mayor, a Treasurer, a Town/City Clerk, two Constables, ~~three~~ nine members of the Board of Education, and a Board of apportionment and Taxation composed of ten members. At said election the electors of each ward shall, by a plurality of the ballots cast, elect three ~~Aldermen~~Alders from each Ward. The constables shall be elected one from each of the two political parties casting the greatest number of ballots for such officers, respectively. Officers so elected shall hold their offices for a term of two years from the first Saturday of December next succeeding their election and until their successors are elected and have qualified, except that the Town/eCity Clerk shall hold his/her office for a term of four years from the first Saturday of December next succeeding his/her election and until his/her successor is elected and has qualified~~, and except that said three members elected to the Board of Education shall hold their offices for a term of two years from the first day of January 2006 until the first Saturday of December 2007~~.

~~b) A city election shall be held on the Tuesday after the first Monday of November 2007, and biennially thereafter, to elect officers to succeed those whose terms are expiring, for terms of two years from the first Saturday of December next succeeding their election and until their successors are elected and have qualified. At said election to be held in 2007, and biennially thereafter, the electors, by a plurality of the votes cast, shall elect nine members of the Board of Education. The Board of Education so elected shall hold their offices for a term of two years from the first Saturday of December next succeeding their election and until their successors have qualified.~~

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2016 AUG 5 PM 4:05

~~e~~)b)No one political party shall nominate more candidates for any one office than may be elected from that party.

~~d~~)c)At any election held under the provisions of this section, the electors may vote for as many candidates as may be elected, or as many as may be elected in their particular ward.

Sec. 5. Vacancies in elective offices. ~~**(Effective the Tuesday after the first Monday of November, 2005)**~~

Whenever any elective officer of said city shall die, resign or remove his/her residence from said city, or whenever any ward officer shall die, resign or remove his/her residence from said ward, or whenever for any reason any city or ward officer shall become incapacitated to perform the duties of his/her office, such office shall be vacant and the members of the Board of ~~Aldermen~~Alders from the same political party in which such vacancy occurs shall forthwith fill such vacancy from the political party in which such vacancy occurs. However, if the said elective officer is not a member of a political party, then such vacancy shall be filled by the Mayor, subject to the approval of the Board of ~~Aldermen~~Alders; if there are no members of the Board of ~~Aldermen~~Alders from the same political party in which such vacancy occurs, then such vacancy shall be filled forthwith by the Mayor, who shall make such appointment from a list of not fewer ~~less~~ than three names to be submitted to the Mayor by the chairman of the ~~town~~city committee of the political party in which such vacancy occurs.

Sec. 6. General grant of powers.

In addition to all powers granted to cities under the Constitution and general law, the city shall have all powers specifically granted by this Charter and all powers fairly implied and/or incident to the powers expressly granted, and all other powers incident to the management of the property, government and affairs of the city, including the power to enter into contracts with the United States or any federal agency, the State of Connecticut, or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and general law of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power and shall be considered as an addition thereto.

2016 AUG 5 PM 4:05

Sec. 7. Existing laws and ordinances.

As of the effective date of this Charter, all general laws and special acts applying to the city, all ordinances of the city and all rules and regulations of any boards and commissions of the city shall continue in force, except insofar as they are inconsistent with the provisions of this Charter or are repealed.

Sec. 8. Saving clause.

If any chapter, section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which the section or part so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part to which such holding shall directly apply.

Sec. 9. Filing list of nominees by political parties.

The secretary of each political primary, caucus or city convention nominating candidates for any office to be voted for in any election in said city shall, within twenty-four hours after such nominations are made, make and file with the ~~Town~~Town/City Clerk, a complete list of the names of the candidates nominated, including the offices for which such candidates are nominated. Any number of voters associated together and nominating candidates for city or state officers, either directly or through a city convention to which delegates are chosen, shall be a political party within the meaning of this act.

~~**Sec. 10. (Reserved)**~~[2]

~~**Sec. 11. (Reserved)**~~[3]

2016 AUG 5 PM 4:05

Sec. ~~12~~10. Mayor.

The Mayor of said city shall be the chief executive officer thereof; he/she shall be vigilant in the execution and enforcement of its laws and ordinances. He/She shall have the power to administer oaths, to sign contracts, deeds and other instruments. The Mayor shall recommend the adoption of all such measures connected with the police, security, health, cleanliness and general well- being of said city and the improvement of its government and finances as he/she shall deem expedient. He/She may communicate to the Board of ~~Aldermen~~Alders at the end of each fiscal year a general statement of the situation, state and condition of the city in relation to its government, expenditures, finances and improvements which report and recommendations shall be kept on file in the office of the Town/City Clerk. He/She shall also discharge all the duties imposed upon ~~him~~him/her by the charter and ordinances of the city and shall have and exercise all other executive and administrative powers conferred by the laws of the state upon any municipal chief executive.

Sec. 13. ~~11~~ 11 Appointments-Officers enumerated.

The Mayor, within thirty days after assuming the duties of his/her office, shall appoint a Corporation Counsel, a Health Officer, a Tax Collector, a Director of Public Works ~~Street Commissioner~~ who shall also be a Tree Warden, three Police Commissioners as hereinafter provided, a Fire Commissioner, ~~Sinking Fund Commissioners,~~ a Building Official and a Board of Ethics ~~and a Sealer of Weights and Measures~~, each whom shall hold office until the first Monday of January next succeeding the next biennial city election and until their respective successors are appointed and qualified. The Mayor shall also appoint the Assessment Officer as hereinafter provided. The Mayor is vested with the authority to remove any officer of said city, appointed by ~~him~~him/her, for any cause that shall seem to said Mayor sufficient, of which cause said Mayor shall be sole judge, and his/her actions shall not be subject to review by any court or other tribunal. Whenever the Mayor of the City of Derby, pursuant to the provisions of any portion of the Charter of said city, is called upon to appoint office holders from the minority party in said city, said Mayor shall make such appointment from a list of at least three candidates for each such office submitted by that member of the Board of ~~Aldermen~~Alders in said city who is the leader of the members of the minority party in

2016 AUG 5 PM 4:05

said Board of ~~Aldermen~~Alders. It there are no members of the Board of ~~Aldermen~~Alders from such minority party, the Mayor shall make such appointment from a list of at least three candidates for each such office submitted by the chairman of the ~~town~~city committee of such minority political party. Each of said officers shall be sworn to a faithful discharge of their duties. The Mayor and Board of ~~Aldermen~~Alders may require any officers to give bonds to the city in such amount as said Board may determine, except where the amount is herein provided for.

~~**Sec. 14. Dual office-holding, etc. (Effective the First Saturday of December, 2005)**~~

~~No officer of said city shall be at the same time a member of the Board of Aldermen.Neither the Mayor, Street Commissioner~~Director of Public Works~~, Police Commissioners, Fire Commissioner nor any other officer of said city, either elected or appointed, including members of the Board of Aldermen, members of the Board of Apportionment and Taxation, members of the Finance Committee and members of the Board of Education, shall directly or indirectly furnish any materials to said city, or be directly or indirectly employed to do any work for said city except his/her official duty. The provisions of this section may be waived by a unanimous vote of the Board of Aldermen.~~

Sec. ~~15~~12. Board meeting, right to vote.

The Mayor shall preside at the meetings of the Board of ~~Aldermen~~Alders and shall in the event of a tie have a vote only on matters other than any ordinance or bill or claim against the city.

Sec. ~~16~~13. President of Board as Mayor Pro Tempore.

At the beginning of each municipal year the Board of ~~Aldermen~~Alders shall elect from among its members a President of the Board, who shall preside in the absence of the Mayor, and in case of death, resignation, absence, disability or inability to act of the Mayor shall possess all authority and perform all duties of the Mayor until such Mayor shall return, or be able to act, or until another is chosen and qualified in ~~his~~his/her place, as the case may be.

2016 AUG 5 PM 4:05

Sec. ~~17~~14. Mayor as ex officio member of ~~Board of~~ Finance Committee.

The Mayor shall be, ex officio, a member of the Finance Committee. In case of disagreement between the members of the Finance Committee in any matter pertaining to the Finance Committee, or pertaining to the duties and powers of the Finance Committee, the Mayor shall vote to dissolve such tie, and thereupon such action shall be deemed to be the action of a majority of the Finance Committee.

Treasurer.

Sec. ~~18~~15. Duties generally.

The Treasurer of said city shall have the same authority and perform the same duties in said city as ~~Town~~City Treasurers have and perform in their respective ~~town~~cities. He/She shall, at the end of each fiscal year, report to the Board of ~~Aldermen~~Alders a detailed statement of the receipts of money paid into the treasury, and the expenditures therefrom, during said year, with an accurate statement of the condition of the treasury at the end of such fiscal year, which report, having been duly audited, shall be published in the annual city report. Said Treasurer shall, in a book kept for that purpose, enter the date, amount and time payable~~,~~ of all monies borrowed by said city, upon note or otherwise, with the name of the payee, and upon the payment of any such loan~~,~~ shall enter the same in proper manner in said book. He/She shall pay orders drawn upon the Treasurer by the proper authority and shall comply with all ordinances and orders of the Board of ~~Aldermen~~Alders concerning ~~his~~his/her office. No order shall be paid or accepted by said Treasurer in excess of the appropriation made by said city for that year on the account against which such order is drawn, nor unless the order shall state from what appropriation it is payable.

2016 AUG 5 PM 4:05

~~Town/City Clerk. (Effective the First Saturday of December, 2005)~~

Sec. ~~19~~16. Generally.

The Town/City Clerk shall have all powers and duties as prescribed by law and may, with the approval of the Mayor of said city, appoint an Assistant Town/City Clerk, and

said Town/City Clerk shall, ex officio, be the registrar of births, marriages and deaths of said ~~town~~city. ~~, and the Assistant Town/City Clerk shall, ex officio, be the assistant registrar of births, marriages, and deaths of said town.~~ Said Clerk is authorized to administer oaths or affirmations for any purpose incident to the discharge of said Clerk's duties. Said Clerk shall keep the records of the city and shall make a correct record of all votes and proceedings of the Board of ~~Aldermen~~Alders and of such other Board or committee of which said Clerk may be Clerk. Said Clerk shall issue notices of all meetings of said Board and shall serve all notices or orders passed by the Board of ~~Aldermen~~Alders, which are required to be served or given, and shall make a record of such service. Said Clerk shall cause ordinances of said city to be published according to law and record the same, with said Clerk's certification of such publication. Said Clerk shall issue such licenses and permits as shall be prescribed by the Charter and ordinances of said city or granted by the Board of ~~Aldermen~~Alders, and shall make a record thereof. Said Clerk shall collect all fees therefor and pay the same to the Treasurer of the city every thirty days. All records of such Clerk shall be, either by themselves or certified copies under the Seal of said city, evidence in all courts of the matters therein contained. Said Clerk shall keep the office of the Clerk open at such hours as the Board of ~~Aldermen~~Alders may direct. Said Clerk shall be the Clerk of the Board of ~~Aldermen~~Alders, Board of Apportionment and Taxation, Finance Committee and Board of Education, and said Clerk shall perform the duties incident to such positions and any other duties required of said Clerk by any vote or ordinance of the Board of ~~Aldermen~~Alders.

