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PART I CHARTER*

*Editor's note: The Charter of the City of Bristol, accepted by the City Council on August 28, 1968, approved by the voters of the city on November 5, 1968, and effective on January 1, 1969, is set out herein in Part I of this volume. Subsequent amendments have been included and are indicated by history notes in parentheses following amended sections and in the Charter Comparative Table beginning on page 107. Material enclosed in brackets has been added to the text where necessary to correct obvious errors or to clarify the meaning where the same is ambiguous, except that obviously misspelled words have been corrected without notation. Where applicable, notes have been inserted indicating the legislative history of various charter sections. In this context, "legislative history" means the Special Acts, and sections thereof, from which a present charter section is derived.

Sec. 1. – Electors constituted body corporate.

In accordance with Chapter 99 of the General Statutes and Number 352 of the Special Acts of 1911, incorporating the City of Bristol, as the same has been, from time to time, amended, is further amended and codified to read as follows: All of the electors of this state, who are inhabitants of the Town and City of Bristol, shall be a body corporate and politic by the name of the City of Bristol; and by that name, they and their successors, inhabitants of the territory included therein, shall have perpetual succession, be capable of suing and being sued, pleading and being impleaded in all courts, and of possessing, purchasing, receiving, holding and conveying any estate, real or personal. It shall have a corporate seal, designed and approved by the city council, which said council may alter at its pleasure.

(Amend., eff. 12-5-13)

Legislative history--Sp. No. 352, § 1, 1911; Sp. No. 434, § 1, 1931; Sp. No. 489, § 1, 1939.

Sec. 2. Construction of the charter.

(a) The Town of Bristol shall continue to exist. It shall hold town meetings as hereinafter provided, for the election of registrars of voters. Said town shall elect no other officers and hold no other meetings. All other political and legal rights heretofore vested in said town and in the Borough of Bristol, and all property, property rights and choses in actions heretofore belonging, either to the Town or Borough of Bristol, shall be vested in the City of Bristol, and said city shall be subject to all obligations which otherwise would exist against said town or said borough if all these debts are paid.

(b) In the construction of this charter, words importing the masculine gender may be applied to females and words importing the feminine gender may be applied to males.

(c) In the construction of this charter, the terms personnel director and director of personnel mean director of human resources.

(Amend., eff. 11-4-81; Amend., eff. 11-9-83; Amend., eff. 12-8-11; Amend., eff. 12-5-13; Amend., eff. 12-5-19)

Legislative history--Sp. No. 352, § 2, 1911; Sp. No. 102, 1921; Sp. No. 434, § 2, 1931; Sp. No. 489, § 2, 1939.

Sec. 3. Statutory provisions incorporated.

All statutes in force at the time of the passage of this charter, or which may be enacted, which convey rights or powers or impose duties or liabilities upon the towns of this state, or upon the municipal authorities of either towns or cities, shall confer such rights and powers, and impose such duties and liabilities upon the City of Bristol and the officers thereof, subject to the limitations of section two subsection (a) herein.

(Amend., eff. 12-5-13)

Legislative history--Sp. No. 434, § 3, 1931, Sp. No. 489, § 3, 1939.

Sec. 4. Existing laws and ordinances.

All general laws of the State of Connecticut applicable to the town (city, borough) and all ordinances of the town (city, borough) shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this charter. All special acts or parts of special acts relating to the town and city of Bristol, except those expressly retained by the provisions of this charter are repealed.

The effective date of this charter will be January 1, 1969.

Sec. 5. Saving clause.

If any 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 said section or part thereof 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 of a section to which such holding shall directly apply.

Sec. 6. Ethics board and conflict of interests.

Notwithstanding any charter provision to the contrary, any elected or appointed official or any employee of the City and Town of Bristol who has a financial or personal interest, either individually or as a member of any group that has a financial or personal interest, direct or indirect, in any contract, transaction or decision of any board, body or commission, to which the City or Town is a party, shall immediately disclose that interest to the board, body or commission concerned which shall record such disclosure upon the official record of its meetings. Said official or employee shall then vacate the chamber and refrain from voting upon or otherwise participating in such capacity as a City or Town officer or employee in the making of said contract, transaction or decision. Within seven (7) calendar days from the date of said disclosure, said official or employee shall file written disclosure of said interest with the Town and City Clerk. Upon making a finding of violation by any such official or employee of provisions of this section, the

Ethics Board shall refer such finding to the City Council. Violation of any such official or employee of the provisions of this section shall be grounds for removal by the City Council after due hearing thereon. Violation of this section with the knowledge, express or implied, of any person or corporation participating in such contract, transaction or decision shall render the same voidable by the City Council or by a court of competent jurisdiction. The City Council shall establish a policy for disclosure of financial or personal interests of elected and appointed officials and employees of the City and Town of Bristol. Such policy shall list the offices or positions for which such disclosure shall be required and shall set forth the scope and manner of such disclosure. The City Council is empowered to carry out the provisions of this section by appropriate ordinances, including, but not limited to, the enactment of definitions to be used in the implementation of this section.

Sec. 7. Bond issues.

The City of Bristol is authorized to issue bonds, notes and other obligations subject to the limitations which are or may be established by law as to the time of maturity, certification and amount of municipal indebtedness.

(Amend., eff. 12-6-18)

Legislative history--Sp. No. 352, § 2, 1911; Sp. No. 434, s; 4, 1931; Sp. No. 489, § 4, 1939.

Sec. 8. Lien fees.

The provisions of the general statutes relating to lien fees shall continue to apply to the consolidated town and city of Bristol and to all independent and dependent tax districts therein.

Legislative history--Sp. No. 489, § 30, 1939.

Sec. 9. Unlawful harassment in the workplace.

- a. Elected and appointed officials and employees of the City of Bristol are prohibited from engaging in unlawful workplace harassment against any other elected or appointed officials or employees of the City of Bristol.
- b. The City Council is authorized to establish by ordinance procedures for the investigation and enforcement of the provisions of this section, and for the investigation and enforcement of Special Acts and General Statutes of the State of Connecticut that protect against unlawful harassment in the workplace, as the same may be created or amended from time to time by the General Assembly of the State of Connecticut.

- c. To the extent permitted by law, the City Council is authorized to adopt ordinances that shall provide penalties for elected or appointed officials, and for employees of the City of Bristol who, after due process, are found to have engaged in unlawful harassment in the workplace.

(Amend., eff. 12-6-18)

Editor's note: A charter amendment of Nov. 4, 1997, effective Dec. 4, 1997, deleted § 56, pertaining to the charter revision committee.

Sec. 10. City of Bristol retirement plan.

The City of Bristol Retirement Plan shall be maintained and may be amended by ordinance, as provided for by the general statutes. (1969, S.A. No. 101, § 3)

Legislative history--Sp. No. 361, 1931; Sp. No. 489, § 56, 1939; Sp. No. 268, 1943; Sp. No. 304, 1947; Sp. No. 608, §§ 1, 2, 1951; Sp. No. 587, 1953; Sp. No. 163, §§ 1--3, 1955; Sp. No. 127, §§ 1--5, 1957; Sp. No. 517, §§ 1--4, 1959; Sp. No. 199, 1961; Sp. No. 251, 1963.

Sec. 11. Fiscal year.

The fiscal year of the city and of all subdivisions thereof shall commence on the first day of July of each year, and expire the thirtieth day of June next succeeding annually.

The tax lists prepared in the month of October in each year shall constitute the tax lists for the fiscal year next following, and the board of assessment appeals shall meet as required by law in March of each year next preceding the beginning of each fiscal year. The budget each year shall be completed not later than the first Monday of May next prior to the first day of each fiscal year, and a copy thereof mailed to each council member by the chairperson of the board of finance immediately upon completion but not less than fifteen days prior to the first Monday in May annually. All provisions of the special or general acts inconsistent with the provisions of this section are repealed so far as they relate to said city and no provision of the general statutes inconsistent with this section shall apply to the city of Bristol.

(Amend., eff. 12-4-97; Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, §§ 21, 22, 1911; Sp. No. 434, §§ 40, 42, 1931; Sp. No. 98, 1933; Sp. No. 489, § 25, 1939; Sp. No. 392, 1949.

Sec. 12. City council districts, voting districts and precincts.

(a) The City of Bristol shall be divided into three (3) city council districts. Said council districts shall be defined in accordance with a certain map or plan entitled "Map Showing CT General Assembly Districts Under 2011 Redistricting Plan with Bristol City Council Districts and Bristol Precincts dated December 29, 2011, as revised January 9, 2012 and drawn by the Bristol Public Works Department, Bristol, CT 06010."

(b) The precincts established shall at all times coincide with the voting districts for the election of the general officers of the City of Bristol. The city council may increase or diminish the number of voting districts and alter voting district boundaries as allowed by state statute, provided it maintains the boundaries of the council districts established herein by the above-referenced map.

(Amend., eff. 11-5-75; Amend., eff. 11-4-92; Amend., eff. 12-5-02, Amend., eff. 12-6-12)

Legislative history--Sp. No. 352, § 4, 1911; Sp. No. 434, § 5, 1931; Sp. No. 489, § 5, 1939; Sp. No. 353, 1965.

Sec. 13. Caucuses, nominations, city elections.

Shall comply with the General Statutes of Connecticut.

Legislative history--Sp. No. 352, §§ 8--10, 1911; Sp. No. 199, 1913; Sp. No. 281, 1915; Sp. No. 434, §§ 11, 12, 1931; Sp. No. 489, § 11, 1939; Sp. No. 650, 1955; Sp. No. 565, 1959.

Sec. 14. Polls; when open.

At all regular and special elections held in the City or Town of Bristol the polls should comply with the General Statutes of the State of Connecticut.

(Amend., eff. 11-7-89)

Legislative history--Sp. No. 352, §§ 9, 10, 1911; Sp. No. 199, 1913; Sp. No. 434, § 20, 1931; Sp. No. 489, § 6, 1939.

Sec. 15. Voting machines. Ballots; use of.

Shall comply with State of Connecticut Election Laws.

Legislative history--Sp. No. 352, §§ 9, 10, 1911; Sp. No. 256, 1915; Sp. No. 103, 1921; Sp. No. 439, § 21, 1931; Sp. No. 489, § 7, 1939.

Sec. 16. Municipal elections.

The municipal election of city officers and for the taking of any other ballot or vote required by the general statutes or the provisions of this charter, except special elections, shall be held on the Tuesday after the first Monday of November in odd numbered years. A call for each city meeting shall be published in a newspaper having a general circulation in said city in accordance with state statutes.

(Amend., eff. 11-7-89; Amend., eff. 12-2-10; Amend., eff. 12-5-13)

Legislative history--Sp. No. 352, §§ 6, 8, 10, 1911; Sp. No. 199, 1913; Sp. No. 281, 1915; Sp. No. 434, § 9, 1931; Sp. No. 489, § 9, 1939.

Sec. 17. Special elections. Municipal elections.

When a vote shall be required to be taken by the electors of the city under the provisions of this charter or any requirement of law, and when the city council shall deem it expedient that such vote should be taken at a different time from the municipal election provided for in section nine, the mayor shall call a special meeting of the electors of the city for the purpose of taking such vote. The call shall specify the objects for which it is to be held and shall be issued and published as provided in section **sixteen**. Such election shall be conducted in all respects as is herein provided for municipal elections.

(Amend., eff. 12-2-10)

Legislative history--Sp. No. 352, § 7, 1911; Sp. No. 200, 1913; Sp. No. 434, § 10, 1931; Sp. No. 489, § 10, 1939.

Sec. 18. Referendum.

No ordinance passed by the city council, as authorized by this charter, shall go into effect before fourteen days from the date of its publication in a newspaper of general circulation in the city, except when otherwise required by the general statutes or in case of a measure for the immediate preservation of public peace, health or safety, which contains a statement of its urgency. If, during such fourteen days, a petition signed by at least five per cent of the qualified electors, protesting against the passage of such ordinance, shall be presented to the city clerk, the same shall thereupon be suspended from operation and the council shall reconsider such measure, and, if it be not entirely repealed, the council shall submit such ordinance to the vote of the electors of the city, either at the general municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect unless a majority of the qualified electors voting thereon shall vote in favor thereof. The sufficiency of such petition shall be determined, the election ordered and conducted and the result declared as provided in section sixty seven hereof, so far as said provisions may be applicable.

(Amend., eff. 12-8-05)

Legislative history--Sp. No. 352, § 67, 1911; Sp. No. 280, 1915; Sp. No. 434, § 139, 1931; Sp. No. 489, § 53, 1939.

Sec. 19. Town elections. Town Clerk. Registrars.

(a) The town meetings of the Town of Bristol shall also be known as town elections. The call to each such meeting shall be signed and published by the town clerk. At town meetings to be held on the first Tuesday after the first Monday of November, in even numbered years, at the same time and places as the municipal election electors' meeting provided by law, the electors of the town shall choose by the use of the voting machine, or ballot, if so determined by the city council, two registrars of voters.

(b) No person shall vote for more than one registrar of voters.

(c) The registrars of voters, and the town clerk respectively, shall exercise all of the powers conferred by the constitution and laws of this state upon selectmen, town clerks

and registrars of voters of towns concerning the making of electors. All other powers conferred by law upon selectmen of towns shall be vested in the city council.

(d) The compensation of the registrars of voters shall be fixed by the city council, and the city shall pay the expenses of the warning and holding of town meetings.

(e) The mayor and city clerk shall issue the warning of elector's meetings required by the general statutes to be issued by town clerks.

(Amend., eff. 11-4-81; Amend., eff. 11-9-81; Amend., eff. 11-7-89; Amend., eff. 12-2-10; Amend., eff. 12-5-13)

Legislative history--Sp. No. 352, § 5, 1911; Sp. No. 269, 1915; Sp. No. 439, §§ 6--8, 1931; Sp. No. 489, § 8, 1939.

Sec. 20. City officers; elective.

(a) The general officers of said City of Bristol, to be elected by the electors thereof shall be a mayor, six council members, a treasurer and a board of assessment appeals of three members. All of such officers shall be elected at each municipal election for a term of two years from the first Monday following their election and until their successors are elected and have qualified. Each elector shall be entitled to cast one vote for mayor, one vote for treasurer, two votes for the candidates of their choice for city council of the council district wherein the elector resides, and two votes for members of the board of assessment appeals of said city.

(b) No political parties shall nominate more than two residents of each council district as candidates for the city council. The two candidates from each council district receiving the highest number of votes shall be declared elected to the city council.

(c) No political party shall nominate more than two candidates for the board of assessment appeals of the city and the three candidates receiving the highest number of votes for the board of assessment appeals shall be declared elected.

(d) No person shall be qualified to be a candidate for any elective municipal office in the City of Bristol unless such person shall be an elector of said city.

(e) Any official elected on or after November 7, 2017 who ceases to be a resident and elector of the City of Bristol, or in the case of a council member who ceases to be a resident and elector of the council district from which he or she was elected, shall thereupon cease to hold such elective office and the elective office shall be vacant. Vacancies shall be filled in accordance with the provisions of Section 21 or Section 53 as may be applicable.

(Amend., eff. 11-5-75; Amend., eff. 11-4-81; Amend., eff. 11-9-83; Amend. eff. 11-7-89; Amend., eff. 12-4-97; Amend., eff. 12-2-10; Amend., eff. 12-8-11; Amend., eff. 12-5-13; Amend., eff. 12-8-16)

Legislative history--Sp. No. 352, § 12, 1911; Sp. No. 434, § 23, 1931; Sp. No. 387, 1933; Sp. No. 489, § 12, 1939; Sp. No. 456, § 1, 1941; Sp. No. 132, 1957.

Sec. 21. – Elective officers; terms; vacancies.

(a) If a vacancy shall occur in the office of mayor, the city council shall have power to make temporary provisions for the performance of the duties of the office. It may fill the vacancy for the unexpired portion of the term of such office, if less than nine months remain of such term. If, at the time of such vacancy, nine months or more remain of such unexpired term, or if, within one month after such vacancy, the city council shall have failed to fill such vacancy, as is above authorized, the vacancy shall be filled at a special city election called by the acting mayor.

(b) All provisions of this charter relating to nominations of elective officers and to city elections shall apply to such special election, with such changes as to dates and other details as the city council shall determine to be necessary.

(c) If any council member shall vacate such person's office, the vacancy shall be filled at a special city election for the position vacated if more than nine months remain of the term and shall comply with Sections nine and ten of this charter herein. If less than nine months remain, no election shall be held and the mayor shall within two weeks of such vacancy, appoint a replacement, with a member of the same party affiliation as the member who vacates, with approval of the city council. Said appointment shall continue until the next regular municipal election.

(d) The city council shall have power to fill any vacancy that may occur in any other city or town office, except as otherwise specifically provided herein.

(Amend., eff. 11-9-83; Amend., eff. 11-4-92; Amend., eff. 12-8-11; Amend., eff. 12-5-13)

Legislative history--Sp. No. 352, § 24, 1911; Sp. No. 434, §§ 31, 37, 1931; Sp. No. 404, 1933; Sp. No. 489, § 14, 1939.