Constables.

Sec. ~~20~~17. Powers and duties.

The Constables shall, within the limits of the city, have authority as set forth in the General Statutes. Said Constables shall serve notice of orders of the Board of ~~Aldermen~~Alders when directed by the Clerk.

2016 AUG 5 PM 4:05

Registrars of Voters.

Sec. ~~21~~18. Powers and duties.

The Registrars of Voters shall exercise the authority and perform the duties in said city required by law of such officers in the several ~~town~~cities. They shall each appoint two Deputies to assist in the duties of such office.

~~Aldermen~~Alders.

Sec. ~~22~~19. Generally.

The **Board** of ~~Aldermen~~Alders shall consist of nine members who shall be elected and hold office as hereinbefore provided. Five members of the Board of ~~Aldermen~~Alders, exclusive of the Mayor, shall constitute a quorum, and the affirmative vote of five members of said Board, exclusive of the Mayor, shall be required to approve any ordinance, or bill or claim against the city. The Mayor shall appoint all the regular or standing committees of said Board. The Board of ~~Aldermen~~Alders may be specially convened at any time by the Mayor upon notice as the ordinances of the city shall prescribe, and regular meetings of said Board shall be held at such times as may be fixed by the Board. Said Board may determine the rules of its proceedings, punish its members for disorderly conduct, and by two-thirds vote of all its members, present or absent, suspend or expel a member for cause. Said expulsion or suspension shall only be after notice and an opportunity to be heard. Any member of said Board who shall, directly or indirectly, accept, receive, take or bargain for any bribe or fee or pecuniary consideration in connection with any duty as such official shall be fined an amount equal to such bribe, fee or pecuniary consideration, and shall be expelled from said office and be forever disqualified from holding any office in said city.

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Sec. ~~23~~20. Passage of ordinances, etc.; notice of special meetings, etc.

Every vote, resolution, order or ordinance having passed said Board of ~~Aldermen~~Alders~~,~~ , shall~~,~~ within five days, be sent to the Mayor, who shall within fifteen days after its receipt either approve it, in which case it shall become operative and effectual, or disapprove it, in which case it shall not become operative or effectual, in which latter

case he/she shall return it to the Board of ~~Aldermen~~Alders, at or before its next regular meeting, with a statement of ~~his~~his/her objections in writing, and after such statement has been read another vote shall be taken by the yeas and nays upon such measure, and if the result of such vote is in its favor by the affirmative vote of at least six members of the Board, it shall thereupon become operative and effectual as though approved by ~~him~~him/her. The Mayor shall within fifteen days after the receipt of any such measure, in case he/she approves of it, or in case he/she refuses to signify ~~his~~his/her approval or disapproval thereof, file the same with the Town/City Clerk. In case a vote, resolution, order or ordinance shall relate to two or more subjects, the Mayor may approve or disapprove such vote, resolution, order or ordinance, in whole or in part, in the manner and with the effect hereinbefore provided. Said Board of ~~Aldermen~~Alders shall not be specially convened to meet within twenty-four hours of notice given by the Mayor, unless notice is given to all the members thereof, either in person or by leaving a copy of such notice at their usual place of abode, but any meeting of the Board of ~~Aldermen~~Alders at which the Mayor and all the ~~Aldermen~~Alders are present shall be a legal meeting.

Sec. ~~24~~21. Grants and leases of real estate.

All grants ~~and leases~~ of real estate, belonging to said city signed by the Mayor, sealed with the City Seal, approved by the Board of ~~Aldermen~~Alders and recorded in the ~~town~~city where the real estate is situated, shall be effectual to convey the property described therein. The Board of Alders shall hold a public hearing prior to sale if required pursuant to Connecticut General Statutes § 7-163e, as same may be amended from time to time. All grants and leases of real estate shall be awarded to. the highest responsible bidder, and shall be founded on sealed bids based upon terms and conditions as may be determined by the Board of Alders from time to time. ~~made in compliance with public notice, duly advertised by publication at least in a newspaper published in New Haven County having a circulation in the City of Derby at least five days before the time fixed for the opening of such bids.~~ The Board of ~~Aldermen~~Alders shall have charge of such advertising. The form of such notice shall include terms and conditions under which such grant or lease may be made, and such notice, grant or lease shall be approved by the Corporation Counsel. The lessee shall give bonds with surety, to the satisfaction of the Mayor, for the faithful performance of and compliance with .the terms

2016 AUG 5 PM 4:05

of such grant or lease. If the successful bidder shall fail to accept such grant or lease within ten days after written notice that the same has been awarded to ~~him~~him/her according to ~~his~~his/her bid, or if he/she shall fail to execute ~~his~~his/her contract and to give proper surety, such grant or lease shall be readvertised and regranted or relet in the manner provided herein.

Sec. ~~25~~22. Fire police force.

Said Board of ~~Aldermen~~Alders may appoint a fire police force of not more than thirty members to act in conjunction with the Fire Department when on duty, and also to act as special police whenever their services may be required, and may make such rules and regulations as may be necessary for the government, control and maintenance thereof.

Sec. ~~26~~23. Compelling attendance and testimony of witnesses.

Every committee of the Board of ~~Aldermen~~Alders shall have authority to compel the attendance and testimony of witnesses and to request any judge to issue a capias for the appearance of witnesses and to administer oaths by its chairman.

~~**Sec. 27. (Reserved)**~~[4]

~~**Sec. 28. (Reserved)**~~[5]

Sec. ~~29~~24. Authority to make temporary loans.

The Board of ~~Aldermen~~Alders of the City of Derby, by and with the consent and approval of the Board of Apportionment and Taxation of said city, is authorized in the name of said city to borrow temporarily such sums from time to time as in its~~their~~ opinion may be needed for city purposes in anticipation of such taxes as shall have been previously laid by said city, provided the total outstanding obligations of such temporary loans at any time shall not exceed the sum of two percent of the taxable grand list of said city at such time. The Treasurer of said city, when authorized by said Board of

2016 AUG 5 PM 4:05

~~Aldermen~~Alders and said Board of Apportionment and Taxation, shall execute and deliver to the persons or corporations from which the money is borrowed one or more promissory notes signed by the Treasurer and countersigned by the Mayor covering such amounts. All notes so executed and delivered shall be binding on the city, and the city shall be liable to pay for the same according to the tenor and effect thereof. The money so borrowed shall be paid from the taxes previously laid as soon as such taxes shall have been collected. In no case shall any of such temporary loans, made in anticipation of taxes, remain unpaid at the end of the fiscal year in which such money is borrowed.

Sec. ~~30~~25. Legislative authority.

The legislative power of the city shall be vested exclusively in the Board of ~~Aldermen~~Alders which, when assembled according to law; is authorized by a majority vote of the members of said Board to make, alter, repeal and enforce ordinances not inconsistent with this act or the laws of this state or of the United States for the following purposes: to create, regroup, consolidate or abolish boards or commissions, departments and offices and to define the power, duties and responsibilities thereof, provided the. same are not inconsistent with the Charter or the General Statutes; and to provide for the preservation of order, peace, safety, health and welfare of the city and its inhabitants; to manage, regulate and control the finances and property, real and personal of the city; to regulate the mode of assessment and collection of taxes for city purposes; to provide for the due execution and delivery of deeds, grants or leases of city property, and contracts and ~~of~~ evidence of indebtedness issued by such city; to provide the mode of keeping the accounts of said city and of adjusting claims against said city; and such other powers as are appropriate to the exercise of its authority as a legislative body of the city; and such powers and duties which, on the effective date of this Charter were conferred by law. The form of all ordinances shall be as follows: "Be it ordained by the Board of ~~Aldermen~~Alders of the City of Derby." No such ordinance shall take effect until the same has been published ~~at least twice in some newspaper published in New Haven County and having a circulation in said city.~~as may be required by Connecticut General Statutes §7-157, as same may be amended from time to time.

Board of Apportionment and Taxation.

2016 AUG 5 PM 4:05

Sec. ~~31~~26. Generally. ~~[Approved at referendum 11-5-2002]~~

The Board of Apportionment and Taxation shall consist of ten members who shall be elected and hold office as hereinafter provided. The Mayor of said city shall, ex officio, be a member of said Board of Apportionment and Taxation and shall preside at the meetings of the Board. Said Board shall elect one of its members as Chairman to act in the absence of .the Mayor. Seven members of the Board, exclusive of the Mayor, shall constitute a quorum, and the concurrence of seven votes shall be necessary for the transaction of business. The meetings of said Board shall be called by the Town/City Clerk on request of the Mayor or, in ~~his~~his/her absence, on request of the Chairman of the Board. The Town/City Clerk shall be Clerk of said Board and shall make and keep true records of all the votes and proceedings of said Board, which shall at all reasonable times be open to public inspection and be preserved with the records of the city. No more than six persons of the ten persons elected as members of the Board of Apportionment and Taxation shall belong to the same political party. In such election, the winners shall be determined as under existing law with the following exception: The Town/City Clerk shall prepare a list of the candidates ranked from top to bottom according to the number of votes each receives; when the number of members of any one political party who would be elected exceeds six, only the candidates of such political party with the highest number of votes up to the limit of such maximum of six members shall be elected, and the names of the remaining candidates of such · political party shall be stricken from the list. The remaining four members of said Board shall be elected from the next highest ranking candidates remaining on said list. Nothing contained herein shall be construed so as to prevent any elector from writing upon the ballot, in the space provided by law, the name of any person for such office.

Sec. ~~32~~27. Powers and duties.

Said Board shall have authority to require different city officers to furnish all the information which they may possess and to exhibit all books, contracts, reports, papers and documents in their respective departments or in their possession requisite, in the opinion of said Board, to enable it to discharge the duties imposed upon it by this act. Said Board shall lay such taxes as may be required upon the grand list of the city which

2016 AUG 5 PM 4:05

shall have been made according to law next before the laying of such tax. Each Board of the city government and each officer of the city under whose control money is expended shall, on or before the first day of April in each year, submit to said Board an estimate of the amount of money required by such Board or such officer for the next ensuing year, giving details as far as practicable. Said Board, at a meeting thereof to be held in May in each year, shall prepare an estimate of the amounts required by each department of the city government for the ensuing year, giving particulars as far as possible, and recommending appropriations for all the city expenses for said year and shall cause such estimates forthwith to be published in a newspaper published in New Haven County and having a circulation in said city. Said Board shall hold a meeting in May in each year, and may adjourn the same from time to time to a day not later than the last business day of May and at said meeting or any adjournment thereof, it shall hear all parties who may desire to be heard relative to any alterations in such estimates and appropriations, and may make any alterations in such estimates and appropriations, and may make such additional appropriations as it shall deem proper. Said Board, having made such alterations as it may determine, shall prepare a statement of appropriations and tax rates which it proposes to make and levy~~, and cause the same to be published in a newspaper published in New Haven County and having a circulation in said city, not later than three days after the last business day in May in said year~~. Said Board is authorized to make appropriations and lay taxes for all city purposes and for all other purposes required by law and may fix the time when any tax laid by it shall become due and payable. The Board of Apportionment and Taxation shall have no authority to make appropriations in excess of the revenues of the city for any year, and in no case shall the expenses of the city exceed its revenue for any year, except in cases and for purposes for which the city is authorized by special act of the General Assembly to issue bonds and when bonds are in fact so issued.

No money other than that appropriated as aforesaid shall be expended for any purpose unless a special appropriation therefor shall first be approved by seven votes taken by yeas and nays of the members thereof but said Board shall have no authority to make any such special appropriation unless the unappropriated revenues of the city are sufficient for the purpose. If a special appropriation in excess of the unappropriated revenues of the city is required for any purpose, an estimate of the same shall be prepared by the Mayor and submitted to the Board of. Apportionment and. Taxation at a special meeting called for that purpose; and said Board, at said meeting, or any

2016 AUG 5 PM 4:05

adjournment thereof, shall have-authority to make any such appropriation and to lay a special tax to meet the same; but no such appropriation shall be made unless a special tax is laid sufficient to cover the amount by which such appropriation exceeds the unappropriated revenues of the city. Any appropriation, regular or special, so made, for any specific purpose shall not be expended for any other purpose, and, if unexpended shall be returned to the City Treasurer~~covered back into treasury~~ within fifteen days after the expiration of the fiscal year for which it is made. All appropriations thus made shall remain on the Town/City Clerk's books to the credit of the specific purposes respectively for which they are made, not exceeding fifteen days after the expiration of the fiscal year for which they are so made for the purpose of paying bills lawfully contracted during such fiscal year and which are properly chargeable to said appropriations, and said appropriation shall remain applicable to such specific purposes and to be applied thereto, during said period.

Sec. ~~33~~28. Annual appropriation for certain charities.

Said Board of Apportionment and Taxation shall annually appropriate the sum of one thousand dollars for the Griffin Hospital of said city and shall annually appropriate the sum of five hundred dollars for the Derby Neck Library Association, and may appropriate for any charitable or civic purposes such sum as it may determine.

Sec. ~~34~~29. Disposition of unused appropriations.

When any appropriation shall have been made and for any reason such appropriation, or any part thereof, shall not be used, excepting any appropriation made for any school purpose, such appropriation, or any unused part thereof, as the case may be, shall, upon the unanimous vote of the entire Board of ~~Aldermen~~Alders and of the entire Board of Apportionment and Taxation and with the approval of the Mayor, become unappropriated revenue of the city.

Sec. ~~35~~30. Liability of city officials for expenses beyond appropriations.

No official of said city shall, either directly or indirectly, incur any expense or obligation on behalf of the city in excess of the amount appropriated for the use of the department

2016 AUG 5 PM 4:05

for which such official is charged; and in case any official of said city shall contract any debt or obligation in the name of the city in excess of the appropriation made to be expended by such official, such official shall be liable upon ~~his~~his/her bond for the excess beyond the appropriation properly applicable thereto, and said city shall not in any case be liable for such excess.

Finance Director ~~(Effective the First Saturday of December, 2005)~~

Sec. ~~36~~31. Generally.

The Mayor shall appoint a Finance Director, subject to the approval of the Board of ~~Aldermen~~Alders. The Finance Director shall be paid an annual salary that is appropriate based upon qualifications, experience and performance, as adopted by the Board of ~~Aldermen~~Alders. At a minimum, the Finance Director shall possess the following qualifications:

(a). A bachelor's of science degree in the field of business, accounting, finance or such other related field, and either (1) at least seven years' experience in the field of finance or (2) at least five years' experience as a licensed Certified Public Accountant;

or

(b). A master's degree in business administration or such other related field, and at least five years' experience in the field of finance;

2016 AUG 5 PM 4:05

The Mayor may appoint an Assistant Finance ~~Clerk~~ Director who shall assist the Finance Director, and at the request of the Finance Director, perform the duties and exercise the authority of the Finance Director. In case of a vacancy in the office of the Finance Director, the Assistant Finance Clerk shall perform all necessary duties as the Finance Director until the Mayor shall fill such vacancy. In addition, the Mayor may appoint such additional Finance Clerks as may be required to fulfill the duties of the Finance Department.

Sec. ~~37~~32. Duties in General ~~(Effective the First Saturday of December, 2005)~~

The Finance Director shall be the chief fiscal officer of the City, and the head of the Finance Department. The Finance Director shall keep, in books provided for that purpose, accounts of each of the city departments with such city officers as may be designated by the Mayor, and such other accounts as the ordinances may provide for. Said Finance Director shall prescribe the form of all accounts and shall keep a separate account of each item of the appropriations and shall require all orders to state specifically against which appropriations the order is drawn. Said Finance Director shall not allow any appropriation to be overdrawn or any appropriations for any other object or purpose to be drawn upon for one object or purpose or by any department other than that for which the appropriation was made. No order shall be issued unless sufficient funds to pay the same shall be in the treasury. If said Finance Director shall draw any order in payment of any bill, contract or claim in excess of the appropriation properly made therefor, the city shall not be liable for such excess but said Finance Director shall be personally liable therefor, and the sureties upon said Finance Director's bond shall be liable therefor to the amount of said Finance Director's bond.

Sec. ~~38~~33. Responsibility for processing claims, etc., against city. ~~**(Effective the First Saturday of December, 2005)**~~

Each claim or account against the city shall be verified by the oath or affirmation of the claimant or ~~his~~his/her authorized agent, if required by the Finance Director, and also certified to be correct and due by the officer or Board by whom or under whose authority the same was contracted if contracted under the authority of any officer or Board. Such claim or account shall then be transmitted to the City/ Town Clerk who shall submit the same to the Finance Director. The Finance Director shall carefully examine the same and upon finding it correct, said Finance Director shall so certify and submit the same to the Finance Committee for approval. No bill shall be paid until approved by the Finance Committee in writing. If any claimant shall be indebted to the city, the Finance Director shall report such indebtedness to said Committee, together with the claim. Said Finance Director shall number the several claims when approved by the Finance Committee and enter them in books kept by said Finance Director for that purpose, and when any such claim shall have been so numbered and entered, the Finance Director shall draw said Finance Director's order on the Treasurer for the amount due and prepare a receipt in accordance therewith. No order shall be issued or

2016 AUG 5 PM 4:06

delivered in payment of any claim until the same has been countersigned by the Mayor and by Finance Director~~,~~ or, in said Finance Director's absence, inability or at said Finance Director's request, by the President of the Board of ~~Aldermen~~Alders, provided, in case of any interest for which the city is legally liable upon its bonds, the Finance Director may draw said Finance Director's order upon the Treasurer for the amount thereof, upon which order when countersigned by the Mayor, such interest shall be paid. When the identity of any claimant is doubtful; such claimant may be required to make oath or affirmation or furnish other evidence satisfactory to the Finance Director that said claimant is the person or the legal representative of the person in whose favor such claim is made.

Sec. ~~39~~34. Monthly financial report. ~~**(Effective the First Saturday of December, 2005)**~~

The Finance Director shall keep a correct account, under the supervision of the Mayor, of all receipts, and expenditures of the city during each fiscal year in proper books of account, arranged in such manner and under such heads or departments as to exhibit accurately and completely the financial condition of the several departments of the city, and said Finance Director shall report monthly to the Mayor the amount expended up to the period of such report by each head or department.

Health.

Sec. 40~~3~~5. Generally. [Approved at referendum 11-5-2002]

The Director of Health shall exercise within said city all the authority and shall be subject to all the duties conferred upon and required of ~~Town~~City Health Officers, Boards of Health or Health Committees of ~~Town~~Cities. The compensation of such Director of Health shall be such reasonable amount as may be allowed by the Board of ~~Aldermen~~Alders for ~~his~~his/her services and expenses. Pursuant to the General Statutes, as amended, the City may enter into a health district which shall act as the City's Department of Health, and its Director shall act as the City's Director of Health.

Tax Collector.

2016 AUG 5 PM 4:06

Sec. ~~41~~36. Generally.

The Tax Collector of said city shall hold ~~his~~his/her office until the first Monday in January, following the next biennial city election and until ~~his~~his/her successor shall be appointed and shall have qualified. He/She shall have all the authority and be subject to all the duties imposed by law on the Tax Collectors of ~~town~~cities, and as soon as any tax shall have become due and payable, he/she shall collect such tax forthwith by authority of the provisions of ~~Sections 1225 to 1232, inclusive, of the General Statutes and amendments thereto, and of Sections 219a to 233a inclusive of the 1931 cumulative supplement to the General Statutes and amendments thereto,~~ set forth in Connecticut General Statutes and shall, within eighteen months after each unpaid tax, or the first installment thereof in case installment payments shall have been authorized, shall have become due and payable, exclusive of each lawful abatement which shall have been made under the provisions of ~~Section 1206 of the~~ Connecticut General Statutes and amendments thereto, exclusive of each lawful deduction because of a correction which shall have been made by the provisions ~~of Section 1161 of the~~of Connecticut General Statutes and amendments thereto, exclusive of each uncollectible tax which shall have been lawfully transferred to the suspense tax book under the provisions of ~~of Section 233a of the 1931 cumulative supplement to the~~Connecticut General Statutes ~~and amendments thereto,~~ and exclusive of each tax, the collection of which shall have been deferred and the lien for which shall have been continued by certificate under the provisions of ~~Sections 227a and 228a of the 1931 cumulative supplement to the~~ Connecticut General Statutes ~~and amendments thereto~~, proceed to collect such tax as it shall have been increased by interest, fees and charges and shall, within two years after each such tax, or the first installment thereof, ~~in~~ if installment payments shall have been authorized, shall have become due and payable, pay the same, together with all interests, fees and charges, to the Treasurer, of the City of Derby.

All welfare activities of the city shall be administered by the Tax Collector who shall serve as the Welfare Officer. Said Welfare Officer shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the General Statutes with regard to poor and dependent persons, and shall have such other powers and duties as may be prescribed by the Board of ~~Aldermen~~Alders.

2016 AUG 5 PM 4:06

Sec. ~~42~~37. Uncollectible taxes.