Sec. 22. The treasurer.

(a) The city treasurer shall be, ex officio, treasurer of the police and firemen's benefit fund and all powers and duties vested by law in the town treasurer shall be powers and duties of the city treasurer. The treasurer shall have the custody and disbursement of all funds belonging to the city, except as otherwise provided by this charter, and the treasurer shall keep an accurate record of all moneys received and disbursed.

(b) The treasurer shall give bond for the faithful performance of the treasurer's duty as such treasurer to the acceptance of the board of finance in such amount as such board shall, from time to time, determine.

(c) Whenever a vacancy in the position of the deputy treasurer shall exist, the treasurer shall recommend a candidate qualified by the personnel director to serve as deputy treasurer, a permanent staff position, with the consent and approval of the city council, who, in the treasurer's absence or inability to perform the treasurer's duties, shall perform all of the duties of the treasurer and shall give bond for the faithful performance of duty in the same manner as the treasurer.

(Amend., eff. 11-7-89; Amend., eff. 12-8-05; Amend., eff. 12-2-10)

Legislative history--Sp. No. 352, §§ 15, 56, 1911; Sp. No. 434, §§ 33, 44, 132, 1931; Sp. No. 489, § 18, 1939.

Sec. 23. Registrars of voters.

(a) The registrars of voters shall enter the names of the qualified electors on the official lists by the street and number of the house, when the houses are numbered, and not alphabetically, so that there shall be entered on the list, first, the street, avenue, road or alley; second, the number of the house or residence in numerical order; and third, the resident electors in such house or residence in alphabetical order, and those electors, if any, who cannot be so registered, shall be registered alphabetically. They shall appoint deputy registrars of voters and may appoint assistant registrars of voters as provided in section 9-192 of the general statutes. The City of Bristol shall provide office space and clerical assistants for said registrars of voters. The salaries and expenses of said registrars of voters and deputy registrars of voters shall be paid from the general fund of said town.

(b) The registrars of voters shall have the powers, duties and responsibilities conferred upon them by state statutes.

(Amend., eff. 12-5-13; Amend., eff. 12-5-19)

Legislative history--Sp. No. 489, § 19, 1939.

Sec. 24. Appointive officers; terms of office; suspensions.

(a) All other officers required by law or by any ordinance adopted by said city, except as otherwise provided herein, shall be nominated by the mayor and appointed by the city council. All appointees whose terms of office are fixed by charter or ordinance, or who have been heretofore appointed for fixed terms of office, shall hold office for the term so fixed and determined unless otherwise provided herein. All other appointive officers shall hold office for two years from the dates of their appointments except for the superintendent of schools, teachers and other employees of the board of education, the librarians and other employees of the public library, laborers, the deputy treasurer, clerks and other employees legally hired by other officers of the city.

(b) No appointee of the city council shall be removed during the term for which such appointee holds office, except for cause, and without first having received a written statement from the city council setting forth the reasons for removal, nor until the appointee shall have been given an opportunity to appear and be heard before the city council. If the appointee shall so request, a statement of the reasons for the removal, together with the appointee's reply thereto, shall be made a matter of public record. Any one or more of the following reasons shall be considered cause for removal:

- (1) Inefficiency or incompetence;
- (2) Insubordination against reasonable rules duly promulgated;
- (3) Violation of law;
- (4) Disability, as shown by competent medical evidence;

- (5) Elimination of position, provided that if the appointee shall be found qualified to be appointed to a comparable, existing position in which a vacancy exists, the appointee shall be so appointed;
- (6) Falsification of city records;
- (7) Other due and sufficient cause.

Temporary appointments shall be made to fill vacancies created through removal from office for cause, terminations, transfers, promotions, expiration of a term, or any other action which will create a vacancy.

A temporary appointment shall be made for a period not to exceed one hundred twenty (120) calendar days until a full term appointment can be confirmed.

No person shall receive a successive temporary appointment.

Nothing in section 24(b) shall apply to any person who is covered by a collective bargaining agreement between the city and a labor organization recognized or certified as the exclusive bargaining representative for such person under the Municipal Employee Relations Act.

(c) The mayor or the city council may apply to any justice of the peace in said city for any subpoena to compel the attendance of any witness before them at any hearing upon charges made against any officer of said city. Such subpoena shall be served and the fees for attendance shall be paid in the same manner as in the case of a subpoena in a civil action. Any person who, having been served with such subpoena who shall neglect or refuse to attend such hearing, unless prevented by necessity, or who shall refuse to testify, shall be fined not more than two hundred fifty dollars or imprisoned not more than six months or both.

(d) The mayor may suspend any officer appointed by the city council from the exercise of the duties of office until the next meeting of the city council, and shall report such action and the reason therefor to such meeting for the action of said city council. The compensation of any officer so suspended shall cease upon the officer's suspension; but, if the officer shall not be removed by the city council, the officer's compensation may, in the discretion of the city council, be continued during the period of such suspension. If any vacancy shall exist, by reason of such suspension or for any other cause, the mayor shall take such action as is, in the mayor's judgment, necessary to provide for the performance of the duties of the office so vacated until the next meeting of the city council. Upon removal of any officer or employee, all rights to salary, compensation or emolument shall cease from the date thereof.

(e) All appointed officers delineated in this section shall serve in compliance with their existing job descriptions and as they may be amended from time to time by the city council or its appointed designee.

(Amend., 11-9-83; Amend., eff. 11-7-89; Amend., eff. 12-2-10; Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, § 12, 1911; Sp. No. 378, 1917; Sp. No. 434, §§ 27, 28, 1931; Sp. No. 489, § 15, 1939; Sp. No. 276, 1949.

Sec. 25. City clerk, town clerk; duties.

The town clerk shall be, ex officio, the city clerk. The town clerk shall be nominated by the mayor and appointed by the city council for a term of four years. The mayor shall notify such town clerk at least one month prior to the expiration of the town clerk's term in writing that the town clerk will or will not be renominated. The town clerk shall have three years' experience in the Connecticut system of land records and administrative management. The town clerk must become a state certified municipal clerk within the first four-year appointment. The town clerk shall keep the records of all meetings of the electors of said city, of any taxing district therein, and of the city council, and shall have the custody of the record books and clerical papers of said city except those records, the custody of which is vested in the board of finance. All fees received by the city clerk, as such, or as town clerk, for the recording of deeds, the issuing of licenses and all other acts done in the town clerk's official capacity, shall be paid by the town clerk into the city treasury and the town clerk shall make a report of all such receipts, as required by city financial policies or at any other time if requested by the mayor or city council. The town clerk shall be the keeper of the city seal.

(Amend., 11-9-83; Amend., eff. 11-7-89; Amend., eff. 12-2-10; Amend., eff. 12-5-13)

Legislative history--Sp. No. 352, § 15, 1911; Sp. No. 434, § 32; 1931; Sp. No. 489, § 17, 1939.

Sec. 26. Bonds of officials.

The city council except as otherwise provided, may require bonds of any city or town officers or employees except the comptroller and the tax collector and their employees, whose bonds shall be fixed by the board of finance, and it shall require bonds of all other officers, agents and employees having custody of city funds. All bonds shall be executed by an authorized surety company, approved by the city council, and in an amount to its satisfaction. The cost of all such bonds shall be borne by the city.

(Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, § 23, 1911; Sp. No. 434, § 44, 1931; Sp. No. 489, § 24, 1939.

Sec. 27. Assessor.

(a) The assessor shall be nominated by the mayor and appointed by the city council for a term of four years. The mayor shall notify such assessor at least one month prior to the expiration of the assessor's term in writing that such person will or will not be renominated. Notwithstanding the provisions of this section, the full-time assessor in office on the effective date of this section shall continue in office until the expiration of the assessor's term.

(b) There shall be an assessor who shall exercise all powers, duties and responsibilities as are assigned to boards of assessors by the provisions of the General Statutes and such other duties and responsibilities as may be assigned by the mayor and

city council. The assessor shall have experience in the field of property appraisals and have charge of the assessor's office.

(Amend., eff. 11-9-83; Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, § 12, 1911; Sp. No. 434, § 25, 1931; Sp. No. 489, § 27, 1939.

Sec. 28. Tax lists. Filing for assessment.

- (a) All persons required to file lists of property subject to taxation with the assessor of the consolidated town and city of Bristol shall file such lists not later than November first in each year, or, if the first shall be a Sunday or a legal holiday then on the next business day following.
- (b) Such persons shall not include in such lists real estate, buildings, factories, mills, motor vehicles and motorcycles.
- (c) Such persons shall include in such lists: machinery used in mills and factories; average amount of goods on hand of merchants and traders for a whole or a part of a year preceding date of listing; average amount of goods on hand of manufacturers for whole or part of year preceding date of listing including raw stock and finished or unfinished products until phased out by state statutes; cables, wires, poles, underground mains, conduits, pipes and other fixtures and equipment of water, gas, electric and heating companies; and commercial furniture, fixtures and equipment of stores, offices, hotels, restaurants, saloons, convalescent hospitals, halls, theaters, shops, manufactories; non-registered motor vehicles, boats, aircraft, trailers and farm animals and farm machinery; and all other taxable goods.
- (d) The assessors shall provide a card or form, subject to the approval of the state tax commissioner, to conform to the foregoing provisions.
- (e) The addition of ten per cent to taxpayers' lists, provided by law for failure to file lists, shall not apply to failure to file lists of property not to be listed as hereinbefore provided.
- (f) The abstract or abstracts of taxable property as completed by the board of assessment appeals of the consolidated town and city of Bristol, may be used as the official rate book of such municipality, and shall, if so used, be delivered, together with a warrant for the collection of taxes, to the tax collector of the consolidated town and city of Bristol, who then shall become the custodian of such abstract and rate book.

(Amend., eff. 12-2-10; Amend., eff. 12-8-11; Amend., eff. 12-5-13)

Legislative history--Sp. No. 489, § 28, 1939; Sp. No. 280, 1949; Sp. No. 597, 1955.

Sec. 29. Tax collector.

The tax collector shall be nominated by the mayor and appointed by the city council for a term of four years. The mayor shall notify such tax collector at least one month prior to the expiration of the tax collector's term in writing that such person will or will not be

renominated. Notwithstanding the provisions of this section, the full-time tax collector in office on the effective date of this section shall continue in office until the expiration of such person's term. The tax collector shall perform the duties and have all the powers prescribed by the general statutes, the charter of the city of Bristol and its ordinances. The tax collector shall collect all taxes duly laid by the city. Any and all municipal assessments shall be construed to be a special tax, and, as such, shall be collected by the tax collector according to terms laid down by the city council in the same manner as other municipal taxes. The tax collector shall make reports and present the statements as may be prescribed by the board of finance or the city council and shall give bond in an amount to be determined by the board of finance. The board of finance may require all persons employed by the tax collector who handle the funds of the city and taxing districts, to give bonds in like manner in such amount as it may determine. The tax collector shall make such rules and regulations for the collections of the tax collector's office as are not contrary to the statutes and as shall be approved by the board of finance. The tax collector shall not be required to file with the treasurer the lists specified in the general statutes. The tax collector shall keep a cash book or other record satisfactory to the state tax commissioner, which shall contain all the information required by said sections to appear upon said lists and which shall be open to public inspection at all reasonable times.

(Amend., eff. 11-9-83; Amend., eff. 12-8-11; Amend., eff. 12-5-13)

Legislative history--Sp. No. 334, 1935; Sp. No. 489, § 29, 1939; Sp. No. 278, 1949.

Sec. 30. Taxes; abatement.

The tax collector shall, annually, in the month of February, deliver to the city council, a statement of unpaid taxes, with such information as the tax collector may have concerning the same, and the tax collector shall lodge a copy thereof with the comptroller. At the end of one year from the time when any tax, assessment or other charges owing to the city or any taxing district therein, collectible through the office of the tax collector, shall have been payable, the city council shall examine the reasons for nonpayment thereof, and after taking legal advice as to the collectibility of the same, it may abate all of the same which it shall find to be uncollectible. In such event, the special reasons therefor shall be entered in full upon the records of the city council.

(Amend., eff. 12-8-11)

Legislative history--Sp. No. 434, § 45, 1931; Sp. No. 489, § 31, 1939.

Sec. 31. Comptroller, assistant comptroller, purchasing agent.

The comptroller, assistant comptroller and purchasing agent in office on the effective date of the enactment of this charter shall continue to hold office and may be removed only for cause. They shall be bonded in an amount to be determined by the board of finance. As hereinafter provided, the comptroller, assistant comptroller and purchasing agent shall be nominated by the mayor and appointed by the city council for terms of four years each. The mayor shall notify such comptroller, assistant comptroller, or purchasing agent, as the case may be, at least one month prior to the expiration of such person's term

in writing that such person will or will not be renominated. When a vacancy exists, the assistant comptroller shall function until such time as a comptroller is appointed. In the absence of the comptroller and assistant comptroller from the city or their inability to perform the duties of the office for whatever reason, the mayor shall name an acting comptroller of the city of Bristol, and said acting comptroller shall have the powers and discharge the duties of the comptroller while so acting. The comptroller shall act as clerk of the board of finance. Such clerk shall accurately record the doings of the board and shall be the custodian of all its books, papers and data relating to the conduct of its business. The comptroller shall perform for the city the usual duties of such office or such additional duties for the city and its districts as the board shall designate. The comptroller shall examine all bills ordered paid by the city council or the board, or of any department, except as herein otherwise provided, and, on the approval of any bills by the city council or the board or such department, shall draw an order on the city treasurer for the payment of the same. All orders on the city treasurer shall be signed by the comptroller. Upon a written order of the mayor, the comptroller shall withhold payment of any bills in controversy. The comptroller shall keep all the accounts of the city in such manner as may be provided for by the board. The comptroller shall, at any time when directed by the mayor or city council, examine the accounts, books, bills, and the methods of conducting business of any department of the city government, and of any officer of the city, and shall report thereon to the mayor and city council. All the books, accounts, vouchers and memoranda in the office of the comptroller shall, at all times during usual business hours when not required in actual use, be open to the inspection of the public. The minute book shall be open to the inspection of the public.

Sec. 32. Building department.

The building department shall be under the supervision and direction of the building official who shall be appointed and hold office in the manner prescribed by the General Statutes and shall qualify and be certified as a building official by the State of Connecticut. The building official or the building official's designees shall be the clerk agents of the zoning commission and the zoning board of appeals. The building official shall be the chief zoning enforcement officer of the zoning commission. The building official shall be responsible to the mayor. Assistant building officials shall be appointed in the same manner as the building official and shall serve as inspectors of the various building trades in which their qualifications are certified as provided in the Connecticut General Statutes. Each shall be licensed at journeyman level or higher, and where licensing in a trade is not required, each shall have at least five (5) years' experience at journeyman level or higher in that trade. They shall perform the duties assigned to each by the building official.

(Amend., eff. 11-4-81; Amend., eff. 11-9-83; Amend., eff. 12-8-11)

Sec. 33. Director of public works.

The director of public works shall be nominated by the mayor and appointed by the city council for a term of four years. The mayor shall notify such director of public works at

least one month prior to the expiration of the term in writing that such person will or will not be renominated. The director of public works shall hold a degree in engineering, business or public administration, or a related field and shall have had at least five years' experience in a managerial capacity. Notwithstanding the provisions of this section, the director in office on the effective date of this section shall continue in office until the expiration of the term. The director of public works shall be responsible for the efficiency, discipline, and good conduct of the department of public works, and as provided in this charter shall appoint and may remove such deputies, assistants and employees as the director of public works may deem necessary subject to the approval of the city council and shall direct the activities of the city engineer. The director of public works shall exercise the powers and discharge the duties of the office under the direction of the board of public works. The director of public works shall organize the work of the department in such manner as director of public works shall deem most economical and efficient. The director of public works shall be the tree warden and shall have all the powers and duties thereof as provided for by the general statutes. The director of public works shall have supervision and control of the maintenance of all city owned structures, except such structures as are under the control of the board of education, park department and water department, and of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspection of highways, sidewalks and curbs, storm sewers, public and private drains, and other public improvements, city buildings, and the preservation, care and removal of trees within highways and public places, all engineering work of the city and the collection of and disposal of garbage, rubbish and refuse. The director of public works shall have such other powers and duties as the board of public works may prescribe. Any provision of this section to the contrary notwithstanding, the department of public works (or any city department) may maintain and care for school buildings and grounds, but only if, and to the extent and for the period requested by the board of education and approved by the council, provided the costs are charged against the board of education's appropriations. The director of public works may close or restrict traffic over any section of any street, highway or bridge within the City of Bristol and within its control for the purposes of construction, reconstruction or repair by posting notices at each end of such highway or bridge, and any person using such highway or bridge when such notice is posted shall do so at such person's own risk. Nothing in this section shall be construed to authorize a violation of any term of any agreement with a duly approved collective bargaining agreement.

In all other sections of this charter the superintendent of public works shall be the director of public works.

Sec. 34. City engineer.

The city engineer shall be nominated by the mayor and appointed by the city council for a term of four years. The mayor shall notify such engineer at least one month prior to the expiration of the term in writing that such person will or will not be renominated. Notwithstanding the provision of this section, the full-time city engineer in office on the effective date of this section shall continue in office until the expiration of the term. The city engineer shall be a graduate professional civil engineer registered with the State of Connecticut or certifiable with the State of Connecticut within one year. The city

engineer shall perform all engineering work approved by the board of public works and shall work under the direction of the director of public works. The city engineer or the city engineer's representative shall have the right to enter upon any land in the City of Bristol at any reasonable time for the purpose of engineering or surveying.

(Amend., eff. 11-9-77; Amend., eff. 11-4-81; Amend., eff. 11-9-83; Amend., eff. 11-7-89; Amend., eff. 12-8-05; Amend., eff. 12-8-11; Amend., eff. 12-5-13; Amend., eff. 12-6-2018)

Sec. 35. Chief of police.

(1) The chief of police shall be the head of the police department and shall be appointed by and subject to the authority of the board of police commissioners after a recruitment process supervised by the director of personnel. The appointee shall be chosen from the list of the five (5) highest ratings based on criteria as determined by the director of personnel in consultation with the board of police commissioners.

(2) The appointment of the board of police commissioners shall be subject to the approval of and confirmation of the mayor and city council. If the mayor and city council do not act on the nomination within sixty days, said appointment shall be deemed to be approved and confirmed. If the mayor and the city council reject said appointment or the candidate refuses the position, the board of police commissioners shall, within thirty days of said rejection or refusal, select from any remaining candidates and continue this process until five (5) candidates have been used. If no candidate is approved by the mayor and city council, a new recruitment process must ensue. Any rejected candidates shall not be eligible to participate in such process.

(3) The appointee shall reside within a town, any part of which falls within a twenty (20) mile radius of police department headquarters of the City of Bristol within six months of appointment and continue such residency for the term of office. The candidate does not have to be a resident of the City of Bristol or a member of the Bristol Police Department to become eligible for this appointment. The candidate shall have an adequate knowledge of the organization and administration of a police department, and shall also have had experience of at least ten years in the management and direction of police personnel in a supervisory capacity. The candidate shall have an appropriate four-year college or university degree. The candidate shall be offered a personal employment agreement with a duration of four (4) years, and on such other terms subject to the approval and confirmation of the mayor and city council. The award of successive personal employment agreements for the chief of police are at the discretion of the mayor and city council and subject to the approval and confirmation of the mayor and city council. The chief of police shall be responsible for the efficiency, discipline and the good conduct of the department, and for the care and custody of all property used by the department. The chief of police shall appoint a dog warden in accordance with state statutes. The chief of police shall be responsible for the assignment of all members of the department, including a dog warden, to their respective posts, shifts, details and duties. The chief shall make rules and regulations for the government of the police department, subject to the approval of the board of police commissioners. Disobedience by any member of the police department of the lawful orders, rules and regulations of the chief

of police or of the said police commissioners shall be grounds for dismissal or other appropriate disciplinary action by said commissioners. The person in office as chief of police on the effective date of this amendment shall enter into a personal employment agreement with a duration of four (4) years, and on such other terms subject to the approval and confirmation of the mayor and city council.

(4) Before any candidate not a member of the Bristol Police Department is appointed in accordance with this charter, the candidate shall be examined by a physician in general practice in the City of Bristol designated by the director of personnel and if such examining physician finds no physical or mental impairment, illness or condition that would prevent the candidate from effectively discharging the duties of the position to which the candidate is about to be appointed, the examining physician shall so certify to the director of personnel. If the examining physician does not so certify after the examination, the candidate shall not be appointed.

(5) The police commission shall have a complete background investigation conducted prior to presentation of the recommended candidate to the mayor and city council.

(Amend., eff. 11-5-75; Amend., eff. 11-9-77; Amend., eff. 11-7-89; Amend., eff. 12-4-03; Amend., eff. 12-8-05; Amend., eff. 12-8-11; Amend., eff. 12-8-16)

Sec. 36. Corporation counsel.

(a) The corporation counsel shall be nominated by the mayor and appointed by the city council to serve during the term of said mayor. The corporation counsel shall appear for and protect the rights of the City in all actions, suits and proceedings affecting it or any of its departments, officers, agencies, boards or commissions. The corporation counsel shall be the legal advisor of the city council, the mayor, and all city officers, boards and commissions in all matters affecting the City and shall upon written request furnish it with a written opinion on any question of law involving their respective powers and duties. Upon written request the corporation counsel shall prepare or approve forms of contracts or other instruments to which the City is a party or in which it has an interest. The corporation counsel shall have power, with the approval of the city council, to appeal from orders, decisions and judgements and, subject to approval from the city council, to compromise or settle any claims by or against the city.

(b) A full time assistant corporation counsel shall be nominated by the mayor and appointed by the city council for a term of five years. Additional full time assistant corporation counsels may be nominated by the mayor and appointed by the city council for a term of five years. The corporation counsel with the written consent of the mayor, may employ additional assistant corporation counsels for assistance in the conduct of special cases or proceedings in which the city is interested.

(c) The mayor shall nominate and the city council appoint one or more assistants to the corporation counsel whenever in its opinion the quantity of legal work, the disability or disqualification of the corporation counsel or the importance of any case requires.

(d) No person shall be eligible for the office of corporation counsel unless such person is a member in good standing of the Connecticut Bar.

(Amend., eff. 11-4-92; Amend., eff. 12-4-03; Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, §§ 34--36, 1911; Sp. No. 201, 1913; Sp. No. 434, §§ 147--149, 1931; Sp. No. 489, § 55, 1939; Sp. No. 151, § 7, 1943; Sp. No. 200, § 2, 1947.

Sec. 37. – Director of human resources.

The director of human resources shall be nominated by the mayor and appointed by the city council for a term of four years. The mayor shall notify such director of human resources at least one month prior to the expiration of the term in writing that such person will or will not be renominated. Notwithstanding the provisions of this section, the full-time director of human resources in office on the effective date of this section shall continue in office until the expiration of that individual's term of office. The qualifications of the director of human resources shall be established by ordinance.

(Amend., eff. 11-9-83; Amend., eff. 12-8-05; Amend., eff. 12-8-11; Amend., eff. 12-6-2018)

Sec. 38. Limits on successive terms for mayor and city council.

(a) No person who has been elected after the effective date of this section to the office of mayor for four successive two-year terms shall be eligible to run for election to the office of mayor until at least one term has elapsed. Provided, any person elected or appointed to the office of mayor to fill an unexpired term of one year or less shall be eligible to serve four successive two-year terms. Any person elected or appointed to the office of mayor to fill an unexpired term of more than one year shall only be eligible to serve three successive two-year terms. This does not disqualify a person from running for election to the office of mayor for any term or terms that are not successive.

(b) No person who has been elected after the effective date of this section to the city council in any district for four successive two-year terms shall be eligible to run for election to the city council or to be appointed to serve on the city council in any council district for any additional successive term until at least one term has elapsed. Provided, any person elected or appointed to serve on the city council to fill an unexpired term of one year or less shall be eligible to serve four successive two-year terms. Any person elected or appointed to serve on the city council to fill an unexpired term of more than one year shall only be eligible to serve three successive two-year terms. This does not disqualify a person from running for any term or terms that are not successive.

(c) This section does not disqualify a person who has served for successive terms as mayor pursuant to subsection (a) from being elected or appointed to any other elective or appointive office.

(d) This section does not disqualify a person who has served for successive terms as a city council member pursuant to subsection (b) from being elected or appointed to any other elective or appointive office.

(Amend., eff. 12-5-13; Amend., eff. 12-5-19)

Sec. 39. The mayor; powers and duties.

(a) The mayor shall be the chief executive officer of said city, and, ex officio, a council member. The mayor shall preside at all meetings of the city council. The mayor shall have power to preserve the peace of said city, and may suppress all tumults and riots with force if necessary, and, in the performance of said duty, may, at all times, require the aid of any marshal, constable or police officer, or all of them together, or of any elector of said city, or may call upon the governor for the assistance of the state militia.

(b) The mayor shall exercise general supervision over the official acts and conduct of all officers of said city, and may, at any time, require any such officer to report to the mayor concerning any matter within the mayor's charge and shall take action to cause any such officer to be punished for violation or neglect of duty.

(c) The mayor may, at any time, summon before the mayor any officer of said city for information, consultation and advice upon the affairs of the city.

(d) The mayor shall sign all contracts, bonds or deeds or other instruments requiring the assent of the city and shall take care that the terms of the same are fully performed.

(e) The mayor shall, annually, and from time to time, communicate to the city council such information concerning the affairs of the city, and such suggestions and recommendations relating thereto, as the interest of the city shall, in the mayor's judgment, require.

(f) Immediately upon taking the oath of office, the mayor shall, in writing to the city clerk, designate one of the council members to be acting mayor for the balance of their term in office. The mayor may from time to time revoke such designation and appoint some other council member to be acting mayor, which appointment shall then remain in place for the balance of their term in office. The acting mayor shall have all of the powers and discharge all of the duties of the mayor during the absence of the mayor from the city or during the period of time the mayor is unable to perform the duties of the office except as otherwise specifically provided. In the event both the mayor and the acting mayor are absent from the city or unable to perform the duties of the office, then, by vote of the majority of the remaining city council members a successor acting mayor shall be selected to serve in such capacity only until the mayor or acting mayor shall return to perform the duties of the office.

(g) For the purpose of Section 39 the definition of unable to perform the duties of the office shall mean:

(1) Court ordered finding;

(2) Any time the mayor is admitted to an acute medical care facility, unless or until the treating physician for the admitted elected official provides certification, in writing to the director of human resources who shall notify the town clerk, that the official is able to perform the duties of the office; or

(3) Any time the mayor shall undergo a medical procedure which shall require the administration of sedation or general anesthesia, unless or until the treating physician for the elected official provides certification, in writing to the director

of human resources who shall notify the town clerk, that the official is able to perform the duties of the office.

(h) The mayor shall cause annual written performance appraisals to be conducted for all non-elected department heads.

(Amend., eff. 12-2-10; Amend., eff. 12-8-11; Amend., eff. 12-5-13; Amend., eff. 12-5-19)

Legislative history--Sp. No. 352, §§ 16--18, 1911; Sp. No. 434, §§ 29, 30, 1931; Sp. No. 489, § 16, 1939.

Sec. 40. City council meetings.

(a) The Mayor and six council members shall constitute the city council.

(b) Such council shall hold a regular meeting once in each month, on a date and time to be fixed by a by-law or ordinance, at which meeting any elector or property owner of such city shall have the right to appear and to be heard as to any business of said city. The mayor shall have the power to call a special meeting any time and the mayor shall call a special meeting when requested by two council members to do so.

(c) The city clerk shall cause a copy of the call for each special meeting to be served upon or mailed to each council member at least twenty-four hours before the hour of such special meeting, but the lack of a call or insufficiency of service shall not invalidate any meeting at which all members are present and none of them objects because of such lack or insufficiency.

(d) Four members of the city council shall constitute a quorum for the transaction of business.

(e) Any member may demand an aye and nay vote on any question to be voted upon and such vote shall be recorded. When such a vote shall be taken, every member present shall vote except when a conflict of interest exists. Except as herein provided otherwise, the city council shall fix the salaries and emoluments of all officials and employees of the City and Town of Bristol except those employed by the board of education.

(f) Nothing in this section shall supersede the General Statutes of the State of Connecticut.

(Amend., eff. 11-7-89; Amend., eff. 12-8-05; Amend., eff. 12-8-11; Amend., eff. 12-5-13)

Legislative history--Sp. No. 352, §§ 15, 19, 1911; Sp. No. 434, §§ 35, 36, 1931; Sp. No. 489, § 21, 1939.

Sec. 41. City council; powers and duties.

(a) The legislative power of the city shall be vested exclusively in the city council except as otherwise provided in this charter or by the general statutes. In addition to such powers and duties of the council as are provided by the general statutes or by other provisions of this charter, as amended from time to time, the city council shall have the power subject to the provisions of the initiative and referendum herein, to enact, amend

or repeal ordinances not conflicting with the statutes of this state or this charter on any subject or matter concerning the City of Bristol for the efficient and proper carrying out of the city's affairs and maintaining law and order therein by any official, commission, board, agent, employee or by any other group or person duly authorized or for any other proper cause; which ordinances shall have the force of law within said city or within any part or parts, or at such time and places to which their terms are applicable but no such ordinances shall take effect before fourteen days from the date of its publication in a newspaper of general circulation in said city, except that an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency may be made to take effect upon its passage or before the expiration of said fourteen days. Any ordinance within the above exception shall be so published within three days after its passage.

(b) Every act of said city council creating, altering, or abolishing any agency, commission, office, or employment or assigning or reassigning the same to departments or establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance.

(c) Every ordinance, except an ordinance making a general codification of ordinances, shall be confined to a single subject, which shall be clearly expressed in its title.

(d) All ordinances which amend or repeal existing ordinances shall set forth in full the section or sub-section to be amended or repealed, and if it is to be amended shall indicate the matter to be omitted from the revised section or sub-section by brackets and shall indicate new matter by underscoring or the use of italics.

(e) All proposed ordinances to be introduced shall be written or printed.

(f) An ordinance may be introduced at any regular or special meeting of the city council by the mayor or any other member or committee of said City council. Upon introduction it shall be read provided, however, that the reading of the proposed ordinance may be waived by a unanimous vote of those in attendance at the meeting. The council shall set a day and an hour, not earlier than the seventh day thereafter, at which the council or a committee of the council shall hold a public hearing thereon. Such hearing may be at a regular meeting of the council or at such time and place as the council may order and may be adjourned from time to time. It shall be the duty of the city clerk to publish, except as hereinafter provided, every ordinance introduced, within five business days after its introduction, as a paid advertisement once in a newspaper of general circulation in the city, together with a notice of the time and place at which the public hearing thereon shall be held. Copies of the ordinance shall be kept available for inspection in the office of the city clerk. Following the adoption of an ordinance by the city council, the city clerk shall within five business days publish same. Emergency ordinances for the immediate preservation of public peace, health or safety shall contain a statement describing the emergency and may be introduced and acted upon at any regular meeting, or at any special meeting without a public hearing and without prior publication thereof provided the subject thereof has been included in the notice for such special meeting.

(g) Newspaper publication may be dispensed with in the case of an ordinance making a general codification of ordinances or in the case of any other ordinance exceeding one newspaper column in length when printed in eight-point type without leads, provided such ordinance has been published in suitable form for distribution and copies thereof made available to the public in the clerk's office. In such cases a description of the ordinance prepared by the city clerk shall be published twice in a newspaper of general circulation in the city of Bristol.

(h) Any ordinance adopted in accordance with the foregoing provisions, which contains an expiration date shall be deemed to have been repealed on such date.

(i) All ordinances not inconsistent with this charter in effect at the time of the effective date of this charter shall continue to remain in effect until repealed or amended in accordance with the foregoing provisions.

(Amend., eff. 11-4-81; Amend., eff. 12-8-05)

Legislative history--Sp. No. 352, § 25, 1911; Sp. No. 434, § 53, 1931; Sp. No. 489, § 22, 1939; Sp. No. 151, § 1, 1943.

Editor's note: An amendment to the Charter, bearing the effective date of July 1, 1981, provided that § 41 be deleted in its entirety in order that the subject might be better served by ordinance. Such section had pertained to the fireman's benefit fund as amended by 1969, S.A. No. 101, § 1.

Sec. 42. City council; powers concerning streets and lighting.

The city council shall have power to provide for suitable lighting wherever it shall deem necessary to regulate the size, shape and finish of poles which may be erected; to regulate all the parades, processions, public assemblages, shows or amusements in public streets; to regulate the naming of streets and numbering of lots and buildings; to regulate coasting and sliding and the use of bicycles and other vehicles on sidewalks; to prevent loitering on streets, sidewalks, spaces between sidewalks or buildings or in or about entrances to public or private buildings, to the obstruction or annoyance of the public; to regulate the placing of signs, banners, marquees, flags, awnings or other obstructions over or upon streets and sidewalks; to regulate the posting or painting of notices, signs or advertisements on the streets or on poles or elsewhere in or adjacent to streets; to regulate the removal of poles from streets; to regulate or prohibit excavations in streets, highways and public grounds for public or private purposes, and the location of any work, temporary or permanent, upon or under the surface thereof; to regulate the disposition of building materials of any description on any sidewalk or highway and the removal of buildings upon or through the same; to prohibit, license or regulate the selling or dispensing of wares or merchandise upon streets, sidewalks or in public places, to regulate planting, removal or care of trees and plants in streets and public places and to make, repair, clean and keep open and safe for public use and travel, free from obstruction, the streets, highways, sidewalks, gutters and public grounds and places in said city and to provide other ordinances for the public welfare.