The Tax Collector of said city shall, annually on the first Monday in June, render to the Board of ~~Aldermen~~Alders a report giving by rate bill the amount of each uncollectible tax, the name and address of the person against whom each such tax was levied and the reason why such collector believes each such tax uncollectible. The Board of ~~Aldermen~~Alders, shall .either itself or by ·a committee appointed by it, investigate such report within thirty days after the same was filed with the Town/City Clerk; and said Board of ~~Aldermen~~Alders, at the succeeding meeting of the Board, may abate such unpaid taxes as it may find for any cause should be abated, or may order such unpaid taxes transferred to the suspense tax book, in accordance with the provisions of Section ~~41~~36 hereof. If the Tax Collector shall neglect or refuse to conform to the provisions hereof, the Mayor shall forthwith institute suit against ~~him~~him/her and ~~his~~his/her bondsman for the collection· of the amount of such unpaid taxes. Any vacancy in the office of Tax Collector shall be filled by the Mayor for the unexpired portion of the term.

~~Street Commissioner~~Director of Public Works.

Sec. ~~43~~38. Generally.

The ~~Street Commissioner~~Director of Public Works shall give ~~his~~his/her entire time and attention to the duties of ~~his~~his/her office. He/She shall not be engaged in any other business or occupation while he/she is acting as such Commissioner. Said Commissioner shall have general superintendence, management and control over all streets, sidewalks, crosswalks, bridges, sewers and gutters within said city; shall cause the same at all times to be kept in good condition and repair; and shall have supervision of the opening and excavating of streets, gutters or walks for putting in or taking out gas pipes, water pipes and public and private sewers, and connecting private sewers with the public sewers; he/she may employ such persons as may be necessary for the performance of the duties imposed upon such Commissioner. Said Commissioner shall, on or before the first day of April in each year, make and present to the Mayor an estimate of the expense of keeping all of said streets, sidewalks, crosswalks, bridges, sewers and gutters in proper condition and repair for the year next ensuing; he/she shall,

2016 AUG 5 PM 4:06

before entering upon any public work or improvement other than ordinary repairs, make a report thereof to the Board of ~~Aldermen~~Alders, with an estimate of the probable cost of the same, and no such work other than ordinary repairs shall be commenced by said Commissioner until the same shall have been approved by the vote of the Board of ~~Aldermen~~Alders and ordered to be done and the money therefor shall have been appropriated. The ~~Street Commissioner~~Director of Public Works shall be the Tree Warden in said city. He/She shall have the care and control of all public shade trees in said city, shall expend all funds appropriated for the setting out and maintenance of the same and shall enforce all provisions of law relating to the preservation of such trees. His/Her compensation as ~~Street Commissioner~~Director of Public Works shall include ~~his~~his/her compensation for services as Tree Warden.

Board of Police Commissioners.

Sec. 4439. Generally.

Within thirty days after assuming office, the Mayor shall appoint a Board of Police Commissioners consisting of three members, at least one of whom shall be from each of the two leading political parties, who shall hold office for two years, from the first Saturday of December and until their successors are chosen and have qualified. Said Board of Police Commissioners shall prescribe the duties of the officers and members of ~~said~~ the Police Department, and shall make all rules and regulations not inconsistent with the laws of the state, this Charter or the ordinances of said city, for the government and control of said Department. It shall appoint all officers and members of said Department, and fix, subject to the approval of the Board of ~~Aldermen~~Alders, the compensation to be paid to each officer and member of said Department. Every officer and member of said Department shall hold ~~his~~his/her office and membership in said Department until he/she shall resign or be removed or suspended by said Board of Police Commissioners for cause. Said removal or suspension shall only be after notice and an opportunity to be heard. Whenever any officer or member of said Department shall.be removed or suspended by said Board, it shall file a copy of said order of removal or suspension with the Town/City Clerk of said city who shall within three days thereafter lodge a copy of such order of removal or suspension with such officer or member, or forward such copy by mail, postage prepaid, letter registered, and addressed to such officer or member at ~~his~~his/her last known post office address. Any such order

2016 AUG 5 PM 4:06

of removal or suspension shall contain the reasons for such removal or suspension and the time when the same shall take effect.

Police Department.

Sec. 45~~4~~0. Generally.

The Police Department in said city shall consist of one Chief, no less than one Lieutenant, no less than one Detective Sergeant, no less than three Sergeants, no less than one Detective and such number of police officers at least one of which shall be a female, and supernumerary police officers as the Board of ~~Aldermen~~Alders of said city may from time to time designate. Members of the supernumerary police may be called into service by the Chief of Police whenever in the opinion of the Board of Police Commissioners the services of such supernumerary police or any of them may be required. All appointments to the regular force of police officers shall be made from the supernumerary police.

No person shall be appointed a member of the supernumerary police who is less than eighteen or more than sixty-five years of age, and membership in the supernumerary police shall terminate upon the attainment of sixty-five years of age. The Board of Police Commissioners shall issue to any supernumerary policeman attaining such age an honorable discharge from the Police Department of said city.

Sec. 46~~4~~1. Political activity.

No member of the regular Police Department may: (1) Use ~~his~~his/her official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office; (2) directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, or organization, agency or person for political purposes. Violation by any officer or member of the regular Police Department of any of the provisions of this section shall be a cause for removal or suspension from said Department as the Board of Police Commissioners may determine. Said removal or suspension shall only be after notice and an opportunity to be heard.

2016 AUG 5 PM 4:06

~~Sec. 46A. (Reserved)~~[5]

Sec. ~~47~~42. Appointments, promotions and vacancies.

Applicants for membership or promotion in the Police Department shall submit to civil service examinations conducted by the Board of Police Commissioners under the supervision of the State Police, which examination shall be both written and oral and shall be based on the Connecticut State Police entrance examinations.

(a) If a vacancy occurs in the ranks of the supernumerary force, the applicant who attains the highest grade among those persons taking such examination shall be appointed to the supernumerary force.

(b) If a vacancy occurs in the ranks of police officers, then all supernumerary police officers who have been so employed for a period of six months shall be eligible to take an examination as aforesaid to fill said vacancy. The member of the supernumerary police force who shall attain the highest grade in such examination shall be appointed to any such vacancy.

(c) If a vacancy occurs in the positions of Lieutenant, Detective Sergeant or Detective, then all members of the Police Department other than supernumerary police officers who shall have had at least five years of service shall be eligible to take an examination as aforesaid to fill such vacancy. The applicant who attains the highest grade in such examination shall be appointed to any such vacancy.

(d) When any vacancy occurs in the Police Department such vacancy shall be filled within forty-five days by examination as aforesaid. In the event that more than one vacancy occurs in any force such vacancies shall be filled by the members or applicants who shall attain the highest grades in the aforesaid examinations.

Sec. ~~48~~43. Vacancy in office of Chief of Police.

When any vacancy occurs in the office of Chief of Police, the then present Lieutenant shall automatically become Chief of Police provided said Lieutenant possesses a minimum of an associate's degree in criminal justice or related field as designated by the

2016 AUG 5 PM 4:06

Board of Police Commissioners and a minimum of five years in a full-time supervisory capacity in the Derby Police Department

(i) In the event the then present Lieutenant does not possess the aforesaid qualifications, but there are other regular members of the Derby Police Department who possess same, then the vacancy shall be filled by examination as stated in Section ~~47~~ 42 among the then present Lieutenant and said members possessing the aforesaid qualifications.

(ii) In the event there are no regular members of the Derby Police Department who possess the aforesaid qualifications, then the Board of Police Commissioners shall appoint the new Chief of Police subject to the approval of the Board of ~~Aldermen~~Alders. However, said appointee shall possess a minimum of an associate's degree in criminal justice or related field as designated by the Derby Board of Police Commissioners and possess a minimum of five years in a full-time supervisory capacity in a Police Department.

Sec. 49~~44~~. Auxiliary police.

The Board of Police Commissioners may authorize the Chief of Police to appoint and reappoint, for terms not exceeding five years, as many auxiliary police officers to serve without pay as may be deemed advisable by said Board for service in connection with police duty in the City of Derby. Such auxiliary police shall be known as a special constable unit and may be mobilized for training at the call of the Chief of Police or any member of said Department designated by said Chief of Police, but they shall be mobilized for active service or called upon to perform active police duty only if the Mayor or Acting Mayor of said City of Derby has declared that a service emergency exists in said city and only upon the authorization of the Mayor or the Chief of Police following such declaration. During such period of active service only, such auxiliary police so appointed shall possess all the powers and privileges and shall perform the duties of the regular members of the police force of said city assigned to them by the Mayor or the Chief of Police. Said auxiliary police officers; when in the performance of their duties, shall wear such badges and such uniforms as may be prescribed by the Board of Police Commissioners, and no such auxiliary policeman shall attempt to carry

2016 AUG 5 PM 4:06

out any order, rule or regulation promulgated by proper authority when he/she is not wearing such uniform or identifying badge. Such auxiliary police shall receive no wages or compensation for such service.

Fire Commissioner.

Sec. ~~50~~45. Powers and duties generally.

The Fire Commissioner shall not be a member of any hose, chemical or hook and ladder company composing the Fire Department of said city; he/she shall have entire supervision and control over the Fire Department, and shall purchase all necessary apparatus, appliances and equipment, subject to the approval of the Finance Committee. He/She shall appoint a superintendent of the fire alarm telegraph. He/She shall make all the rules and regulations, not inconsistent with the laws of the state or the Charter and ordinances of said city, for the government and control of said Department. He/She may remove or suspend any officer or member of said Department for cause. Said removal for cause shall only be after notice and an opportunity to be heard. Whenever any person shall be suspended or removed from office or membership in said Department, the Fire Commissioner shall give written notice thereof within three days to the Town/City Clerk of said city and shall file with such officer or member a copy of the order of suspension or removal, which order and copy shall contain the Commissioner's reasons for such suspension or removal and the time when the same shall take effect. The said Commissioner shall, on or before the first day of April in each year, make and present to the Mayor an estimate of the expenses necessary for the Fire Department for the year next ensuing. The Mayor shall, upon the request of the State Forest Fire Warden, and with ~~his~~his/her concurrence, appoint a ~~Town~~ City Fire Warden who shall act for the term of one year under the instructions of said State Warden. The Fire Department shall consist of four Companies, namely: Hotchkiss Hose No. l; Storm Engine No. 2; East End Hose Company No. 3 (all of which shall be combined hose and chemical companies) and Paugassett Hose Company No. 4 (which shall be a hook and ladder company). The different hose and hook and ladder companies comprising the Fire Department may elect their own members and officers, but they shall be subordinate to the Fire Commissioner and the officers appointed by ~~him~~him/her.

2016 AUG 5 PM 4:06

Sec. ~~51~~46. Limitation on number of active members who are not actual residents of city. ~~[Approved at referendum 11-5-2002]~~

Each of the four companies set forth above may have as active members up to twenty-five percent of each individual fire company's roll who shall not be actual residents of the City of Derby. The provisions of this section shall not be construed to exclude from membership any active member in good standing in any of said companies as of January 1, 1984.