Legislative history--Sp. No. 352, § 26, 1911; Sp. No. 434, § 60, 1931; Sp. No. 489, § 23, 1939.

Sec. 43. Streets and sidewalks.

The city council shall have power to designate or alter the width, course, height, grade and level of the streets of said city and to order the owner or owners of land and buildings fronting on highways and streets of said city, to make suitable walks of such material as it may deem proper, and to designate the time within which the same shall be done and the manner of doing it. It shall have the further power to order each such owner to provide and erect such railings or guards along the sidewalks in front of the owner's premises as public safety may require and to keep the owner's sidewalk in repair. The city is also authorized to perform all work and to provide all necessary material for improvements of streets, curbs, gutters and sidewalks, and repairs to sidewalks, as may be ordered by the city council, and it may assess the cost or a portion thereof upon property benefited thereby as is provided by section forty-four hereof.

(Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, § 26, 1911; Sp. No. 367, 1913; Sp. No. 87, 1925, Sp. No. 434, § 54, 1931; Sp. No. 484, § 34, 1939.

Sec. 44. Powers of the city council. Streets.

(a) The city council shall have power to lay out, alter, extend or discontinue any highway or street within the limits of the city; and, for that purpose or in the exercise of any other power conferred upon it by this charter or by the general laws of the state, to take any real estate or water course which may be required, and to eliminate any water power, right of way or other easement which it may be necessary to eliminate for the proper construction, alteration or extension of such highway; and to construct any new channel for any water course so taken, or to make any necessary substitution or replacement for any other easement so taken and to take any real estate or easement therein which is necessary for the proper construction of such new channel or other substituted or replaced easement.

(b) Before laying out, altering or extending any highway or taking any real estate or easement therein for any of the above purposes, the city council shall cause a map to be prepared showing proposed layout, alteration or extension, and any new channel or substituted or replaced easement to be constructed, and showing the real estate to be affected thereby and so far as possible the limits of the land to be taken from each owner, and shall give at least fifteen days notice in writing, in the mode hereinafter specified as to notices of assessment to the owners of all real estate to be affected, of a public hearing on such proposed public improvement and of the time and place thereof and, so far as practicable, before such hearing, shall offer an opportunity to all such owners to examine such map and, at such time and place, shall hear any objections or claims made by any such owners or their representatives, agents or attorneys.

(c) When a street shall have been laid out, altered, extended or discontinued, or when the city council shall have ordered any other public improvement by which land or other property is taken for public use by right of eminent domain or special damages or benefits are caused to property, or both, and no special provision is made in the section

under which such public improvement is ordered for the appraisal of damages or assessment of benefits, the city council shall, by itself or by a committee appointed by it therefor, appraise the damages and assess the special benefits resulting from such improvement. Unless the damages and benefits so appraised and assessed shall be consented to in writing by the owner of the property affected, which written consent shall be filed with the city clerk, the city council or its committee shall, before finally adopting its appraisal of damages or assessment of benefits, give to such owners a public hearing and shall give to such owners at least fifteen days notice of the time and place of such hearing and of the sums proposed to be appraised as damages and assessed as benefits, or both, such notice to be given in the mode hereinafter specified as to notices of assessments. After such hearing, the city council or its committee shall adopt a final report and file the same with the city clerk.

(d) The city clerk shall thereupon, cause written notices to be served upon each owner of property affected by such appraisal or assessment of the amount awarded to such owner as damages, the amount assessed against such owner as special benefits and the net amount to be paid by the city to such owner or by such owner to the city, as the case may be. Service of such notice shall be made by some civil officer, police officer of said city or indifferent person, by leaving a copy of such notice, signed by the city clerk, with or at the usual place of abode of each owner, or by certified mail, as directed by the city council. Service on non-residents of the city of Bristol shall be by certified or registered mail addressed to their last-known place of abode. The person serving such notice shall make return of the manner and time of such service to the city clerk.

(e) In making assessments of benefits and appraisals of damages for any public improvement, the city of Bristol is authorized to assess such benefits or appraise such damages as it may deem just, upon or in favor of the real estate belonging to the state situated within the limits of the city of Bristol and specially benefited or damaged by such public improvement, subject to appeal as provided by law. In the case of assessment of benefits against or appraisal of damages in favor of the state, the state treasurer shall pay any assessments of benefits upon certification by the clerk of said city that the same are due, and shall receive any damages assessed in favor of the state and give a receipt for the same upon like certification.

(f) Any owner of land or property taken for such public improvement and each person against whom special benefits have been assessed, who is aggrieved by such report, may appeal therefrom within one month from the service upon said property owner of such notice. Such appeal shall be by writ and complaint served upon the mayor or city clerk at least twelve days before return day, and shall be returnable to a court of competent jurisdiction on the next return day of said court or to the judge of said court on the first Tuesday of the next month after the expiration of the twelve days, if said court shall be in vacation on that day. The complaint shall recite the appraisal of damages and assessment of benefits made to the appellant, and allege that the amount to be paid by the city to the appellant is too small, or the amount to be paid by the appellant to the city is too large, as the case may be. Such appeal shall open both the appraisal of damages and the assessment of benefits to the appellant for review, although the appellant may have appealed from only one of such awards. Upon the return of such writ and complaint, the court or judge shall appoint a committee of three disinterested persons, who, after being

sworn and giving reasonable notice to the parties, shall appraise the damages and assess the special benefits and report to said court such appraisal and assessment, and the net sum to be paid by the city to the appellant or by the appellant to the city, as the case may be. Remonstrance may be made to the report of such committee for any legal error or irregularity in the performance of its duties; and, if upon such remonstrance the report shall be rejected, the court shall appoint another committee; otherwise the report of the committee shall be accepted by the court or judge and shall have the effect of a judgment in favor of the party to whom the net payment is to be made, subject to the provisions in regard to the time of payment hereinafter contained. Said court or such judge may tax such costs of such appeal in favor of either party as it may deem equitable.

(g) When the report of the city council or its committee of appraisal shall have been adopted and filed with the city clerk, the city shall have the right to enter upon the land and construct the street or other public improvement, and its right so to proceed shall not be suspended by the bringing or pendency of an appeal. Upon the filing of such report, the owner in favor of whom any appraisal has been made shall have the right to demand the net sum due to the owner under such award; and the acceptance of such sum shall be a waiver of such owner's right to appeal. The right of any appellant to receive the sum awarded to such owner shall be suspended during the pendency of such appeal; but, upon the acceptance of the committee report by the court or the judge, the net sum adjudged to the owner shall immediately become due and payable.

(h) The amount of special benefits assessed against any person in excess of damages appraised to such person shall be a debt from such person to said city; but such debt shall not be due or collectible until the completion of such public improvement. When such improvement has been completed, the city council shall pass a resolution declaring that fact and thereupon such assessment shall be due and payable; and the city clerk shall give notice thereof to each person against whom such benefits were assessed, or their legal representatives in case of their death, in the manner herein provided for notice of assessment. All assessments made for public improvements within the city of Bristol shall bear interest from the date when the same shall become due, payable at such rate as the city council of said city shall prescribe.

(i) Such net assessment shall be a lien upon the land against which it was assessed from and after the report of the city council or its committee of appraisal, which lien shall take priority over all other liens or taxes due the state, except that no such lien shall remain in force for more than sixty days after the date set by the city council for the payment of the assessment or any part thereof, unless a certificate of lien shall, within said sixty days, be filed in the land records of said town. Such certificate shall describe the land covered by such lien and shall be indexed in the name of the person against whom such assessment was made, and also in the name of the present owner of the land, if a different person.

(Amend., eff. 12-2-10; Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, §§ 26, 28, 1911; Sp. No. 367, 1913; Sp. No. 99, 1921; Sp. No. 87, 1925; Sp. No. 118, 1927; Sp. No. 434, §§ 70--76, 1931; Sp. No. 489, § 40, 1939; Sp. No. 456, § 3, 1941.

Sec. 45. Liens, street improvements, curbs, sidewalks, gutters, pavements.

If any such property owner shall neglect to comply with any order issued under the authority of section forty-three hereof, said city council may cause such order to be executed in the manner herein prescribed and the expense thus incurred shall be paid by such owner and shall become a lien upon such land and building in favor of the city. Said city council is further authorized to assess against any property benefited by street, gutter, pavement, curb and sidewalk improvements, the benefits received by such property not exceeding its proportion of the expense thereof, and to assess against owners of abutting property so benefited, the pro-rata cost of any street, gutter or pavement improvement which may be ordered and laid by said city council. Each such cost or assessment authorized by this section, shall become a lien upon such land and building in favor of the city from the date when such work has been ordered by the city council and shall continue to be a lien and shall take precedence of all other liens or incumbrances on the property whereon the same is placed, except taxes due to the city or any taxing district thereof or the state, and legal proceedings may be taken for the collection thereof by civil action against such delinquent owner or by foreclosure of such liens in the same manner as a lien for unpaid taxes due the city of Bristol, provided such lien for any such improvement shall not continue for a longer period than sixty days after the assessment thereof has been laid unless a certificate of such lien shall be lodged with the town clerk for record. Before any assessment shall be laid for any benefits by municipal improvements on streets, sidewalks, curbs, gutters or pavements authorized by this charter, the city council shall cause at least a five-day notice of a public hearing thereon to be given to the owners of the land or buildings benefited thereby, which notice shall state the time and place of such hearing, at which such owners shall be heard if they so desire.

Legislative history--Sp. No. 352, § 26, 1911; Sp. No. 87, 1925; Sp. No. 434, § 55, 1931; Sp. No. 489, § 35, 1939.

Sec. 46. Building lines.

The city council shall have power to designate a line or lines on the land adjoining any highway or street in said city between which line and such highway or street no building or part thereof shall be erected, provided such line shall not be more than twenty-five feet from such highway or street; and any person who shall erect, or permit to be erected, above the surface of the ground, any building or part of building between any line so designated and the highway or street shall forfeit to said city a sum not exceeding one hundred dollars or, upon conviction, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both, for each offense, and the continuance of any building or part of a building so erected, after such line shall have been designated between such line and the highway or street for each day of twenty-four hours after the commencement thereof, shall be a separate offense; but both civil and criminal proceedings shall not be brought against the same person for the same act or default. Any owner of any building who shall fail to remove such building, or such part thereof as is above the surface of the ground, from any land lying between any line so designated and the highway or street, shall forfeit to said city a sum not exceeding one hundred dollars

or, upon conviction thereof, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both[;] civil and criminal proceedings shall not be brought against the same person for the same act or default. Each day of twenty-four hours during which such building or part thereof is allowed to remain on such land shall be a separate offense. When the city council shall designate a building line on any street in any taxing district, it shall appraise the damages or benefits to all owners of land damaged or benefited thereby, and notice shall be given of the time and place of acting upon the question of the designating of any such line or the making of any such appraisal, and any owner of or any person interested in such land shall be heard, if such owner or interested person shall so desire, before such designation or appraisal shall be made. Appeals may be taken from any such action of the city council and proceedings thereon had as provided in section forty-four hereof.

(Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, § 26, 1911; Sp. No. 202, 1913; Sp. No. 434, §§ 57, 58, 1931; Sp. No. 489, § 36, 1939; Sp. No. 151, § 4, 1943; Sp. No. 124, 1947.

Sec. 47. Paving. Pipes. Conduits.

The city council shall have power to cause the streets to be paved or repaved in such manner and with such materials as it may deem proper and it shall select the streets to be paved. It may make reasonable regulations relative to pipes and conduits which are in the streets to be paved and, as a preliminary to such paving, may order all such pipes and conduits to be relaid, renewed, repaired, placed and located in such manner as in its judgment will best protect such pavement when laid from being disturbed and will best secure the uninterrupted use of such streets as public highways. All persons and all other legal entities having ownership of or control over such pipes or conduits, shall comply with all such orders within such time as the orders of the city council shall specify. Such orders shall be in writing, signed by the city clerk, under authority of the city council, and attested copies thereof shall be served upon such persons or other legal entities, in person or by mail by registered letter, or certified mail, at least forty-eight hours before the work specified therein shall be required to be begun. Should any person neglect or refuse to comply with any such order, such city may apply to a court of competent jurisdiction, or to any judge thereof in vacation, for a mandamus to enforce compliance with such order or regulation.

(Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, § 26, 1911; Sp. No. 367, 1913; Sp. No. 87, 1925; Sp. No. 118, 1927; Sp. No. 434, §§ 61, 62, 1931; Sp. No. 489, § 37, 1939.

Editor's note: Charter amendment effective July 1, 1981, provided for the deletion of § 47, pertaining to the police benefit fund, that such subject matter may be better served by ordinance. Prior to deletion the legislative history of § 47 was noted as Sp. No. 124, 1927; Sp. No. 434, §§ 103--112, 1931; Sp. No. 489, § 48, 1939; Sp. No. 345, 1947; Sp. No. 220, 1961.

Sec. 48. Sewers, sewer connections.

(a) The city council shall have power to maintain and extend, from time to time, as shall be necessary, the sewer system owned by said city as a sewer system and to lay out and construct drains and common sewers or a system of sewerage which shall be established in said city; and to construct the outlet or outlets of any such system, or the sewer beds or disposal plants into which the sewers may discharge within the city, and, for that purpose, to take any land, easement in land or water rights that may be necessary to put into successful operation such system as may be adopted by said city council.

(b) The city council shall also have power to adopt suitable regulations for the making of connections with and for the use of sewers and may provide for the enforcement of such regulations. It shall have power to order the owner or owners of any building on any street where a sewer has been laid or acquired by the city, to make connections with such sewer, but at least five days' notice shall be given to any such owner of a hearing on a proposal to pass any such order, which notice shall state the time when and place where a hearing thereon shall be held.

(c) Any owner who shall refuse to comply with such order within thirty days, shall forfeit to the city ten dollars for each week of such neglect or refusal, recoverable by the city by civil action, or such owner or owners may be fined not more than one hundred dollars or imprisoned not more than thirty days or both. Each week of such neglect or refusal shall be a separate offense.

(d) When the city council shall cause to be laid out, constructed or extended any drain or common sewer or sewerage system, it may adjust and liquidate the expense thereof, and apportion and assess the same, or such part thereof as it may deem reasonable, upon the lands or building benefited thereby, or upon any person or corporation owning or interested in such land or building. Notice shall be given of the time and place of hearing upon any such question or any such appraisal, and such owner or any person interested shall be heard, if such owner or interested person so desires, before action shall be taken. In assessing benefits under the provisions of this section, such benefits shall not be limited to property abutting such improvement, but benefits may be assessed upon any person or corporation whose property is benefited by the construction of such sewer or drain, or a portion of the expense of such improvement may be paid from the city treasury, according to the discretion of the city council. Two weeks before the time of payment, the city clerk shall give notice to each such person or corporation of the amount so assessed. An appeal from any such assessment or appraisal may be taken by any person interested, in the manner provided in section forty-four. When a trunk line sewer shall be laid, properties benefited by it, which, at the time of the laying thereof are not directly served by connecting sewers, may, at the discretion of the city council, be subject to terms of deferred payment of principal or interest until directly served by connecting sewers.

(e) Said city council may, at the time, make such alterations and repairs in any drain or common sewer as it may deem proper, and apportion and assess the same upon individuals in the manner prescribed in this section in the case of laying out and constructing drains and common sewers.

(f) Any assessment for the construction of sewers of alteration or repair thereof, shall be a lien upon the land and building against which the same shall be laid as herein authorized in favor of the city, and shall continue to be a lien from the date when such work was ordered by the city council and shall take precedence of all other liens or incumbrances upon the property whereon the same is placed except taxes due the city or any taxing district or the state, provided such lien shall not continue for a longer period than sixty days after the due date of said assessment or of any installment if payable in installments unless a certificate of such lien shall be lodged with the town clerk for record. The amount of such assessment secured by such lien may be collected and such lien may be foreclosed in the same manner as is provided herein for the collection of assessments and foreclosure of liens for street and other improvements.

(g) The city council may, in assessing special benefits to property for the construction of sewers and the board of water commissioners may, in assessing such benefits for the laying of water mains, in lieu of assessing against the benefited property the actual cost or a proportion thereof of the water main or sewer which serves that particular piece of property, establish a front foot assessment of benefits to property which is benefited by an extension of water mains or sewers, which front foot assessment shall be uniform throughout the city, or throughout a particular part of the city, or as between properties benefited by a particular extension, as the city council or board of water commissioners may deem equitable in each case.

(Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, § 27, 1911; Sp. No. 434, §§ 65--69, 1931; Sp. No. 489, § 38, 1939; Sp. No. 456, § 2, 1941; Sp. No. 52, 1947.

Sec. 49. Assessments for improvements; hearings.

Any public hearing before the city council authorized under this charter on any matter relating to proposed improvements of streets, sidewalks, curbs, gutters or pavements, or for the installation of any sewer or sewer connections, may, upon vote of the city council, be heard by a committee appointed by the council, which committee shall report to the city council for action. Notices of hearings on any such matters may be either served in person or by certified mail or by registered mail.