Sec. ~~52~~47. Board of Ethics.

There shall be a Board of Ethics consisting of two ~~(2)~~ Democrats, two ~~(2)~~ Republicans and one ~~(1)~~ unaffiliated voter for a total of five ~~(5)~~ members who shall be an administrative appointment of the Mayor subject to the approval of the Board of ~~Aldermen~~Alders and shall serve staggered five ~~(5)~~ year terms. The Board of Ethics shall have three ~~(3)~~ alternates who shall serve staggered three~~-~~ ~~(3)~~ year terms. The Board of Ethics shall be empowered to act on matters concerning ethical standards for officials and/or employees of the ~~town~~city. It shall have its responsibilities defined by ordinance and shall establish written procedures for the conduct of its hearings.

Sinking Fund Commissioners.

Sec. ~~53~~48. (Reserved)[6]

Sec. ~~54~~49. (Reserved)[7]

Sec. ~~55~~50. Annual appropriation to sinking fund.

Said city may annually provide a sinking fund of not less than one thousand dollars on each issue of bonds of said city outstanding, for the purpose of retiring and paying said bonds at their maturity.

2016 AUG 5 PM 4:06

Assessment Officer.

Sec. ~~56~~51. Assessment Officer; office created; appointment.

There shall be in the city an Assessment Officer. The Assessment Officer shall be appointed by the Mayor and approved by vote of the Board of ~~Aldermen~~Alders on the basis of qualifications hereinafter set forth. The Assessment Officer shall hold office during good behavior and shall not be removed, except for sufficient cause duly shown, which such cause shall not be political. Such Assessment Officer shall receive for ~~his~~his/her services such salary as may be determined by the Board of ~~Aldermen~~Alders, provided that the person holding the office of Assessment Officer when this takes effect shall continue in such office.

Sec. ~~57~~52. Qualifications. ~~[Approved at referendum 11-4-2003]~~

The Assessment Officer shall have completed at least three ~~(3)~~ years' responsible professional experience in the field of property appraisal prior to ~~his~~his/her appointment of a character such as to develop working knowledge in the field of assessing property for municipal tax purposes. Within one ~~(1)~~ year of appointment such Assessment Officer shall complete a course or attend a seminar in municipal tax assessment and shall possess any other qualifications as required by the Connecticut General Statutes. The Assessment Officer shall not, during the term of ~~his~~his/her office, be engaged in the business of selling or appraising of real or personal property in this city ~~at the time of his~~his/her ~~appointment~~.

2016 AUG 5 PM 4:06

Sec. ~~58~~53. Powers and duties.

The Assessment Officer shall have the power and shall perform the duties that now are or hereafter may be conferred upon or required of Tax Assessors of cities and towns by the General Statutes.

Sec. ~~59~~54. Certain provisions not to apply.

The provisions of Sections ~~56, 57 and 58~~48, 49 and 50 shall not apply to anyone holding office on the date of the adoption of this section.

~~Sec. 60. (Reserved)~~[8]

Sec. ~~61~~55. Submittal of taxable personal property lists-Required.

The Assessment Officer of the ~~Town and~~ City of Derby shall, at least fifteen days before the first day of October, annually, post on the public signpost in said city, or publish in one or more newspapers published in New Haven County and having a circulation in said city, a notice requiring all persons therein liable to pay taxes to bring in between. October first and November first, inclusive, written or printed lists of the taxable personal property other than motor vehicles belonging to them on the first day of October in that year. If November first shall be a Sunday, then the next business day following shall be the final day for filing said lists.

Sec. ~~62~~56. Same-Form.

The ~~State Tax Commissioner~~Commissioner of Revenue Services shall, subject to the provisions of this section, prescribe the form to be used by property owners of the ~~Town and~~ City of Derby in filing lists under the provisions of Section 61 of this act. The Assessment Officer of the City of Derby may prepare one or more tentative forms for individual assessment lists and for an abstract book and may make applications to the State Tax Commissioner for ~~his~~his/her approval thereof. Any such form which shall have been approved by the Tax Commissioner may thereafter be .used in the ~~Town and~~ City of Derby until the Tax Commissioner shall either revoke ~~his~~his/her approval thereof or until such form shall have been superseded by another form approved by said Commissioner. No special form of abstract book for the ~~Town and~~ City of Derby shall be approved which does not permit all information to be shown thereon which shall be contained in the regular form of abstract book.

2016 AUG 5 PM 4:06

Sec. ~~63~~57. Same-Penalty for failure to submit; exceptions.

The addition of ten percent to taxpayer lists provided by law for failure to file lists shall not apply to any failure to file lists of real estate or motor vehicles.

Board of Assessment Appeals.

Sec. 6458. Generally. ~~[Approved at referendum 11-5-2002]~~

The President of the Board of ~~Aldermen~~Alders, the Chairman of the Board of Apportionment and Taxation and the City Treasurer shall constitute the Board of Assessment Appeals and may exercise the same duties and powers as are conferred upon ~~Town~~City Boards of Assessment Appeals by the General Statutes, except as is herein provided. ~~Notice of meetings of said Board of Assessment Appeals shall be given by publication in a newspaper published in New Haven County and having a circulation in said city at least five days before the first meeting of said Board, and the first meeting shall be held within seven days after the assessment list is lodged with the Town/City Clerk.~~ The Board of Assessment Appeals shall not have authority to reduce any assessment unless the party aggrieved shall make a written request to said Board for such reduction, but nothing herein contained shall prevent said Board from raising any assessment or adding thereto any property omitted from the list, for the purpose of making a just and equitable grand list for said city.

Finance Committee.

Sec. 6559. Generally.

There shall be a Finance Committee in said city which shall consist of two electors, who shall hold no other city office, who shall be appointed by the Mayor, and who shall hold office for a term of two years from the first Monday in January succeeding their appointment and until their successors are appointed and have qualified. Such appointments shall be made so that not more than one of such members so appointed shall be a member of the same political party. Such Committee members shall be paid such compensation as shall be set by ordinance adopted by the Board of ~~Aldermen~~Alders. Any member of said Committee may be removed at any time by the Mayor for good and sufficient cause after notice and an opportunity to be heard. Said Committee shall hold such meetings as may be necessary for the transaction of business and shall carefully examine and consider all items submitted for its examination and approval and, except as otherwise provided herein, no claim or account against said city shall be paid and no contract awarded until approved in writing by both members of said Committee.

2016 AUG 5 PM 4:06

Sec. 6660. Procedure for making certain purchases-Sealed bid required; exceptions.

Whenever in any department, ~~excepting the Street Department, any work, undertaking or contract~~ the purchase of any goods and services which may reasonably involve the expenditures of funds in excess of $15,000.00 or more ~~is required to be executed, or supply or supplies furnished, the cost of which work, undertaking, contract or supplies shall exceed one thousand dollars and whenever any expenditure required by the Street Department shall exceed two thousand five hundred dollars,~~ a written contract for the purchase of said goods and services ~~such work, undertaking, supply or supplies or expenditure~~ shall be made under such regulations as the Board of ~~Aldermen~~Alders may establish, which contract shall be based upon sealed bids or proposals made after public notice advertised in a manner as may be determined by the Finance Committee and the Finance Director in order to provide and promote competitive bidding. The contract shall be awarded in accordance with the provisions of Section 58.~~by publication in a newspaper published in New Haven County and having a circulation in said city, at least five days before the time fixed for the opening of such bids or proposals. Upon the unanimous vote of the entire Board of Aldermen~~Alders ~~and of the entire Board of Apportionment and Taxation and with the written approval of the Mayor, the provisions of this section may be waived. The written approval and filing with the Town/City Clerk within seven days of said votes by members absent therefrom shall be deemed to satisfy this requirement.~~ When any purchase of goods and services is in excess of two thousand five hundred (2,500.00) but less than fifteen thousand the Department Head shall make reasonable efforts to obtain a minimum of three (3) written proposals for the purchase of the item and shall make the purchase from the lowest responsible and qualified vendor. When any purchase of goods and services is less than 2,500.00, the Department Head may make the purchase in a manner determined by the Finance Director to be in the best interest of the City of Derby. Once a Department Head has satisfied the above requirements, the Department Head shall utilize an encumbrance system as designated by the Finance Director when possible and practical.

Notwithstanding the foregoing, bidding shall not be required for any goods or services purchased from a bid list from another governmental entity or for professional services. The Board of Alders shall determine by resolution those services that are to be professional services.

2016 AUG 5 PM 4:06

In the event of an emergency or if the goods or services are only provided by a single source vendor the foregoing provision shall not apply.

Any provision of Section 57 may be waived upon the vote of six (6) members of the Board of Alders.

Sec. ~~67~~61. Same-Opening bids, etc.

The Finance Committee and the Finance Director shall have charge of advertising for such proposals and shall open bids in public, and if said Finance Committee shall not deem it for the best interest of the city to reject all bids, said Committee shall award the contract to the lowest responsible and qualified bidder; provided, if said Committee shall not deem it practicable or for the best interests of the city to proceed as above required for any particular ~~work~~purchase of goods or services, or the obtaining of any particular supply, said Committee may reject such bids. The form of each contract, which shall include the specifications, shall be approved by the Corporation Counsel, and the contractor shall give security, to the satisfaction of the Mayor, for the faithful performance of ~~his~~his/her contract. If the lowest bidder shall neglect or refuse to accept the contract within five days after written notice that the same has been awarded, according to ~~his~~his/her bid or proposal, or if he/she fails to execute ~~his~~his/her contract, or to give proper security, such contract shall be readvertised and let in the manner above provided, or, with the written approval of the Mayor, filed for public record with the Town/City Clerk, said contract may be awarded to the next lowest responsible bidder. If any work shall be abandoned by any contractor, it may be readvertised and relet ~~in the manner herein provided for, or~~ by the ~~said~~ Committee, with the written approval of the Mayor, may cause such work to be finished under a new contract without readvertising therefor, and the original contractor shall be liable to the city for any excess in the cost of such work over the amount of the original contract. No bid shall be accepted from or contract awarded to any person who is in arrears to the city upon debt or contract, or who is a defaulter upon any obligation to the city. Three ~~(3)~~ copies of every contract shall be executed and one of the original copies thereof shall be filed in the Town/City Clerk's office.

2016 AUG 5 PM 4:07

Sec. ~~68~~62. Security for bids.