Legislative history--Sp. No. 489, § 39, 1939.

Sec. 50. Boards and commissions. Meetings.

All board meetings shall be public and all meetings of boards or commissions whose duties involve the transaction of public business shall be held at accessible stated public places and all meetings and the minutes thereof shall be open to the public. Any elector shall have the right to appear and be heard at any such meeting as to any business proper to come before said board or commission.

Legislative history--Sp. No. 434, § 131, 1931; Sp. No. 489, § 51, 1939.

Sec. 51. Board of finance.

(a) The board of finance of the city and town of Bristol shall consist of nine members, of which the mayor shall be one member, ex officio. Upon the expiration of the term of any member in June, the mayor shall nominate, and the city council shall, within sixty days after such nomination, confirm a successor, who shall serve for a period of four years or until their respective successors shall be appointed, subject to the provisions hereinafter set forth.

(b) All appointments, except vacancy appointments, shall begin to run from the date of expiration of the term of office succeeded to or from the date of the appointment, if made subsequent thereto, but the term of four years, shall begin at the expiration date of the office succeeded to. The mayor, by nomination, and the city council, by appointment, shall fill any vacancy for the unexpired portion of the term.

(c) No person shall be eligible for membership to said board who is not an elector and taxpayer of said city, and no member except the mayor, shall hold an office in said city or town of Bristol from which such person receives compensation from the city or town.

(d) All members shall serve without compensation. On all matters voted upon by the board independently and not in conjunction with the city council, a majority vote of the members of the board, present and absent, shall prevail. At all meetings a quorum shall consist of five members. The city council, at the direction of said board, shall, from time to time, provide suitable offices and equipment as said board shall deem necessary and advisable for the conduct of its work.

(e) The mayor shall be the chairperson of the joint meeting which shall be defined as a meeting of the board of finance and city council. The mayor may call a joint meeting of the city council and board of finance at any time and shall call such a meeting upon request, in writing from the chairperson of the board.

(f) The board of finance shall annually elect a chairperson and vice chairperson and establish rules of procedure and fix the dates for and the time of meetings and for the notices to be given members, if any. It shall designate such public meetings or hearings as it shall deem necessary and proper.

(g) The following words, when used in this charter with reference to the powers, rights and duties of the board of finance shall be interpreted, respectively, as follows: The word "board" shall be interpreted to mean the "board of finance"; the word "department", shall be interpreted to mean any agency authorized to perform any governmental function within the limits of the city or town of Bristol, either by authority of the charter or by authority of the ordinances authorized under it, whether administered by an appointive or elective board, commission, official or committee; the word "district" shall be interpreted to mean any portion of the city or town of Bristol which is set off or defined or which may be created, either by authority of the charter of said city, by its ordinances, by statute or by special act of the legislature, and authorized to carry out any governmental or educational function, state or local, regardless of the agency that may be authorized to administer such district; the word "officer" shall be interpreted to mean any official, whether appointed or elected, for the purpose of administering any department,

subdivision or district; the word "officer" shall also be interpreted to mean the chairperson or other member of any board, commission or committee and the word "subdivision" shall be interpreted to mean any section or partition of any department or district.

(h) The board shall determine the system of records to be kept by all city departments, subdivisions and districts. It shall provide methods of bookkeeping, accounting and auditing and shall adjust accounts against the city.

(i) The board through the purchasing agent may procure for the several departments of the city, such insurance, materials or supplies as may be necessary in its opinion, subject to provisions hereinafter set forth.

(j) It shall be a board of estimate and apportionment of expenditures of said city and of any subdivision thereof. At the first meeting in the month of March, and annually, or as soon as practical thereafter, it shall make an estimate of the expenditures for each department in as minute detail as is practicable, for the next ensuing fiscal year beginning July first.

(k) Upon the completion of the grand list of all property in the city of Bristol liable to taxation, it shall prepare and publish, in one or more newspapers having a circulation in said city, a budget and estimate of expenditures of said city for the next ensuing fiscal year. Such budget shall state the appropriations for each class of expenditures and shall give the amounts in as minute detail as practicable and shall include therein requirements of all debts. It shall also state the amount which it is estimated will be received from all sources of revenue of said city, except general taxation and the amount required to be raised by general taxation. Such budget shall be submitted to the city council for its study at least fifteen days before the joint meeting of the city council and the board of finance, hereinafter provided for. The newspaper publication provided herein shall take place at least one week before said joint board meeting.

(l) Upon the completion of such budget, annually, the mayor shall call a joint meeting of the city council and the board of finance, which shall be held at a date set by ordinance for the purpose of discussing such budget. No changes shall be made therein except that, by a majority vote of the total membership of both city council and the board, present and absent, at such meeting, such budget may be increased or decreased but unless so increased or decreased at such meeting, such budget shall constitute the budget for the fiscal year beginning July first next ensuing. The mayor shall declare the budget so adopted. All voting at joint meetings of the city council and board of finance shall be in person.

(m) Upon the completion of the budget as provided herein, the board of finance and the city council, in joint meeting, shall forthwith lay the tax or taxes for the next ensuing fiscal year for the city and shall cause to be prepared and signed, a rate bill therefor, and determine the dates on which taxes shall be payable.

(n) The board of finance shall, annually, determine the amount to be expended for the public schools in the preparation of its budget and the expenditure of such sum annually shall be in the discretion of the board of education.

- (o) The board shall annually make appropriations to include expenses necessary to meet its requirements and for compensation for necessary assistance for the year next ensuing, and such appropriation shall be included in the budget annually.
- (p) In cases where less than five thousand dollars is involved, the board during any fiscal year, may transfer the full or any part of any appropriation, of any budgetary account when it is the opinion such transfer may be advisable. In matters where more than five thousand dollars is involved, the board, subject to the approval of both the city council and the board at a joint meeting, by a majority vote of the total membership of both the city council and the board, present and absent at such meeting, may transfer during any fiscal year, the whole or any part of the balance of any appropriation of any budgetary account.
- (q) A monthly report shall be filed with the mayor and city council showing all transfers of balances to or from said reserve fund.
- (r) If during any fiscal year, in the opinion of the board, a revision of the budget shall be necessary, or any special appropriation required, it shall have the power to make such revision or special appropriation, which shall have the same force and effect as an original budget appropriation, provided such special appropriation or revision shall be approved at a joint meeting by a majority vote of the total membership of both the city council and the board of finance, present and absent, at such meeting.
- (s) Should it appear to the board that any department supported by the city is expending an appropriation, or any part thereof, for a purpose not intended or authorized, or has entered upon a plan of operation which is calculated to involve an expenditure in excess of the amount of such appropriation, or is extravagant in handling its funds, or is so managing its affairs as not to produce for the city the best results obtainable for the purpose for which such appropriation was granted, the board shall conduct an investigation into the conduct of such department and, after a hearing duly held, due notice of which shall have been given to officers and heads of the department in question, make such finding, together with recommendations as shall, in the judgement of the board, be necessary to insure the proper expenditure of the appropriations made for such department. During the continuance of such investigation, and until the recommendations made by the board shall have been carried out by the management of the department, the appropriations allotted to such department may be administered by the comptroller.
- (t) When it may be advantageous to the city by reason of cash discounts or otherwise, bills or accounts legally contracted by any board or commission and approved by it, may be ordered paid by the comptroller in such cases and subject to such limitations as may be provided by the board.
- (u) All contracts for the borrowing of money, including bonds, notes and other obligations of the city or town, or any subdivision thereof or district therein shall be countersigned by an agent designated by the board. No contract, except contracts of employment, involving the expenditure of money, shall bind the city unless countersigned by an agent of the board. No contract of employment for all or any part of any ensuing fiscal year shall bind the city until the budget of the city for such fiscal year shall have been approved by the board. When any department shall exceed its appropriation during any fiscal year, all original contracts of employment made in that

department after the adoption of the budget for the fiscal year, may be terminated forthwith or at any time thereafter by the board. The board shall have power to borrow money, shall authorize the issuance of notes and determine the amount to be issued and shall apportion such moneys as it shall determine necessary for the benefit of the city and tax districts existing or which may be created. The board of finance of such city shall have the sole power to determine the necessity of issuing bonds by the City of Bristol, the town of Bristol or any subdivision thereof or district therein.

(v) The board shall have sole power to determine the necessity for issuing bonds by the city and town of Bristol, or any subdivision thereof or district therein. The members of the board of finance shall constitute a board of sinking fund commissioners for the city. The board of sinking fund commissioners, as a whole or acting through a sub-committee, shall have the care and management of any sinking fund already established or that may be established, to provide for the payment of the principal and interest of the bonds issued by the city. The board shall act as fiscal agents for all other funds which are the property of the city of Bristol except as otherwise provided.

(w) The board of finance, as fiscal agent for city funds, may deposit, invest and reinvest the same as allowed for a municipality by and in accordance with the statutes of the State of Connecticut, as the same may be amended from time to time. The board may authorize the city treasurer to deposit, invest, or reinvest city funds pursuant to this section. Neither said sinking fund nor any part thereof shall ever be used by the city in any other way than for the redemption and payment of such bonds. Any sinking funds of the city, established by law, shall be continued for the purposes for which such funds were created.

(x) Any agency or district, whether authorized to carry out state or to carry out local functions of government, which is required by statute to render or cause to be rendered any public service requiring an expenditure of the city's money from the treasury of said city, or any contract involving borrowing of money for the city or any subdivision thereof, shall first submit an estimate of the proposed expenditure or borrowing, with the statement of the necessity therefor, to the board. The board shall determine whether any such proposed expenditure or borrowing is necessary and, if necessary, the amount thereof. It may, at any time, summon before it any officer of said city for information, consultation and advice upon the affairs of the city.

(y) The board of finance annually shall make appropriation for the expenses and maintenance of the city and including the debt of the former first taxing district. Upon completion of the grand list, the city council and the board of finance shall meet in joint meeting for the purpose of laying a tax on persons and property in the city, and a proper rate bill therefor shall be prepared and signed, and a tax laid and collected in the same manner as is provided for herein for the rate bill.

(Amend., eff. 11-9-83; Amend., eff. 11-4-92; Amend., eff. 12-4-97; Amend., eff. 12-5-02; Amend., eff. 12-8-11; Amend., eff. 12-5-13; Amend., eff. 12-6-2018)

Legislative history--Sp. No. 352, §§ 20--22, 1911; Sp. No. 434, §§ 38--41; Sp. No. 117, 1933; Sp. No. 489, § 26, 1939; Sp. No. 588, 1939; Sp. No. 151, § 2, 1943; Sp. No. 144, §§ 1--3, 1945; Sp. No. 125, 1951; Sp. No. 576, 1953; Sp. No. 162, 1955; Sp. No. 368, 1965.

Sec. 52. Board of library directors.

(a) The board of library directors shall consist of nine persons. The members of such board who are in office at the time of the passage of this charter shall continue to hold office for the terms of their appointments and until their respective successors shall be appointed. In January 1998 the mayor shall nominate and the city council shall appoint three new directors, one of whom shall serve for a term of one year, one of whom shall serve for a term of two years, and one of whom shall serve for a term of three years. Upon the expiration of the term of office of any member, the mayor shall nominate and the city council shall appoint a successor. All appointments shall be made during the month of January for a term of three years, and shall be effective as of the date of expiration of the term of office succeeded to, or from the date of appointment if made subsequent thereto, but the term of office shall be deemed to begin on the first Tuesday of said month. In case of a vacancy, a successor shall be appointed in the same manner for the unexpired portion of the term of office vacated.

(b) Such board shall have the exclusive control of all the properties of said library, of the principal of all invested funds or money which have been or may be acquired by said city for library purposes, and the administration of all trusts for the benefit of its library, whether created by will, deed or gift or otherwise. It shall care for such property and invest and reinvest such funds according to law and the terms of such trusts, if any, and shall pay over all net income thereof to the library fund. It may, with the consent of the board of finance, designate a fiscal agent to act as investment counsel.

(c) All appropriations made for the support of the public library and the proceeds of any tax levied for said library, and all net income of said library from any trust funds or property or from any other sources, shall be paid into the city treasury and shall constitute a special fund to be known as the library fund.

(d) The library board shall have the exclusive control of the expenditures of the library fund. Such fund shall be kept separate from all other moneys of the city and shall be drawn upon vouchers approved by the board of library directors, subject to the powers of the board of finance otherwise appearing in this charter.

(e) Said board shall make a full report of its expenditures and of the administration of all properties and trust in its control, to the city council and the board of finance. The board of library directors shall recommend from a list of candidates, qualified by the director of human_resources, a librarian and other employees of the public library to the city council for approval.

(Amend., eff. 11-7-89; Amend., eff. 12-4-97; Amend., eff. 12-5-19)

Legislative history--Sp. No. 352, § 14, 1911; Sp. No. 434, §§ 78, 80, 81, 1931; Sp. No. 489, § 41, 1939; Sp. No. 326, § 2, 1945.

Sec. 53. Board of education.

(a) *Number of commissioners.* There shall be a board of education which shall be composed of nine (9) members who shall be electors of the Town and City of Bristol.

(b) *Powers and duties.* The duties conferred by the general statutes upon high school committees and board of school visitors shall be performed by the board of education, which shall have the power to appoint a superintendent of schools and to fix the compensation of the superintendent of schools and that of all other employees of said board. The board of education shall have the powers and duties conferred by law upon town boards of education. All payment for the expenses of the public school shall be made upon orders drawn upon vouchers approved by the board of education.

(c) *Method of election, terms and nominations.* The members of the board who hold office at the time of the passage of this charter amendment shall continue to hold office for the terms of their election.

At the municipal election to be held in 2019 and every four years thereafter, there shall be elected five (5) members of the board of education for a term of four years. No elector shall vote for and no political party shall nominate more than three (3) members of the board of education. The five (5) candidates receiving the highest number of votes shall be declared elected to the board of education.

At the municipal election to be held in 2019, there shall be elected four (4) members of the board of education for a term of two years. At the municipal election to be held in 2021, and every four years thereafter, there shall be four (4) members elected for a term of four years. No elector shall vote for and no political party shall nominate more than three (3) members of the board of education for the two year term in 2019 or four year term in 2021. The four (4) candidates receiving the highest number of votes shall be declared elected to the board of education.

In accordance with the minority representation requirement of Section 9-167a of the Connecticut General Statutes, no more than six (6) members elected to said board shall be of the same political party.

Terms shall commence the Monday following said election.

(d) *Vacancies.* Notwithstanding any other charter provisions, vacancies to the board of education shall be filled as provided in this section; however, the provisions of Section 68 of the City Charter shall apply in the event of a recall.

Within thirty-five (35) days of said vacancy arising for any reason other than in the event of a recall, the mayor by nomination, and the city council, by appointment, shall fill any vacancy. Said vacancy shall be filled by the appointment of a member of the same political party as that of the vacating member. Said appointment shall continue until the next municipal election.

At said next regular municipal election, said vacancy shall be filled in accordance with the minority representation requirements of Section 9-167a of the Connecticut General Statutes.

(Amend., eff. 11-5-75; Amend., eff. 11-6-90, §§ 1--4; Amend., eff. 11-4-92; Amend., eff. 12-5-02; Amend., eff. 12-8-11; Amend., eff. 12-5-13; Amend., eff. 12-6-2018)

Legislative history--Sp. No. 352, § 14, 1911; Sp. No. 434, §§ 78, 79, 1931; Sp. No. 489, § 42, 1939; § Sp. No. 326, § 2, 1945; Sp. No. 109, §§ 2, 3, 1957.

Sec. 54. Limits on successive terms for board of education commissioners.

(a) No person who has been elected after the effective date of this section to the board of education for two successive four-year terms shall be eligible to run for election for the board of education until at least one term has elapsed. Provided, any person elected or appointed to the board of education to fill an unexpired term of two years or less shall be eligible to serve two successive four-year terms. Any person elected or appointed to the board of education to fill an unexpired term of more than two years shall only be eligible to serve one four-year term. This does not disqualify a person from running for election to the board of education for any term or terms that are not successive.

(b) This section does not disqualify a person who has served successive terms on the board of education pursuant to subsection (a) from being elected or appointed to any other elective or appointive office.

(Amend., eff. 12-5-13; Amend., eff. 12-5-19)

Sec. 55. Fire department.

(a) The fire department of the City of Bristol shall be under the general supervision of a board of fire commissioners, consisting of six members, one of whom shall be a city council member, and the mayor, who shall be a member, ex officio, and chairperson of such board.

(b) The existing board of fire commissioners shall hold office for their respective terms of appointment and until their respective successors shall be appointed.

(c) Within one month after the mayor and the city council elected at a municipal election shall take office, the mayor shall nominate and the city council shall appoint one council member to be a member of such board, for the term of two years, except that no council member shall be a council member of the board after the term of office of said council member shall terminate.