Whenever proposals for furnishing supplies or doing any work are advertised by the Finance Committee, said Committee shall require as a condition precedent to the reception of any proposal either: (A) a check, drawn to the order of the Treasurer of the City of Derby and certified by the bank upon which it is drawn, in an amount not less than five percent of the amount to be paid by the city for the proposed work to be done or supplies to be furnished; or (B) a bid bond to the City of Derby with surety, issued by a bonding company licensed to do business in the State of Connecticut, in an amount not less than ten percent of the amount to be paid by the city for the proposed work to be done or supplies to be furnished. Within seven days after it shall have been decided to whom such contract shall be let, the Treasurer shall return all other checks or bid bonds to the persons respectively depositing the same; and if such bidder shall refuse or neglect, within five days after due notice that the contract has been awarded to ~~him~~him/her to execute the same, the amount of the check or bond deposited by ~~him~~him/her shall be forfeited to and retained by the city as liquidated damages for such neglect or refusal, and shall be paid into the treasury of said city; but if said lowest responsible bidder shall execute the contract within the time aforesaid, the bid bond or the amount of the check deposited by ~~him~~him/her shall be returned to ~~him~~him/her. In the case of any contract for the construction of any facility, such contract shall contain a provision requiring any successful bidder to provide payment and performance bonds in such form and in such amounts as shall be determined by the City Engineer.

Sec. ~~69~~63. Payment of bills, claims, etc.

Before the Finance Committee shall approve any bill, claim or payment for work performed for the city for which an assessment may be levied by the Board of ~~Aldermen~~Alders, the Town/City Clerk shall certify in writing to said Board that the contractor or the City Engineer has filed in ~~his~~his/her office a statement, approved in writing by the ~~Street Commissioner~~Director of Public Works, of the entire cost of doing such work. In case any such work is done under a written contract, the final payments shall not be made to the contractor until the contractor shall have filed with the Town/City Clerk a statement of the total cost of the work, approved in writing by the City Engineer.

2016 AUG 5 PM 4:07

Sec. ~~70~~64. Salaries of city officials and employees.

The salary and compensation of all other city ~~and town~~ officials and employees shall be fixed by the Board of ~~Aldermen~~Alders. The members of the Board of ~~Aldermen~~Alders and the Board of Apportionment and Taxation ~~and the Sinking Fund Commissioners~~ shall serve without compensation or salary. The Mayor, subject to the approval of the Board of ~~Aldermen~~Alders, may determine the compensation or salary of any person holding more than one salaried office at the same time in said city, provided the amount of compensation or salary fixed by the mayor shall not exceed the salary or compensation regularly fixed for such offices.

Bonds of City Officials.

Sec. ~~71~~65. Required-Generally.

The following named officers of the city shall give bonds in such form and in such amounts as shall be duly provided by the Board of ~~Aldermen~~Alders: Town/City Clerk, Assistant Town/City Clerk, Town Clerk, Treasurer, Tax Collector, Assistant Tax Collector, Constables, Chief of Police, and Superintendent of Schools.

Sec. ~~72~~66. Same-Form, cost, etc.

The bonds of all city officials shall be taken to the City of Derby, and shall be conditioned for the faithful performance of the duties of the office according to Jaw. The form of each bond and e surety thereon shall be approved by the Mayor, and no corporation shall be accepted by the Mayor as surety on such bond except a corporation authorized by the laws of this state to transact business in this state. The expense of all bonds of city officials receiving or paying out money for the city shall be paid by the city. In all other cases the expense shall be paid by the party giving such bond. The office held by any person refusing or neglecting to give any bond required under the provisions of this act or any ordinance of said city shall be vacant, and such vacancy shall be filled in the manner provided by law.

2016 AUG 5 PM 4:07

School District.

Sec. ~~73~~67. Generally.

Said city shall be a consolidated school district, and shall exercise all the authority and assume all of the obligations of a consolidated school district.

Board of Education. ~~(Effective the Tuesday After the First Monday of November 2005)~~

Sec. ~~74~~ 68 Composition, powers and duties.

The Board of Education shall consist of nine members who shall be elected and hold office as hereinbefore provided. ~~The members of the Board of Education who hold such office at the time this charter amendment is effective shall continue to hold office for the terms to which they were elected. At the election held on the Tuesday after the first Monday of November 2005, six members of the Board of Education shall be elected. At the election held on the Tuesday after the first Monday of November 2007, and biennially thereafter, nine members of the Board of Education shall be elected. For the election held on the Tuesday after the first Monday of November 2005 each political party shall nominate four persons as candidates for the office of the Board of Education, and the six candidates receiving the largest number of votes shall be elected as members of the Board. For the election held on the Tuesday after the first Monday of November 2007 candidates for the office of the Board of Education, and the nine candidates receiving the largest number of votes shall be elected as members of said Board.~~ The Board of Education shall elect one of its members to serve as Chairman of the Board of Education. The Chairman shall preside at the meetings of said Board and in addition to acting as Chairman may exercise the same authority as any member of the Board. The Board of Education shall have all of the authority as any invested in, and shall perform all the duties relating to schools and education imposed upon town school committees by the Connecticut General Statues, as the same may be amended from time to time.

2016 AUG 5 PM 4:07

Sec. ~~75~~69. Vacancies.

Vacancies in said Board shall be filled from the same political party and ward, by the remaining members of said Board from the political party in which the vacancy occurs until the same shall be filled by the voters of the ward in which such vacancy occurs. However, if the said elective officer is not a member of a political party, then such vacancy shall be filled from the same ward by the remaining members of said Board.

Sec. ~~76~~70. Fiscal affairs.

Said Board shall audit and approve all bills for the ordinary current expenses of its department, and the Clerk shall, if the appropriation is sufficient, upon the approval in writing by the Finance Committee, draw ~~his~~his/her order for the same upon the City Treasurer in favor of the persons entitled to payment thereof. Said Board of Education shall submit to the Mayor on or before the first day of April in each year, an estimate of the amount required for the support and maintenance of the public schools of said city for the ensuing fiscal. Year.

Highways.

Sec. ~~77~~71. Lay out; construction; alteration; grading, etc.

The City of Derby shall make and keep in repair all public highways, streets, and roads within the limits of said city, and the Board of ~~Aldermen~~Alders shall have all the authority necessary to carry out the provisions of this section, and shall have exclusive authority and control over all the streets and highways and all parts of the same within said city including the authority to lay out, open, make, improve, maintain, repair, grade, drain, alter and discontinue all highways and streets within said city, and no person shall open any public or private street or way within said city, except under an order of said Board of ~~Aldermen~~Alders. Before any street. or way shall be opened by any person within said city such person shall secure from the Board of ~~Aldermen~~Alders permission to open such street or way and shall pay to any adjoining property owner any damage or expense that may be sustained by such owner by reason of the opening of such street or way. Such damage may be recovered in an action brought by any person whose property is damaged thereby. The city may enjoin the opening of any street or way in said city. ~~Before the Board of Aldermen~~Alders ~~shall determine to lay out, alter, extend, grade,~~

2016 AUG 5 PM 4:07

improve or discontinue any highway, street, avenue or public walk, or designate any building or veranda line in said city it shall cause a notice, signed by the Mayor or Clerk of said city, describing in general terms such proposed action, and specifying a time and place when and where all persons whose land is proposed to be taken therefor, or who may be interested therein, may appear and be heard in relation thereto, which notice shall be published not less than twice in some newspaper published in New Haven County and having a circulation in said city at least five days before the time fixed in such notice for such hearing, and such publication shall be sufficient notice to all persons and corporations interested therein or whose land is affected thereby. At the time and place mentioned in such notice, and at any meeting adjourned therefrom, said Board of AldermenAlders shall hear all parties in interest who may appear and desire to be heard in relation thereto. If, after such hearing, said Board of AldermenAlders shall determine to lay out, alter, extend, grade, improve or discontinue such highway, street, avenue, or walk, or designate any such line, it shall appoint a committee of its own body which shall determine such layout, alteration, extension or grade of such highway, street, avenue or walk or designate any such line, and report the same to said Board of AldermenAlders, which report shall embody a descriptive survey of such highway, street, avenue, walk, line or lines designated or grade established. Said Board of AldermenAlders shall estimate and appraise the benefits or damages, as the case may be, resulting from or accruing to any person or persons from the taking of such land for public use as aforesaid or from such layout, alteration, extension,. grade, improvement, discontinuance or designation, and upon neglect or refusal of any person or persons to accept the estimate of said Board of AldermenAlders respecting the damages sustained by or benefits accruing to himhim/her or them, or both, as the case may be, within thirty days after written notice of such estimate, the Board of AldermenAlders, if it shall be of the opinion that it will not be for the best interest of said city to make said proposed improvement, may, unless work on said improvement has been actually begun, discontinue proceedings in regard to such improvement without liability to any person interested therein, and no right of action shall accrue to said city in case of such discontinuance to recover any benefits assessed in said report except for actual costs. The Mayor of said city may, with the advice and consent of the Board of AldermenAlders, appoint three judicious and disinterested freeholders of this state who, being sworn, shall assess such benefits and appraise such damages. Such freeholders shall give notice of the time and place for a hearing thereon by publishing the same in a

2016 AUG 5 PM 4:07

newspaper published in New Haven County and having a circulation in said city, at least five days prior thereto, or by causing a true and attested copy of such notice to be left with or at the place of abode of all the parties in interest, at least five days prior thereto, and in case of nonresident owners, with the agent or person having the property in charge, or by sending by mail, postage prepaid, notice directed to hishis/her or their last known address. At the time and place of said hearing, or at any duly adjourned meeting, said freeholders, having heard those parties who may appear, and having duly examined the location of the proposed layout, alteration, extension, discontinuance or change of grade of any such highway, street, avenue or walk, or designation of any such line, shall appraise the damage to and assess the benefits against the proper parties, or land or other property specially benefited or damaged, and shall report the same in writing to said Board of AldermenAlders, who may accept and adopt the same or return the same to said freeholders for reconsideration; provided that if, after said report has been returned to said Board of AldermenAlders, said Board of AldermenAlders shall be of the opinion that it will not be for the best interest of said city to make such proposed improvement, it may, unless work upon such improvement has actually begun, accept said report and discontinue proceedings in regard to such improvement without liability to any person interested therein, and no right of action shall accrue to said city in case of said discontinuance to recover any benefits assessed in a said report, except for actual costs. The Mayor of said city upon being authorized to so act, by a vote of the Board of AldermenAlders, may enter into a written agreement with persons interested in such proposed layout, alteration, extension, grade, discontinuance or designation, to submit the question of such damages or benefits, as the case may be, arising therefrom, to arbitration, in which case the Mayor shall select one arbitrator, and the other parties interested shall select the other arbitrator, and if the Mayor and other parties interested cannot agree upon the third arbitrator, the two arbitrators selected shall, in writing, appoint the third arbitrator. Any award made by said arbitrators, or a majority of them, shall be binding upon all of the parties thereto, and no appeal shall be allowed to either party from such award. Said arbitrators, after having been duly sworn to a faithful discharge of their duties, shall hear and determine said matter so submitted to them in the same manner as is hereinbefore provided for the freeholders appointed by the Mayor. Upon the acceptance and adoption of the report of such arbitrators the Town/City Clerk shall record the same, and cause a notice signed by the Mayor or Clerk of said city, containing the names of the persons thus assessed, with the amount of their

2016 AUG 5 PM 4:07

respective assessments to be published not less than three times in a newspaper published in New Haven County and having a circulation in said city, or by causing a true and attested copy thereof to be left with or at the place of abode of each of said parties therein named. The Board of AldermenAlders shall order the damages thus assessed to be paid to the persons to whom they are appraised, or their authorized agents, from the city treasury, within sixty days thereafter, and in case any person shall refuse or neglect to receive the same, it shall be retained in the city treasury subject to hishis/her order, and said Board shall order the benefits thus assessed to be paid into the city treasury within such time as they shall limit, provided the whole amount of the benefits assessed for any layout, alteration, extension,' grade, discontinuance or designation shall not exceed the whole amount of damages appraised on account of said layout, alteration, extension, grade, discontinuance or designation, with the estimated cost of constructing and completing said improvements.

Sec. 78. Procedure for appealing damage or assessment of benefits.

An appeal shall be allowed to any person aggrieved by any appraisal of damage or assessment of benefits made by the city in the layout, construction, alteration, grading or paving of any street, highway or sidewalk, or the designation of any building or veranda line inside city, made under and pursuant to the provisions of this Charter, except in any case of arbitration provided for in the preceding section, which appeal shall be taken within thirty days after such aggrieved party shall have received written notice of such appraisal of damages or assessments of benefit, to the Superior Court for New Haven County to be held on the first Tuesday of the month next following the expiration of said thirty days, and said appeal shall be proceeded with by said Court in the same manner as in civil cases brought to said Superior Court.

Sec. 79. Limitations on settlement of claims for damage.

Whenever said city shall lay out any street, or change the grade thereof, or enter upon any public improvement in said city, and any person affected thereby shall make any claim upon said city for damages resulting therefrom, no bBoard or official of said city shall make any agreement with such property owner to do any work on his or her

2016 AUG 5 PM 4:07

~~property or to furnish any materials to be used thereon, in settlement or payment of any such claim for damage.~~

~~**Sec. 80. Assessment of improvement expense where appropriations have been made.**~~

~~The Board of Aldermen~~Alders ~~may macadamize or otherwise improve any street or highway when any appropriation therefor shall have been made, and it may assess such part of the expense of macadamizing or other improvements of each of such streets except the intersections of streets, or parts of streets improved against the property abutting upon the street or part thereof improved as in the judgment of said Board shall be reasonable and in accordance with the benefits to such abutting property in the manner provided for the assessment of damages and benefits resulting from the layout or improvement of streets or highways in said city.~~

Sidewalks, Curbs and Gutters.

Sec. ~~81~~72. Authority to construct generally.

The Board of ~~Aldermen~~Alders shall have authority, as public convenience and necessity may require, to order sidewalks, curbs and gutters to be laid upon the streets and highways in said city according to the course, width, height, level and grade, and of such material as it shall determine, and may, at the expense of said city, lay out, construct, raise, flag, pave or make in any suitable manner any crosswalk in said city.

2016 AUG 5 PM 4:07

Sec. ~~82~~73. Execution of construction; assessment of expense.

Whenever any sidewalk, curb or gutter shall be ordered laid by the Board of ~~Aldermen~~Alders, the Commissioner of Streets shall execute such order in a thorough and workmanlike manner, and as economically as possible, and shall report in writing the expense thereof to the Board of ~~Aldermen~~Alders, ~~who~~ which shall investigate the same and approve of it for such amount as it deems proper. Said Board of ~~Aldermen~~Alders shall then assess two-thirds of the expense thereof against the persons and property specially benefited thereby in the judgment of said Board. Said sums so

assessed shall be ordered paid into the city treasury within such time as said Board shall order. The publication of such assessment in a newspaper published in New Haven County and having a circulation in said city shall be sufficient notice to all parties in interest.

Sec. ~~83~~74. Notice to abutting property owners regarding sidewalks, etc., improvements.

Said Board may compel the property owners to provide such safeguards thereon as public safety may require, and may. limit such time as it may deem reasonable for the carrying out of such orders, notice of which shall be given by leaving a true and attested copy of such order personally with, or at the usual place of abode of such owner, within five days after the passage of the same; and if such owner be a nonresident of said city, a true and attested copy of said order deposited in the post office at said Derby, postage paid, addressed to ~~him~~him/her at ~~his~~his/her last known place of residence, or a like, true and attested copy left with ~~his~~his/her agent or the person having charge of said property or occupying the same shall be sufficient notice to such owner. The width, height, courses and levels, certified by the City Engineer, shall be kept on file in the office of the Town/City Clerk; and whenever any sidewalk, curb or gutter has been laid by order of the Board of ~~Aldermen~~Alders in accordance with the grade established and recorded as herein prescribed, and it is deemed necessary by said Board of ~~Aldermen~~Alders, at any time thereafter, to alter or change said grade, or relay said sidewalk, curb or gutter, such change, alteration or relaying shall be done at the expense of said city, provided, where such alteration or change of grade or relaying of any sidewalk or gutter is made necessary by the change or alteration of any street line, the expense thereof shall be chargeable as is hereinbefore provided. All necessary repairs to sidewalks, curbs and gutters shall be paid by the property owners where such work is done, in the same manner as hereinbefore provided for the laying of sidewalks, curbs and gutters.

2016 AUG 5 PM 4:07

Sec. ~~84~~75. Removing obstructions.

Any structure or obstruction which shall be erected, placed or left in or upon any highway, street, avenue, public park, sidewalk or gutter in said city in violation of any ordinance of said city, and any nuisance continued or existing or anything causing any nuisance in violation of any ordinance of said city, shall be removed at the expense of the person or persons erecting, placing or leaving any such structure, obstruction or nuisance. If such person shall neglect or refuse to pay the same, it may be recovered in an action brought against ~~him~~him/her by the Corporation Counsel of said city.

Assessments.

Sec. ~~85~~76. Manner of making generally.

The Board of ~~Aldermen~~Alders shall, upon the completion of any work or public improvement which shall require an assessment of damages or benefits, forthwith cause such assessment to be made according to the provisions of this Charter, and any such assessment as shall amount to four hundred dollars or less shall be due and payable within six months from the date when made, and any such assessment as shall be in excess of four hundred dollars in amount shall be due and payable within twelve months from the date when made. The Town/City Clerk shall immediately cause such assessment to be recorded in a book of the city kept for such purpose, and shall deliver to the Tax Collector a warrant signed by the Mayor authorizing and directing such Tax Collector to collect such assessments. The Tax Collector shall collect such assessments and shall make a report in writing to the Board of ~~Aldermen~~Alders within ten days after the time limited for the collection of such assessments has expired, showing the assessments collected, the uncollected assessments, and the names of the persons from whom the same are due, with such information concerning the matter as he/she may have. The Board of ~~Aldermen~~Alders shall investigate such unpaid assessments, either by itself or by a committee appointed by it, and may, at the succeeding meeting of the Board, abate any unpaid assessments that it finds for any good cause should be abated and canceled, and the Tax Collector shall, within thirty days thereafter, pay into the treasury the amount of the unpaid assessments which are not abated or canceled by the Board of ~~Aldermen~~Alders, and the Town/City Clerk shall transfer and assign to said Collector all such unpaid assessments, and said Tax Collector may enforce payment and

2016 AUG 5 PM 4:07

collection of the same to the extent and in the same manner that the collector of ~~town~~city taxes may enforce the collection of town taxes.

Sec. 8677. Failure, neglect of Tax Collector to comply with requirements.

If the Tax Collector shall neglect or refuse to conform to the provisions of the preceding section, the Mayor shall forthwith institute suit against him/her or his/her bondsman, for the collection of the amount .of such unpaid assessments. The Board of ~~Aldermen~~Alders, after an assessment has been made, shall not vary, change or cancel such assessment except by the unanimous vote of all the members of said Board.

Sec. 8778. Lien of tax assessments.

All benefits assessed under any of the provisions of this act shall be a lien upon the land or other property upon which such benefits are respectively assessed, and shall take precedence over all other liens or encumbrances thereon except taxes due the state, and may be foreclosed in the same manner as if such lien were a mortgage on such land or other property in favor of said city, to secure the amount of such assessment, provided such lien shall not continue to exist for a period of more than ninety days after such assessment is due, unless within that period a certificate, signed by the Mayor or Clerk of said city, describing the premises on which such lien exists and the amount claimed by said city as a lien thereon, shall be lodged with the Town/City Clerk of said ~~Town~~ City of Derby, and such lien shall cease to exist whenever a certificate of discharge thereof signed by the Mayor or Clerk shall be filed with said Town/City Clerk. All such certificates shall be recorded by said Town/City Clerk upon the land records of said City of Derby, and the legal fees for recording such lien shall be added to such assessment.

Sec. 8879. Right to file lien when appeal is taken from appraisal of damages or assessments of benefits.

If any appeal be taken from the appraisal of damages or assessment of benefits, or both, the right to file such certificate of lien shall continue to exist for a period of sixty days after the passage of the final decree of the court having jurisdiction of such appeal.

2016 AUG 5 PM 4:07

Sec. ~~89~~80. Enforcing collection.

All amounts due said city for assessments made under any of the provisions of this act may be collected by warrant under the ~~hands~~ hand of the Mayor of the city, directed to the duly appointed collector thereof, who may enforce the collection of the same in the same manner in which tax warrants are collected. Every such amount shall be and remain a lien upon the land or other property with reference to which it was made; and said lien shall have the same validity and effect and be enforced in the same way as provided in this act for the enforcement of assessments.

Sec. ~~90~~81. Assessment of benefits generally.

In assessing benefits for any public improvements as prescribed in this act, the authority making the same shall not be limited to property abutting on said improvements, but may assess benefits upon any person whose property, in its sound discretion and judgment, is thereby benefited. No public improvement of any kind shall be undertaken by the Board of ~~Aldermen~~Alders or other authority having power to authorize the same until an appropriation for said improvement has been duly made.

2016 AUG 5 PM 4:08

Public Parks.

Sec. ~~91~~82. Generally.

The Board of ~~Aldermen~~Alders shall have charge of the care and maintenance of all public parks and may procure by gift, purchase, lease, exchange or by other contract, or by condemnation, land for public park purposes or for the improvement of or to enlarge any public park or for playground or other public purposes, but no land shall be secured for any such purpose by said Board of ~~Aldermen~~Alders when such land shall cost the city in excess of two hundred and fifty dollars unless the acquisition of such land shall have been authorized by a vote of the Board of ~~Aldermen~~Alders, approved by the Mayor and the Board of Apportionment and Taxation of said city, and in the event the cost of such land to the city shall exceed the sum of two thousand dollars, then the purchase of

the same shall first be authorized by a vote of the electors of said city at a meeting called for such purpose.

Sec. ~~92~~83. Use of Coon Hollow Park for educational purposes authorized.