(d) All members of the board except the council member, shall hold office for three years, and no member except one city council member shall hold any other office in such city. Upon the expiration of the term of office of any member, the mayor shall nominate and the city council shall appoint a successor. All appointments shall be made during the month of January, for a period of three years, and shall be effective as of the date of expiration of the term of office succeeded to, or from the date of appointment if made subsequent thereto, but the term of office shall be deemed to begin on the first Tuesday of said month.

(e) In the event of a vacancy, a successor shall be nominated and appointed in the same manner for the unexpired portion of the term of the office vacated.

(f) Said board of fire commissioners, subject to the approval of the city council, shall make rules and regulations for the government of the fire department, including the suspension or removal of the members of said department, except as otherwise expressly provided for in this charter.

(g) The city council shall have power of removal of the chief upon recommendation of the board of fire commissioners. Said officer shall not be removed or reduced in grade without having first received a written statement setting forth the reason for such removal or reduction and has been given an opportunity to appear and be heard before the city council. If desired by the officer removed or reduced, the statement received by the city council, together with said officer's reply thereto, shall be made a matter of public record.

(Amend., eff. 11-9-77; Amend., eff. 12-2-10; Amend., eff. 12-8-11)

Legislative history--Sp. No. 352, § 55, 1911; Sp. No. 434, §§ 82, 83, 1931; Sp. No. 489, § 43, 1939; Sp. No. 326, § 2, 1945; Sp. No. 157, 1955.

Sec. 56. Fire department, regulation of promotion.

(a) Tests for promotion in the Bristol Fire Department shall be open only to those persons who have been employed as regular members of said department for five years or more prior to the last date upon which applications will be accepted for participation in the examination for promotion to the rank of lieutenant, seven years in the case of examination for promotion to the rank of captain, ten years in the case of examination for promotion to the rank of deputy chief, and fifteen years in the case of examination for promotion to the rank of chief. Candidates for promotion to the rank of deputy chief or chief must hold the rank or equivalent pay grade of lieutenant.

(b) When a vacancy develops or is anticipated by the director of human resources in any promotional rank or classification in the Bristol Fire Department, or when any new promotion position is created in the Bristol Fire Department and a valid and appropriate eligibility list is not in existence, the board of fire commissioners shall, within sixty days of the date on which the vacancy is created, order that an examination be held for such position. Each examination shall be publicly announced and a period of not less than two weeks from the date of such announcement shall be allowed during which candidates may file application for such examination. Public announcement will be considered to have been given when notice of such examination containing the closing date for filing applications has been posted in all the fire houses in the Bristol Fire Department. The board of fire commissioners will make available to each interested candidate a copy of an official announcement which shall contain the required qualifications for the position in terms of experience, aptitude, training and such other qualifications, or conditions, which may be necessary or desirable.

(c) All examinations both written and oral held pursuant to this act shall be conducted under the supervision of the director of human resources. Such examinations shall be provided and administered under the merit system practices and principles. No question in any test shall relate to religious or political opinions or affiliations. The purpose of such written and oral examinations is to establish an eligibility list for such classification from which appointments shall be made based on the following factors and weights:

- Written exam 50%
- Oral exam 25%
- Credit for Service 25%

100%

(d) All candidates must first take a written exam, which shall be based on fire department material taken from current reference sources. Prior to the exam, each applicant shall upon request, be provided by director of human resources, with a bibliography of the sources used in preparing the test. Following the exam, the director of human resources shall, upon the request of a candidate, arrange with the testing agency to make test questions and answer sheets of such candidate available for the candidate's inspection. Only those candidates who have attained a mark of seventy per cent or better on the written exam shall be allowed to take the oral examination. Credit for service in the employ of the Bristol Fire Department as regular members will be determined by adding one per cent for each year of service completed on or before the last date for filing applications to a fixed norm of seventy per cent up to a maximum of thirty years.

(e) After grading the written and oral examinations and certifying the seniority of each applicant, the director of human resources (or the Mayor's designee in the absence of the director of human resources) shall submit to the board of fire commissioners a list of the candidates arranged in the order as determined by applying the percentages described above, and such list shall be considered an eligibility list for such classification. From such list, the board of fire commissioners shall make the promotion within the department by selecting the number one ranking candidate of the five highest ranking candidates on such list. The remaining four names shall constitute the eligibility list for promotion within the department for a period of one year in the case of promotion to chief, and for a period of two years in all other cases. Such period of time is to commence on the date the list is transmitted by the director of human resources (or the Mayor's designee in the absence of the director of human resources) to the board of fire commissioners. The candidates shall be promoted in order of rank on the eligibility list. If a tie should occur, the candidate with the highest seniority shall be appointed.

(f) When a position in a promotional classification in the fire department becomes vacant, or when a new promotional position is created, and when a valid and appropriate eligibility list shall be in force and effect, the board of fire commissioners shall within thirty days fill such vacancy or new position. No appointment or promotion shall be deemed final until after the expiration of a six months' probationary service in the classification to which the appointment is made.

(g) If the board of fire commissioners deems it necessary, it may make a temporary appointment to fill an existing vacancy or new position pending the preparation of an appropriate eligibility list. Such temporary appointment shall continue until such time as an appropriate eligibility list is prepared, and the highest ranking candidate is appointed.

(h) The financial authorities of the city shall make adequate provision to enable the board of fire commissioners to carry out the purpose of this act. All officers of the city shall allow reasonable use of public buildings and rooms for the holding of any examinations provided for by this act and in all possible ways shall facilitate the work of the board of fire commissioners.

(i) In the case of the chief of the fire department, the appointment of the board of fire commissioners shall be subject to the approval and confirmation of the mayor and city council. If the mayor and the city council do not act on said appointment within sixty

days, said appointment shall be deemed to be approved and confirmed. If the mayor and city council reject said appointment, the board of fire commissioners may, within thirty days of such rejection, appoint another candidate from its eligibility list. If the board of fire commissioners chooses not to appoint another candidate from the eligibility list or the city council rejects the remaining candidates on the eligibility list, such list shall be considered exhausted and a new examination shall be conducted in accordance with section 56(j) below. Rejected candidates shall not be eligible to take said examination.

(j) Notwithstanding section 56(a), if in any examination for the position of fire chief, there are no successful internal candidates, an open competitive examination, not limited to members of the Bristol Fire Department who meet the requirements for the position of fire chief shall be held under the supervision of the director of human resources. Such open examination shall be used only to fill a specific vacancy, and the results of the examination shall not be used to create an eligibility list for future vacancies. The director of human resources shall arrange for a written and oral examination. The board of fire commissioners shall select an appointee from the list of the five (5) highest ranking candidates based on the following factors and weights:

- a. Written examination . . . 50%
- b. Oral examination 50%
- Total 100%

No appointee shall be chosen by the board of fire commissioners without having achieved a passing score of seventy per cent or higher on both the written and oral examinations. The appointment process as outlined in Section 56(i) shall apply. In the event the city council rejects all candidates, a new open competitive examination shall be held.

(k) The candidate for fire chief shall be offered a personal employment agreement with a duration of four (4) years, and on such other terms subject to the approval and confirmation of the mayor and city council. The award of successive personal employment agreements for the chief are at the discretion of the mayor and city council and subject to the approval and confirmation of the mayor and city council. The appointee shall reside within a town, any part of which falls within a twenty mile radius of fire department headquarters of the City of Bristol within six months of appointment and continue residency for the term of office.

(l) The person in office as fire chief on the effective date of this amendment shall enter into a personal employment agreement with a duration of four (4) years, and on such other terms subject to the approval and confirmation of the mayor and city council.

(1969, S.A. No. 101, §§ 1, 3; Amend., eff. 11-9-77; Amend., eff. 11-5-80; Amend., eff. 11-7-89; Amend., eff. 12-4-03; Amend., eff. 12-8-05; Amend., eff. 12-8-11; Amend., eff. 12-8-16; Amend., eff. 12-5-19)

Sec. 57. Department of parks and recreation.

(a) The public parks and playgrounds of the City of Bristol existing and maintained or which may be established or maintained by said city, or, which may be assigned by the

city council, whether within or without the corporate limits of the city, together with all park property which may be acquired, shall be under the general care and control of the board of park commissioners. Said board shall consist of the mayor as a member ex officio and chairperson of the board, and six commissioners.

(b) As each commissioner completes the commissioner's term, the mayor shall nominate and the council shall appoint a commissioner who will serve for three years, and all commissioners thereafter appointed will hold office for three years or until a successor shall be appointed.

(c) All nominations and appointments for full three-year terms shall be made in the month of December next preceding the expiration of the term of any commissioner, and such appointments will take effect on the first of January following the appointment.

(d) In the case of a vacancy, a successor shall be nominated by the mayor and appointed by the council in the next month after the vacancy occurs. Such successor shall take office on the first day of the ensuing month and shall serve out the unexpired portion of the term.

(e) The board of park commissioners shall elect from its membership a vice-chairperson who shall act as chairperson in the absence or disability of the mayor. The board shall elect a secretary, who, at the discretion of the board, may be one of its members. At all meetings, four members of the board shall constitute a quorum for the transaction of business. No member of the board of park commissioners shall receive compensation, but each commissioner shall receive actual disbursements for necessary expenses in the performance of any duty imposed upon the commissioner by direction of said board. Said board shall have the care, management and control of all parks and playgrounds of the city and of all constructions thereon and it may give proper designating names thereto. Said board shall have power to lay out and improve, with walks, drives and roads, the parks and other property thus held and acquired, and shall have the power to build necessary culverts and bridges and to drain, plant and otherwise, at their discretion, to improve and adorn such properties thus held or acquired. It may erect such buildings as may be needed for the use, protection and refreshment of the public, provided no expenditure shall be made in excess of the amount appropriated by the board of finance for the use of the parks or otherwise provided. It shall recommend to the city council rules, regulations and ordinances necessary to the maintenance of such parks and for safety and order therein. The board shall nominate a duly qualified individual to serve as acting or interim superintendent for a specific term in the absence or during a vacancy in the superintendent of parks and recreation's position to be approved by the city council.

(f) Said board shall have exclusive power to make rules and bylaws for the ordinary transaction of business and shall keep proper records and books of account, subject to the supervision of the board of finance. Books of account and record shall, at all times, be open to the inspection of the mayor and city council and to the board of finance and shall be subject to annual audit by the proper municipal officials.

(g) Said board shall have sole power to determine the places in said parks, grounds and other property under their control, where sewer, gas and water pipes shall be laid, and no trench for such purposes shall be opened without written consent from said board. No

telegraph, telephone or electric light, or other wires or posts or supports therefor shall be erected in, upon, through or over said park or parkways without the consent in writing of said board.

(h) The superintendent of parks and recreation shall be nominated by the mayor and appointed by the city council for a term of four years. The mayor shall notify such superintendent of parks and recreation at least one month prior to the expiration of the term in writing that such person will or will not be renominated. Notwithstanding the provisions of this section, the full-time superintendent of parks and recreation in office on the effective date of this section shall continue in office until the expiration of the term. The superintendent of parks and recreation shall be (1) a graduate of a four-year college or university with a degree in parks and/or recreation or related field and shall have at least two years of administrative experience in parks and recreation or park planning and development, or (2) shall have had at least six years administrative experience in the park and recreation field and two year college degree in parks and/or recreation or related field. Under the direction of the board of park commissioners and subject to the approval of the city council, the superintendent of parks and recreation shall exercise general supervision over the public parks and the public recreation program, shall be responsible for the efficiency and discipline and conduct of the department of parks and recreation and shall appoint and remove such deputies, assistants and employees as the superintendent of parks and recreation may deem necessary. The board shall nominate a duly qualified individual to serve as acting or interim superintendent for a specific term in the absence or during a vacancy in the superintendent of parks and recreation's position to be approved by the city council.

(i) Property heretofore and hereafter acquired for squares or highway parkways, grass parks or plots at street intersections, and between travelled ways and highways not on park properties, shall be under the general care and control of the director of public works. In the event of doubt whether any portion of city properties shall properly be under the care of the board of park commissioners or of the director of public works, the city council shall determine such question. It shall, in its discretion, have power to lease any buildings or land for a term not to exceed three years, and to dispose of timber, gravel and stone.

(j) Rents, profits or income from properties acquired for park or playground purposes shall be paid into the city treasury to be placed at the disposal of the board of park commissioners as an addition to the annual appropriation, unless otherwise provided by the terms of acceptance by the city council.

(k) The term "park property" shall include all parks and areas of land within the management of said board, and all buildings, structures, improvements, seats, benches, fountains, boats, walks, drives, roads, trees, plants, flowers and other things thereon and enclosures of the same, and all resting places, watering stations, playgrounds, and parade grounds, or the like, and all connecting parkways, and all birds, animals or curiosities, or objects of interest or instruction, and all tools and implements placed in or on any of such enclosures, ways, parkways, roads, or places.

(l) A listing of the city-owned property, under the care of the board of park commissioners, is on file in the office of the town and city clerk. Said board shall have

the general care and control of that real property cited above and any additions as may be acquired by the City of Bristol from time to time.

(m) The City of Bristol shall have power to acquire and hold real estate or other property for the purpose of establishing or enlarging public parks and squares for boulevards and parkways or for the improvement or ornamentation of parks and playgrounds or for the establishment or maintenance therein of museums, gardens, collections, monuments, statues, fountains or other works of art, by condemnation or by contract, and to accept conveyances of any such properties and to receive gifts, donations or devises of land or other property upon such conditions as may be prescribed by the grantors or devisors and accepted by the city council. Said properties may be so acquired by a vote of the city council, which shall first submit a proposal to acquire the same to the board of park commissioners and the city planning commission for recommendations and to the board of finance for advice and counsel concerning the effect of acceptance of such gift or gifts upon taxation. No such vote of the city council shall go into effect before fourteen days from the date of its publication in a newspaper of general circulation in the city. If, during such fourteen days, a petition signed by at least ten per cent of the qualified electors protesting against such acceptance is filed, the council shall submit the question of such acceptance to the vote of the electors of the city, either at the next general municipal election or at a special election called for that purpose and, if such question shall be so submitted to the electors, such vote of acceptance by the city council shall not go into effect unless a majority of the qualified electors voting thereon shall vote in favor thereof. The sufficiency of such petition shall be determined, the election ordered and conducted, and the result declared as provided in section **sixty seven** hereof, so far as such provisions are applicable.

(Amend., eff. 11-9-77; Amend., eff. 11-9-83; Amend., eff. 11-7-89; Amend., eff. 12-8-11; Amend., eff. 12-5-13)

Sec. 58. Public works.

The board of public works shall be composed of three council members and three resident electors of the City of Bristol nominated by the mayor and appointed by the city council. The mayor shall be a full member of such board, ex officio, and shall be the chairperson. No member of such board, other than the mayor or council members, shall hold any other office in the City of Bristol. The terms of the three resident electors on the board shall be for three-year terms, except that any vacancy shall be filled for the unexpired term, and provided further that the mayor and council members shall serve on the board only during their term of office. All appointments shall be made in the month of February and shall terminate on the last day of February in the year in which such term expires, except that the term of the mayor and council members shall start at the first council meeting after their election. The board shall direct the operations of the department of public works through the director of public works. The board shall prepare and recommend an annual budget, oversee the expenditure of monies, make long-term planning of the city's public works needs, and hear appeals from the actions of the director of public works. The board shall keep a public record of activities and shall make a report of its actions to the city council at intervals as it shall deem necessary or upon

request of the city council. At least one council member shall be a member of any committee of such board.

Sec. 59. Police department and board of police commissioners.

(a) The board of police commissioners shall consist of six members, one of whom shall be a member of the city council and five of whom shall be electors of the city. The mayor shall serve as a member of such board, ex-officio, and be the chairperson thereof.

(b) The existing board of police commissioners shall hold office for their respective terms of appointment and until their respective successors shall be appointed.

(c) Within one month after the mayor and the city council elected at a municipal election shall take office, the mayor shall nominate and the city council shall appoint one council member to be a member of such board, for the term of two years, except that no council member shall be a council member of the board after the term of office of said council member shall terminate.

(d) All members of the board except the council member, shall hold office for three years, and no member except one city council member shall hold any other office in such city. Upon the expiration of the term of office of any member, the mayor shall nominate and the city council shall appoint a successor. All appointments shall be made during the month of December, for a period of three years, and shall be effective as of the date of expiration of the term of office succeeded to, or from the date of appointment if made subsequent thereto, but the term of office shall be deemed to begin on the first Tuesday of December.

(e) In the event of a vacancy, a successor shall be nominated and appointed in the same manner for the unexpired portion of the term of the office vacated.

(f) Said board of police commissioners, subject to the approval of the city council, shall:

1) Confer with and advise the chief of police with respect to the general management of the Police Department;

2) Review and comment on the budget request of the Police Department prior to its submission.

(g) The city council shall have the power of removal of the chief of police and other nonbargaining unit members for just cause in accordance with Connecticut General Statutes. Said officers shall not be removed or reduced in grade without having received a written statement, setting forth the reasons for such removal or reduction and having been given an opportunity to appear and be heard before the city council. If desired by the officer removed or reduced, the statement received by the city council, together with their reply thereto, shall be a matter of public record.