Notwithstanding any provision to the contrary in the instrument of conveyance to the ~~Town~~ City of Derby of the land known as Coon Hollow Park located in said ~~town~~city, said ~~town~~ city may use said land for educational purposes.

Issuing Bonds.

Sec. ~~93~~84. Authority to issue generally.

Whenever said city shall desire to make any public improvements which shall have been approved by the Board of ~~Aldermen~~Alders and the Board of Apportionment and Taxation, it may issue its bonds. serial in form, payable at such times and at such annual rate of interest as said city may direct, and it shall designate the manner in which said bonds shall be issued and negotiated and the persons by whom they shall be signed, and when and where said bonds shall be payable. Said city may issue bonds to fund whatever debts ~~of~~ the City of Derby may have outstanding, provided the total indebtedness of said city shall not at any time exceed the percentage of the grand list of said city as shall be authorized by the provisions of the Connecticut General Statutes, as the same may be amended from time to time. No such bonds shall be issued except in pursuance of a vote by ballot of the legal voters of said city at a meeting duly named and held for that purpose. Reissuance of bonds shall be permitted with the approval of both the Board of ~~Aldermen~~Alders and the Board of Apportionment and Taxation. In ascertaining the amount of indebtedness of said city, all indebtedness created or bonds issued for the purchase or extension of a waterworks system for said city and any sinking fund of said city shall be deducted from the then existing debt of said city.

2016 AUG 5 PM 4:08

Public Library.

Sec. ~~94~~85. Generally.

The City of Derby may maintain a public library, the use of which under proper regulations shall be free to its inhabitants. The public library shall be under the management and control of a Board of nine Library Directors who shall serve without pay. Said Board of Directors shall have charge of all the property of said city used for the purposes of said library and shall direct the expenditure of all money placed at its disposal by the city from whatever source derived and of all money and property which may be donated by private individuals to said library. Six of said nine Directors shall be residents of said city and shall be appointed by the Mayor as hereinafter provided. The remaining three of said. Directors may be nonresidents of said city and shall be appointed by the Mayor in accordance with any agreement therefor which shall have been approved by the Mayor and Board of ~~Aldermen~~Alders of said city, and said Mayor and Board of ~~Aldermen~~Alders are authorized to enter into any such agreement with reference to the appointment of said three Directors, and for such length of time, whether determinable or in perpetuity, as they may deem advisable. In the absence of any such agreement or upon the expiration of same, the Mayor shall appoint such three Directors, and may in ~~his~~his/her discretion appoint residents or nonresidents of said city. The present Board of Directors shall hold their offices for the terms to which they have been appointed and until their successors are appointed. In April 1923, and biennially thereafter, in the month of April, the Mayor shall appoint three Directors to hold office for six years from the first Monday of May next following and until their successors are appointed, two of whom shall belong to said group of six Directors, and one to said group of three Directors. The Mayor shall fill any vacancy in said Board caused by death, resignation, removal or otherwise, for the unexpired term.

Sec. ~~95~~86. Board of Directors-Authority generally.

Said Board of Directors shall make and enforce such bylaws, rules and regulations as it may deem. proper for the management, protection and preservation of the property of said library and the management and the use of the rooms thereof, and shall have all the rights and powers and be liable to the performance of all the duties and obligations belonging by statute to Directors of public libraries in cities of this state. ~~They~~ It shall

2016 AUG 5 PM 4:08

have authority, with the consent of the Mayor and Board of ~~Aldermen~~Alders, to make a contract or contracts on behalf of and in the name of said city with the Derby Neck Library Association for the use and occupation of any property of said Derby Neck Library Association in furtherance of the purposes of a free public library. Said Board of Library Directors shall annually report in writing to the Mayor of said city the condition of said library, the circulation of books, and generally the operation of said library for the preceding year.

Sec. ~~96~~87. Same-Organization.

Said Board shall, by ballot, biennially, at such time and place as may be prescribed by the bylaws, elect one of its~~,~~ number~~,~~; who shall be a resident of said city, to be President, who shall hold office until ~~his~~his/her successor is elected and said Board shall elect a Secretary, a Treasurer and such other officers as it may deem necessary, all of whom shall serve without ~~shall~~ pay, and shall appoint and remove such librarian or librarians and other employees as it may deem necessary for ~~the~~ the proper management of said library and shall fix the duties and compensation of such librarian and employees. The offices of Secretary and Treasurer may be held by the same person.

Sec. ~~97~~88. Fiscal affairs.

The Board of Apportionment and Taxation of the City of Derby shall annually appropriate a sum of money for the care, maintenance and support of said public library, and for the purchase of books, and may from time to time appropriate in addition thereto sums of money for building purposes, repairs or improvements in real estate and fixtures. All monies which have been or shall be appropriated by said city for library purposes shall by the Treasurer of said city, be paid over to the Treasurer appointed by the Board of Library Directors, at regular intervals during the fiscal year. No payment shall be made by said Treasurer appointed by said Board of Library Directors except upon bills or orders approved in such manner as may be provided in the bylaws, and all bills and vouchers for expenses incurred shall be kept on file as may be provided in the bylaws and shall be subject to inspection by the Mayor, the City Treasurer, the Corporation Counsel and any member of the Board of Directors of said library. The Board of Directors of said library shall not, on account of city appropriations or as chargeable thereto, expend any money in excess of the money therefor appropriated by

2016 AUG 5 PM 4:08

said Board of Apportionment and Taxation for the use of said library, except that any funds not derived from such city appropriation may be expended to such an amount and for such purposes as said Board of Directors shall deem that the interests of said library may require.

Sec. ~~98~~89. Rules and regulations.

The public rooms of said library may be used for all such scientific, literary, historical and other educational purposes, lectures and meetings as may be approved by the Directors, and for such other purposes and meetings as the Directors may deem to be expedient, and for the use of said rooms said Directors may charge such reasonable price as they shall deem proper, except that when said rooms shall be used for scientific, literary, historical or other educational lectures or meetings, any charge therefor shall be at the discretion of the Directors, but shall in no case exceed the reasonable expense attendant upon such use. Any fees received for the use of said rooms as aforesaid shall be applied to the general purposes of said library. The Mayor and Board of ~~Aldermen~~Alders of said city are authorized in the name and in behalf of said city to accept any real estate which may be donated to said city for any of the purposes mentioned in this act under such terms, conditions, agreements and stipulations with reference thereto and the management thereof and in the name of said library as they may deem to be to the advantage of said city and not inconsistent with this act. All money, books and other personal property donated to said city for library purposes, or to said library, may be accepted by said Board of Directors under such conditions, restrictions and stipulations as ~~they~~ it shall deem advantageous to said library and said city.

2016 AUG 5 PM 4:08

Sec. ~~99~~90. Management, etc., of library trust funds.

The Board of Sinking Fund Commissioners. of said city shall be a board of trustees of any permanent fund or any trust for said public library, and shall receive, hold, manage, invest and reinvest, in the manner provided by law with reference to the investment of trust funds in this state, any money or other property which by devise, bequest or donation shall be given for the establishment of any permanent fund, or in trust for the benefit of said public library. Such fund shall be kept as a separate fund, and said

Commissioners shall annually report in writing the condition of such fund, its disposition and the manner of its investment, to the Mayor of said city. The income of said fund shall semiannually be turned over to said Board of Directors for the use of said library, or as specified in the terms of any devise, bequest or donation. Should any income of said fund not be expended in any one year, such unexpended income shall be subject at any time to the order of said Board of Directors, Any and all absolute donations of money or other personal property, whether by gift, bequest or devise, shall be held, managed and used as said Board of Directors may deem expedient.

~~**Birmingham Water Company.**~~

~~**Sec. 100. Authority to acquire, etc.**~~

~~The City of Derby is authorized to buy the stock, property, franchise and waterworks of the Birmingham Water Company or such successor company as may exist, for a sum to be agreed upon by said city and said company. If unable to agree, the city may apply to any Judge of the Superior Court, upon giving at least twelve days' notice to said company for the appointment of a committee of three judicious and disinterested electors of the state to estimate and appraise the amount that shall be paid by said city for said stock, property, franchise and waterworks of said company. The members of said committee shall be sworn to a faithful discharge of their duties, and they shall give notice to the parties in interest of the time and place when and where they will harm them in relation thereto. Any award made by said committee, or a majority thereof, shall be binding upon said city and upon said company, and said city shall purchase and said company shall sell its waterworks system to said city for the price and upon the terms named in said committee's award, such award shall be returned by said committee to the judge by whom it was appointed, who may return the same for further consideration for any cause that he/she may find sufficient. Said city shall, within ninety days after said award has been accepted by such judge, pay to said company the amount named in said award; and said city shall thereafter have the right, and it is authorized to conduct the business of supplying the inhabitants of said city with pure and wholesome water for public and domestic purposes. Said city shall, for said purpose, exercise the rights, privileges and immunities granted to said company, its Charter and amendments thereto, with the right to elect officers of said company, and maintain the corporate existence of~~

2016 AUG 5 PM 4:08

~~said company, and conduct the business thereof separate and distinct from the business of said city, or to appoint a Board of Water Commissioners with authority to conduct the business of supplying water to the inhabitants of said city. Said city, for the purposes of paying for said waterworks, and adding to and improving the same when purchased, may issue its bonds to an amount equal to its waterworks system, such bonds to be issued in such denominations, for such sums, for such length of time and at such rate of interest as said city shall direct. No purchase of said waterworks system shall be made by said city until the same shall be authorized and directed by the vote of the electors of said city, in a meeting specially warned and held for such purpose; and the vote at such meeting shall bhe by ballot, and the polls shall remain open from six o'clock in the forenoon until five o'clock in the afternoon.~~

Sec. ~~101~~91. Meetings of boards and commissions.

Prior to the commencement of any public meeting of any board or commission of the city, the agenda for said meeting shall be posted in the meeting room and the first order of business of said meeting shall be the entertainment of public discussion on any item on said agenda and the conduct, length and method of terminating said public discussion shall be determined by majority vote of the members of said board or commission.

Sec. ~~102~~92. Fire Chief-Assistant Fire Chiefs. [Approved at referendum 11-5-2002]

The selection of the Third Assistant Fire Chief shall be based upon an examination given by the four Chiefs of the Fire Department and shall be made on a rotating basis among the Hotchkiss Hose Company No. 1, Storm Engine Company No. 2, East End Hose Company No. 3, and Paugassett Hose Company No. 4 every two years. The selection of a Third Assistant Fire Chief from East End Hose Company No. 3 shall begin with the first selection which occurs after January 2003.

2016 AUG 5 PM 4:08

The qualification, examination and duties of the Third Assistant Fire Chief shall ~~bhe~~be set by the Fire Commissioner and Chiefs. When the Third Assistant Fire Chief has been appointed, he/she shall be automatically elevated every two years to Second Assistant Chief, First Assistant Chief, to Chief.