(Amend., eff. 11-7-89; Amend., eff. 12-2-10; Amend., eff. 12-8-11; Amend., eff. 12-5-19)

Legislative history--Sp. No. 352, §§ 52, 53, 1911; Sp. No. 434, §§ 100, 102, 1931; Sp. No. 489, § 47, 1939.

Sec. 60. Police department--Merit system.

(1) All promotions within the police department of the City of Bristol shall be made as the direct result of examinations conducted under the supervision of the director of human resources of the City of Bristol. This shall apply to every promotion up to and including the office of the chief of police, but shall not apply to the appointment of police officers to the regular police force. All tests shall be in conformance with existing working agreements.

(2) The director of human resources shall provide and supervise the examinations and certify the results thereof to the Bristol Board of Police Commissioners. Said board of police commissioners shall make all necessary arrangements with the director of human resources in order to cause such examination to be conducted.

(3) Such examination shall be both written and oral, provided no candidate for appointment shall be given the oral examination unless and until such candidate has attained a minimum grade of seventy per cent on the written examination. The examination shall be conducted with reference to the specific position or positions to be filled, and shall be designed to determine fairly the capacity of the persons competing to perform the police duties of the position to which promotions are to be made. The written examination shall be obtained from a recognized testing authority in the law enforcement field. The oral examination shall be conducted by non-Bristol residents from the Police Chief Association or other similar professional personnel in the law enforcement field.

(4) The director of human resources shall certify to the board of police commissioners and the chief of police the names of all persons competing for a vacancy who have attained a grade of seventy per cent or higher. The chief of police shall then make an independent evaluation of each candidate for the vacancy. The individual examination scores shall not be disclosed until the chief of police makes an individual evaluation of each candidate. The chief of police shall then appoint to the vacancy that person with the highest rating.

(5) Regular members of the Bristol Police Department with five or more years seniority as of the date the examination is to be held shall be deemed eligible to take the examination for the rank of sergeant. In order to be eligible to take the examination for lieutenant and captain, members of the Bristol Police Department must hold the rank of sergeant and lieutenant, respectively, for a period of at least one year.

(6) When an examination has been given and more than one person attains the grade of seventy percent or higher, such persons attaining the grade of seventy percent or higher shall be rated by the board of police commissioners in accordance with Section 60(4) and be placed on an eligibility list in order of their rating. This eligibility list shall continue in force for two years from the date the list is certified by the director of human resources, and any further vacancies in positions equal to that for which the specific examination was given shall be filled by appointing the person with the next highest ranking on this eligibility list. No such eligibility list shall be valid for longer than a two-year period, and new examinations shall be held at more frequent intervals if a vacancy occurs and the eligibility list for that position is exhausted.

(7) If in any examination no person obtains the grade of seventy percent, an open competitive examination, not limited to members of the Bristol Police Department, but limited to persons of other police departments who meet the requirements of sub-section (5), shall be held under the supervision of the director of human resources and the highest ranking person shall be certified to the board of police commissioners in accordance with the standards set forth in Section 60(4). Such open examination shall be used only to fill a specific vacancy, and the results of the examination shall not be used to create an eligibility list for future vacancies.

(8) Before any person not a member of the Bristol Police Department is appointed in accordance with this charter, such person shall be examined by a physician in general practice in the City of Bristol designated by the director of human resources, and if such examining physician finds no physical or mental impairment, illness or condition that would prevent the officer from effectively discharging the duties of the rank to which such person is about to be appointed, the examining physician shall so certify to the director of human resources. If the examining physician does not so certify after the examination, the officer shall not be appointed.

(9) Appointments to a vacancy for which a valid eligibility list exists shall be made within thirty days. Sixty days prior to expiration of a valid eligibility list, an examination shall be held and the results shall be certified to the Bristol board of police commissioners by the director of human resources no later than sixty days from the date the examination was given. The chief of police shall make the appointment or appointments for which the examination was given no later than thirty days from the date the results are certified to them. If an open competitive examination is necessary it shall be held no later than sixty days from the date the results of the first examination are certified. The results of such an open competitive examination shall be certified by the director of human resources no later than sixty days from the date it is given and the chief of police shall make the appointment no later than thirty days from the date the results are certified by the director of human resources.

(10) At least two weeks notice of each examination shall be given by posting on the police department bulletin board. The results of all examinations shall be a matter of public record and shall be posted on the police department bulletin board.

(11) In lieu of Section 60(4), 60(6), 60(7), 60(9) and 35, the following shall apply to testing for non-bargaining positions. All other articles in Section 46A shall apply. Testing for non-bargaining positions shall only be conducted when a vacancy develops or is anticipated by the director of human resources. The director of human resources (or the Mayor's designee in the absence of the director of human resources) shall certify to the chief of police and board of police commissioners an eligibility list consisting of the names of all eligible candidates in order of their total rating who have attained a grade of seventy per cent or higher on both the written and oral examinations based on the following factors and weights.

- a. Written examination . . . 50%
- b. Oral examination 50%
- Total Rating 100%

The chief of police shall then select any one of the top three candidates and forward the selection to the board of police commissioners. The chief of police's selection shall be subject to the approval of and confirmation by the board of police commissioners. If the board of police commissioners does not act on the chief of police's selection within thirty days, said selection shall be deemed to be approved and confirmed. If the board rejects the chief of police's selection, within thirty days of said rejection, the chief of police may select from the remaining top two (2) candidates and repeat this process until all of the top three (3) candidates have been exhausted. If there are no successful internal candidates, an open competitive examination not limited to members of the Bristol Police Department, but limited to persons of other police departments who meet the requirements of sub-section (5), shall be held under the supervision of the director of human resources and the internal candidate selection process shall then apply to the candidates for the open competitive examination. Any rejected internal candidates shall not be eligible for the open competitive examination.

An internal eligibility list shall continue in force for two years from the date the list is certified by the director of human resources (or the Mayor's designee in the absence of the director of human resources) or until exhausted. No such internal eligibility list shall be valid for longer than a two-year period. An open competitive examination shall be used to fill a specific vacancy and the results of the examination shall not be used to create an eligibility list for future vacancies.

(Amend., eff. 11-5-75; Amend., eff. 11-9-77; Amend., eff. 11-5-80; Amend., eff. 11-7-89; Amend., eff. 12-4-03; Amend., eff. 12-8-05; Amend., eff. 12-8-11; Amend., eff. 12-5-19)

Sec 61. Water department-sewage treatment.

- (a) The City of Bristol, in accordance with the enumerated powers of this charter and the general statutes of the State of Connecticut, is empowered to construct, establish and maintain a water pollution control plant or plants for the purpose of providing the city with sanitary sewers and sewage treatment of pollutants. It shall lay, maintain and repair pipes and conduits in any highway or highways and upon public and private places and grounds that may be incident to the treatment and disposal of sewage and pollutants.
- (b) The sewer commission shall be comprised of the board of water commissioners, which is entrusted with the general supervision of water pollution control, subject to the charter and ordinances of the City of Bristol.
- (c) The superintendent of the water department shall also be the superintendent of the sewer department and, under the direction of the board of water commissioners acting as the sewer commission, shall administer the operation, management and maintenance of the plant(s) and system for water pollution control. The mayor and/or board of water commissioners acting in its capacity as the sewer commission, shall have the authority and duty to formally reprimand the superintendent of the sewer department for general or any specific acts of

- mismanagement or violations of the personnel procedures of the city and which findings may be referred to the city council for further disciplinary action.
- (d) The hiring and discharging of all other personnel performing water pollution control functions shall be under the direction of the director of human resources, in accordance with the provision of section 37 of the city charter.
 - (e) At the same time the board of water commissioners presents its monthly reports of the financial status and doing of the water department as required in section 66 of the charter, the said board, in its capacity as the sewer commission, shall present monthly reports of the financial status and doings as they pertain to water pollution control. These reports shall be available to the board of finance and the city council no later than the fifth working day of the following month. Annually, as of the thirtieth day of June in each year, it shall render to the city council and the board of finance an annual report in as much detail as required by the mayor and city council, of its doings and of the business and finance of the water pollution control plant(s), and shall at any time when required by the city council, the mayor or the board of finance, make to the city council and said board of finance a statement of its doings and of the business, receipts, disbursements, balances and indebtedness of the sewer department.
 - (f) All funds collected by the sewer department for the provision of sewage disposal services and connections to the sanitary sewage system shall be reserved for the use of the sewer commission as water pollution control special revenue funds. The duty of keeping of accounts, custody of money received for sewer use and connection fees or otherwise, the collection of bills and the payment of bills incurred in the operation of the sanitary sewage system and the sewer department shall be entrusted to the sewer commission and shall be executed with the assistance of and in coordination with the city comptroller.
 - (g) The procedures for negotiations and awarding of all contracts, the purchase of supplies and the disposal of materials or supplies declared to be surplus for water pollution control purposes shall be entrusted to the board of water commissioners acting in its capacity as the sewer commission. This authority shall be exercised in accordance with the purchasing manual of the City of Bristol and in coordination with and with the assistance of the city comptroller and city purchasing department.
 - (h) The duty of keeping accounts, custody of money received for the provision of sewage disposal services and for connections to the sanitary sewer system shall be entrusted to the board of water commissioners acting in its capacity as the sewer commission and shall be executed in coordination with and the assistance of the city comptroller. The accounts shall be closed on the last day of June in each year, and a report from said commission, showing the receipts and disbursements of said water pollution control plant(s) up to and including the last day of June in each year, shall be part of the board of water commissioners' report to the city council made in July of each year. Such report shall also include a list of the salaried officers employed in said water pollution control operations and the amount of salary paid to each, and shall be accompanied by a statement, signed

and sworn to by the superintendent, of the income and expenses of said business and all the indebtedness of the city properly chargeable to said water pollution control plant(s) operation.

- (i) In February of each year, the board of water commissioners, acting in its capacity as the sewer commission, shall present a detailed budget to the board of finance in accordance with the city's budget requirements. The board of finance may make changes to any budgetary items pertaining to water pollution control.
- (j) Each October, the board of water commissioners, acting in its capacity as the sewer commission, shall review the last fiscal year's income and expenditures, long and short term debts, proposed additions and improvements to the water pollution control plant(s) along with any pertinent factors. No change in sewer rates and connection charges shall take effect until the proposed new rates and charges shall have been advertised at least once, one month prior to the proposed effective date of any sewer rate and connection fee increase in a newspaper having a general circulation in said City of Bristol. A public hearing on proposed sewer rates and connection charges will be called by the board of water commissioners acting in its capacity as the sewer commission, and all facts and figures necessary to prove need for any increase will be presented to the public at this hearing. If the increase is approved by the board, it will be implemented on the following July 1. In determining the rates and charges for sewage disposal and connections, the board of water commissioners, acting in its capacity as the sewer commission, may take into consideration the debt service attributable to the water pollution plant(s) and system, the depreciation thereof, and the requirements of any sinking fund which may be established to meet the city bonds and other obligations issued for water pollution control purposes, as they mature; but the connections and services used by the city for municipal purposes shall be supplied to it at no cost.
- (k) The board of water commissioners, acting in its capacity as the sewer commission, shall adopt regulations:
 - (1) For the use and protection of the water pollution control plant(s), its system of conduits and pipes, and all related equipment and facilities;
 - (2) To control the use and operation of the water pollution control plant(s) and system;
 - (3) To prevent accidents and promote safety among its employees;
 - (4) For the management, safeguarding, landscaping and maintenance of the sewer department properties;
 - (5) For governing the provision of sewage disposal services and connections to the city's water pollution control facilities, and for all matters connected therewith; and
 - (6) For providing penalties for default in payment of sewer fees and connection charges, which penalties shall be in addition to the sewer usage fees and connection charges and shall be collectible as a part thereof.

- (l) The city council is authorized to impose, by means of suitable ordinances, fines or penalties or both for the violation of any regulations adopted by the board of water commissioners, acting in its capacity as the sewer commission, which penalties may be collected by the city in a civil action based upon such ordinance and which fines shall be enforced by criminal process in the superior court of the State of Connecticut.

(Amend., eff. 12-6-2018; Amend., eff. 12-5-19)

Editor's note- An amendment effective Dec. 5, 2019, amended 48A in its entirety to read as herein set out. Former 48A pertained to water department's sewage treatment, and derived from an amendment effective Dec. 6, 2018.

Sec. 62. Parking authority.

(a) There shall be appointed by the mayor of the city of Bristol and confirmed by a majority of the city council six (6) electors of Bristol who shall constitute the Bristol Parking Authority, hereinafter referred to as the parking authority. Such members shall serve for a term of three years and shall serve without pay but may be reimbursed for necessary expenses. The mayor shall be a member ex officio and may vote only in the event of a tie vote. The chief of police, the director of public works and the city engineer shall be members ex officio without vote. All vacancies in said parking authority shall be promptly filled for the unexpired portions of the terms by similar appointment on the part of the mayor and confirmation on the part of the city council. The parking authority shall meet within thirty days of its appointment and at least once every two months thereafter. Four members shall constitute a quorum. The parking authority shall elect its own chairperson and secretary, and shall organize with such rules and by-laws as it deems advisable. It shall keep minutes of all meetings, which shall be available to the public. It shall maintain proper accounting and financial records, and shall make a report semi-annually to the mayor, the city council and the board of finance. Members of the parking authority may be removed by a majority vote of the city council for inefficiency, neglect of duty, or malfeasance in office. Three successive absences from meetings without justifiable cause shall be deemed neglect of duty with no other proof required. The mayor shall have power to call special meetings and to compel the attendance of members to regular and special meetings by warrant duly signed by the mayor and served by any suitable officer or indifferent person at least two days prior to the time of the designated meeting.

(b) The parking authority is authorized and empowered to establish, construct, maintain and operate public parking facilities, to purchase, lease or otherwise own and acquire land and buildings to be used for public parking of vehicles within the limits of the city of Bristol. All off-street parking facilities to be established shall first be approved by the city planning commission which shall render its decision within thirty days after the filing of an application for approval by the city council. The city council may acquire the necessary land or properties to be used for public parking by right of condemnation under the general statutes, provided it shall not be empowered to take by eminent domain any property from a corporation which has the right of eminent domain, and this act shall not affect the powers of eminent domain of any such corporation.

(c) The parking authority shall have the sole power to install parking meters on the public streets or highways or other public places, including public parking lots, in the city of Bristol, and shall have authority to operate and maintain existing parking meters and to collect the proceeds therefrom and to use such monies as hereinafter specified. Rates for parking shall be established in accordance with the general statutes. The commission shall not dispense or furnish, or allow any lessee or occupant to dispense or furnish, upon or in connection with any off-street parking facility acquired, maintained or operated pursuant to this act, any product or service other than the parking of motor vehicles.

(d) The board of police commissioners, subject to approval of the parking authority, shall be empowered to make and alter, from time to time, rules and regulations with respect to parking on public streets, highways or public places for the purpose of maintaining order and safety in any parking facility operated by the parking authority. The penalties for violation of such rules and regulations shall be set by ordinance or ordinances of the city council. The board of police commissioners shall enforce such rules and regulations and shall be reimbursed by the parking authority for the cost thereof.

(e) The parking authority shall have the power to employ such employees, other than members of the police department, as it may deem necessary and shall prescribe and define their duties and powers. Compensation for such employees shall be determined in accordance with the rules and regulations of said city. All members and employees charged with the handling of money shall be bonded, and the cost of such bonds shall be paid by the parking authority.

(f) The public works department is charged with the maintenance of all off-street parking facilities, excluding meters, and shall be reimbursed by the parking authority for the cost of said maintenance.

(g) Bonds necessary to effectuate this charter shall be issued in conformity with the charter of the City of Bristol.

(h) The provisions of the charter of the City of Bristol, as amended, regarding budget estimates to be furnished the board of finance and other reports and information required by the board of finance shall apply to the parking authority and the approval of the city council shall be required in the event said parking authority is to finance the establishment of said parking facilities either in full or in part by any one or any combination of the following methods: (a) General obligation bonds with legal debt limitation; (b) General fund appropriations to the extent deemed necessary or desirable; (c) State and federal grants and local aids to the extent available for the provision of off-street parking facilities; (d) Gifts, bequests, devises, grants or otherwise.

(i) Monies received under the provisions of this charter shall be applied by the parking authority for the following purposes, in the order listed: (a) For payment of principal and interest of such parking bonds as the parking authority or the City of Bristol may issue; (b) To provide reasonable reserves, subject to approval of the city council and board of finance, for the maintaining, repairing and operating of the parking facilities, excluding therefrom reserves for the principal of and interest on such parking bonds; (c) To construct, purchase, lease, maintain and operate public parking facilities. All monies remaining after fulfilling the obligations in the order herein specified shall be set over and

transferred to the general fund of the City of Bristol on the first day of July of each year. Funds of the parking authority shall be subject to an annual audit by the auditor or auditors of the city.

(j) The City of Bristol and private agencies shall be reimbursed by the parking authority for funds advanced to it for the purpose of conducting a preliminary survey of parking facilities.

(k) Any person aggrieved by any action of the parking authority of the City of Bristol or any member of the city council may appeal therefrom within ten days to a court of competent jurisdiction. The corporation counsel of the city of Bristol shall institute an appeal only at the request of the mayor or any member of the city council.

(Amend., eff. 11-9-83; Amend., eff. 12-2-10; Amend., eff. 12-8-11; Amend., eff. 12-5-13)

Legislative history--Sp. No. 307, 1949; Sp. No. 247, 1955; Sp. No. 77, 1957.

Sec. 63. Personnel Committee.

The city council may establish by ordinance a personnel committee that shall be comprised of members of the city council appointed by the mayor. The mayor may also appoint up to two (2) electors of the city who shall be of different party affiliations. The city council members and electors shall serve at the pleasure of the mayor. The aforesaid elector(s) shall advise the personnel committee without vote, and may not be employed by the city, the board of education, or the Bristol-Burlington Health District. The city council may refer general personnel matters to the personnel committee, including but not limited to the consideration of salaries, benefits, and grievances, the addition or elimination of employee positions, the restructuring current positions, the creation, modification, and review of job descriptions, personnel policies and procedures, the review of surveys dealing with salaries and benefits, the review and evaluation of employment training, including training provided to employees and elected officials on anti-harassment policies, and the evaluation and review of preventative measures, complaint data and the corrective actions taken with respect to workplace harassment. The personnel committee may also serve as a nonbinding advisory review panel when there are personnel matters involving the mayor, a city councilor, or the director of human resources.

Sec. 64. Ethics board.

There shall be an Ethics Board which shall consist of seven members who shall be resident electors of the Town and City of Bristol. The Ethics Board shall at no time consist of more than three resident electors from any one political party. Of the seven (7) members initially appointed, four (4) shall be appointed for a term of three (3) years and three (3) shall be appointed for a term of two (2) years. All subsequent appointments to the Board shall be for terms of three (3) years. In case of a vacancy, a successor shall be appointed for the unexpired portion of the term of office vacated. Of the seven (7) members who are initially appointed, they shall be appointed as follows: one (1) by the Mayor for a term of three (3) years, the mayor shall then designate by each Council

District one (1) Council Member who shall initially appoint for three (3) years and one (1) Council member who shall initially appoint for two (2) years. All subsequent appointments or the filling of vacancies shall be made as follows: The Mayor shall designate which Council member, including the mayor, shall appoint a member to the Board, but in no event shall either the Mayor or any Council member have more than one (1) appointee serving on the Ethics Board at any time. If such individuals are available, the appointments shall include: one (1) member who has experience as a human resource professional, one (1) who is an attorney licensed to practice law in the State of Connecticut, and one (1) who is a member of organized labor. Any person who is a member or officer of a town committee of a major or minor political party as provided in Chapter 153 of the Connecticut General Statutes is disqualified from serving on the Ethics Board. Any City of Bristol municipal employee, City of Bristol public official, or paid consultant for the City of Bristol or members of their immediate families as defined by ordinance are disqualified from serving on the Ethics Board. Convicted felons are disqualified from serving on the Ethics Board. The Ethics Board shall be responsible for the administration and enforcement of this section of the City Charter and all local ordinances which enact and implement the City of Bristol Ethics Code. The Ethics Board shall enforce all sections of Chapter 10, Chapter 98, and such other sections of the General Statutes of the State of Connecticut dealing with municipal ethics codes, as the same may be created or amended from time to time by the General Assembly of the State of Connecticut. The Ethics Board shall investigate allegations of unethical conduct, corrupting influence, or illegal activities against public officials, public employees, and paid consultants of the City of Bristol. The Ethics Board shall have all the powers and duties granted to municipal ethics boards, commissions, and agencies under the General Statutes of the State of Connecticut and any Ordinances adopted by the City Council of the City of Bristol.

(Amend., eff. 12-8-05; Amend., eff. 12-8-11)

Sec. 65. Zoning commission.

(a) The zoning commission of the city of Bristol shall consist of five resident electors of the city, not more than three of whom shall be members of the same political party, who shall be nominated by the mayor and appointed by the city council.

(b) Said zoning commission shall have all the powers and duties granted to zoning commissions under the general statutes.

(c) Appointments shall be made for terms of three years except that any vacancy shall be filled for the unexpired period of the term. The members of the commission shall elect their own chairperson and secretary.

(d) All existing zoning ordinances of the city of Bristol shall, until changed by the zoning commission, remain in full force and effect.

(e) The members of said commission on the effective date of this charter shall continue to hold office for their respective terms and until their successors are appointed and duly qualified.

(Amend., eff. 12-8-11)

Legislative history--Sp. No. 101, 1947; Sp. No. 159, 1955; Sp. No. 154, 1961; Sp. No. 243, 1963.

Sec. 66. Water department.

(a) The city of Bristol is authorized to construct, establish and maintain a plant or plants for the purpose of supplying the inhabitants of said city with pure water, and to lay, maintain and repair pipes and conduits in any highway or highways and public and private places and grounds, which plant may include suitable lands, constructions, easements, privileges, tools, machinery, pipes and conduits and all other apparatus and appliances that may be incident to the purposes of this section; and said city is given power to construct, repair and maintain such reservoir or reservoirs, plant and apparatus within the towns of Harwinton, Plymouth and Bristol as may be incident to said purposes, and may take, lease and use the water of any spring, stream, watershed or drainage area therein, not already occupied and used for the purpose of public water supply; provided said City of Bristol shall not take or occupy any property or exercise any rights in the town of Plymouth not occupied or exercised by said city at the time of the passage of this charter except as otherwise provided in this section, and said city may construct, repair and maintain such canals and aqueducts and overflow such lands as may be incident to the retention and conveyance of water to supply said city, and is given power to retain, maintain, lease and convey the same, and also to take, lease and hold by purchase or gift any real estate, personal property or easements incident to the purposes of this section, and to provide for storing, conducting and distributing water, and for all buildings and constructions incident to the supplying of said city of Bristol and the inhabitants thereof with pure water, and for preserving such lands and waters, for the use of said plant, free from contamination, nuisances, drains and sewers.

(b) The city of Bristol, for the purpose of increasing its water supply, is authorized to acquire and take, by purchase or otherwise, and hold, the waters, or so much thereof as may in the opinion of the board of water commissioners of said city, be necessary, of Old Marsh pond and of the first stream entering Poland stream from the west below the dam of reservoir number 3 of said city of Bristol and crossing Poland road, so called, about seventeen hundred feet south of the bridge across Poland stream near the dam below reservoir number 3, and of any or all of their tributaries in whatever town located, together with the water rights connected therewith; and, for the purpose of holding, storing, purifying or conveying waters to such points as may seem necessary or advisable in connection with its said system of water supply, or for preserving such land and waters for the use of said system free from contamination, nuisances, drains and sewers, may, in like manner, acquire and take any or all lands, rights of way, easements and other property within the limits of the towns of Bristol, Burlington and Plymouth, which may, in the opinion of said board, be necessary, and may enter upon such lands for the purpose of making preliminary surveys, and may erect on any lands so acquire and taken, proper dams, reservoirs, fixtures, structures and other appliances, and make such excavations and provide such other means as may in the opinion of said board be necessary or advisable for the holding and conveying of such waters to and into its system of water supply, and may construct and lay such conduits, canals, pipes or other works under, through or over any lands, water courses, railroads and public and private ways which

may, in the opinion of said board, be necessary and convenient for the use of said city; and, for the purpose of carrying out the provisions and objects of this charter, may dig up such land and rights of way and may enter upon and dig up any such public ways in such manner as to cause the least hindrance to public travel, and shall hold the town in which such ways are located harmless from all liabilities to parties claiming damages resulting from the acts of said city; provided nothing in this charter shall grant to the city of Bristol any right to take water from any source within the town of Burlington outside of the limits of the watersheds of Old Marsh pond and of Poland river.

(c) Said city shall pay reasonable damages to any person or corporation whose land is taken, permanently or temporarily, in order to establish or maintain the city's water supply system. Any person or corporation entitled to damages under this section who shall fail to agree with the city as to the amount of damages may have the damages assessed and determined in the manner provided in this section. It being the intention of this section to compensate the owner or corporation solely for the property taken, permanently or temporarily, e.g. by easement, and for no other reason or damage.

(d) Said city is also empowered to make use of the ground or soil under any road, railway, railroad, highway, street, private way, lane or alley for the purpose of constructing its waterworks or laying its pipes, conduits and apparatus, but shall, in all such cases, cause the surface of such road, railway, railroad, highway, street, private way, lane or alley to be restored to its usual condition, and all damage done thereto to be repaired, and all damages sustained by any person or corporation in consequence of the interruption of travel thereby to be paid to such person or corporation.

(e) Said city of Bristol, by its board of water commissioners hereinafter provided for, is authorized to enter upon any land or water for the purposes of making surveys, and to agree with the owner or owners of any property or franchises which may be taken, permanently or temporarily, in the exercise of the powers granted in this section as to the amount of damages to be paid to such owner or owners for the same, and, in case of disagreement between said city, acting through its said commissioners, and any owner or owners as to the amount of said damages to be awarded for such taking in order to establish or maintain the city's water supply system, or, in case any such owner shall be an infant or incompetent or the owner of a contingent or uncertain interest, any judge of the superior court may, on the application of either party, unless the application has been unreasonably delayed, cause such notice to be given of such application as such judge shall prescribe and, after proof of such notice and after hearing may appoint three disinterested persons to examine any such property which is to be taken by said city in the establishment and/or maintenance of its water supply system, and such persons, being duly sworn to a faithful discharge of their duty, shall, after reasonable notice to, and hearing of the parties, estimate the damages which such owner shall receive, and report the same in writing to the clerk of the superior court of Hartford County, to be by him recorded. Such judge may thereupon confirm the doings of such appraisers and direct said city to pay the sum appraised, in such manner as such judge may prescribe, in full compensation for the property taken by the city in the establishment and/or maintenance of its water supply system; and upon compliance with the order of such judge, said city may proceed with the construction of its works, without any liability to any further claim

for damages and shall control, own and hold exclusively, the property so taken, for the purposes set forth in this section.

(f) The general supervision of the Bristol water department shall be entrusted, subject to the charter and ordinances of the City of Bristol, in a commission to be known as the board of water commissioners, consisting of five citizen electors of said city and appointed as hereinafter provided. The commissioners now serving shall continue in office for the duration of their terms. Appointments to the board of water commissioners of the City of Bristol, shall be made during the month of December for a period of three years, and shall be effective as of the date of expiration of the term of office succeeded to, or from the date of appointment if made subsequent thereto; but the term of office shall be deemed to begin on the first Tuesday of said month. Before entering upon the duties of the office, each commissioner shall give bond to the city for the faithful performance of the duties of said office, in said sum and form as the City Council shall direct. Each commissioner shall serve without compensation.

(g) The superintendent of the water department shall be nominated by the mayor and appointed by the city council for a term of four years. The mayor shall notify such superintendent of the water department at least one month prior to the expiration of his term in writing that he will or will not be renominated. Notwithstanding the provisions of this section, the full-time superintendent of the water department in office on the effective date of this section shall continue in office until the expiration of his term. Under the direction of the board of water commissioners, the superintendent shall administer the operation, management and maintenance of the system for the distribution of water. The mayor and/or the board of water commissioners shall have the authority and duty to formally reprimand the superintendent for general or any specific acts of mismanagement or violations of the personnel procedures of the city and may refer his/their findings to the city council for further disciplinary action.

(h) The hiring and discharging of all other personnel of the water department shall be under the direction of the director of personnel, in accordance with the provision of sections thirty seven and sixty three of the City Charter.

(i) Said board shall present monthly reports of the financial status and doings of the department as directed by the City Council in a manner as prescribed by the city comptroller, consistent with city guidelines and the rules and regulations of the PUCA. These reports shall be available to the board of finance and the City Council no later than the fifth working day of the following month. Annually, as of the thirtieth day of June in each year, the board shall render to the City Council and the board of finance an annual report in as much detail as required by the mayor and City Council, of its doings and of the business and finance of said water plant, and shall at any time when required by the City Council, the mayor or the board of finance, make to the City Council and said board of finance a statement of its doings and of the business, receipts, disbursements, balances and indebtedness of the water department.

All funds collected by the water department for the sale of water or services or resulting from the sale of property or equipment and of any interest thereon shall be reserved for the use of the water department in its normal operations and shall not become a part of the general fund of the City of Bristol.

The procedures for negotiation and awarding of all contracts, the purchase of supplies and the disposal of materials or supplies declared to be surplus shall be entrusted to the board of water commissioners and exercised in accordance with the purchasing manual of the City of Bristol and in coordination with the staff facility and assistance of the city comptroller and city purchasing department.

The duty of keeping of accounts, custody of money received for water or otherwise, the collection of bills and the payment of bills incurred in the operation of said water department, shall be entrusted to the board of water commissioners and shall be executed with the assistance and in coordination with the city comptroller.

(j) All the rights granted to said city relating to the establishment and maintenance of the water department, the exercise of which is not otherwise sufficiently provided for herein or under existing laws, shall be exercised by the board of water commissioners or their successors in authority acting in behalf of said city.

(k) The books and accounts pertaining to the business authorized by the preceding section shall be kept in the form prescribed by the board of water commissioners consistent with the rules and regulations of the Connecticut Public Utilities Control Authority. The accounts shall be closed on the last day of June in each year, and a report from said commissioners, showing the receipts and disbursements of said water plant up to and including the last day of June in each year, shall be included in their report to the City Council hereinbefore provided to be made in July of each year. Such report shall also include a list of the salaried officers employed in said business and the amount of salary paid to each, and shall be accompanied by a statement, signed and sworn to by the clerk and superintendent of said department of the income and expenses of said business and all the indebtedness of the city properly chargeable to said water plant. In February of each year, the board of water commissioners shall present a detailed budget, in accordance with the city's budget requirements, to the board of finance to be discussed at a public budget hearing. The board of finance may make recommendations for changes but may not actually change any budgetary items. If the recommendations of the board of finance are not acted upon by the board of water commissioners, the board of water commissioners shall enumerate their reasons for not doing so in writing to the board of finance no later than the regular April meeting of the board of finance.

(l) Each October, the board will review the last fiscal year's income and expenditures, long and short term debt, proposed additions and improvements to the plant along with any pertinent factors. No change in rates shall take effect until the new rates shall have been advertised at least once, one month prior to the effective date of any water rate increase in some newspaper having a circulation in said City of Bristol and a public hearing will be called and all facts and figures necessary to prove need for an increase will be presented to this hearing. If the increase is approved, it will be implemented on July 1. In determining the prices to be fixed for furnishing such water, the board of water commissioners may take into consideration interest on the amount invested in such plant, the depreciation thereof, and the requirements of any sinking fund which may be established to meet the city bonds issued for water purposes, as they mature; but the water used by the city for municipal purposes shall be supplied to it at a price not exceeding its cost.

- (m) The board of water commissioners shall adopt regulations:
- (1) For the use and protection of the water system and facilities;
 - (2) To control the use of its land, water plant and facilities;
 - (3) To prevent accidents and promote safety among its employees and for the use of said water plant;
 - (4) For the planting, management, safeguarding and harvesting of trees on water department properties;
 - (5) Relating to the operation of said water plant;
 - (6) As to the methods, amounts, prices, quantity and quality of water supply to individual users;
 - (7) Limitations on water usage in the event of periods of droughts or other emergencies; and
 - (8) Governing the supplying of water to the inhabitants of said city and all matters connected therewith, and may prescribe in such rules that the supply of water may be shut off from any premises until arrearages for water shall be paid, and may provide by such rules penalties for default in payment of water charges, which penalties shall be in addition to the water charges and shall be collectible as a part thereof.
- (n) The City Council is authorized to impose, by means of suitable ordinance, fines or penalties or both for the violation of any regulations adopted by the board of water commissioners, which penalties may be collected by said city in a civil action based upon such ordinance and which fines shall be enforced by criminal process in the Superior Court of the State of Connecticut.
- (o) When a petition for the extension of a water main or mains, signed by the owners of fifty per cent of the real estate to be affected, or by a smaller number, at the option of the commissioners, shall be filed, with the commissioners, a hearing on the petition shall be held. Notice of such hearing shall be sent by registered mail to all persons liable to be assessed for such extension at least five days before the date of the hearing. If the extension as petitioned for, or as modified by the water commissioners, shall be ordered and made, the cost thereof shall be assessed against the owners of the real estate benefited, or the commissioners shall make a front foot assessment as provided in section forty-eight hereof, and such assessment shall be a lien upon such real estate.
- (p) Repealed by 1969, S.A. No. 233.
- (q) All charges for water, and assessments for the extension of water mains and for the cost of laying or relaying service pipes upon public or private property, shall be a lien upon the real estate where or for the benefit of which such charges are incurred. Each such lien shall take precedence over all other liens or encumbrances on the property whereon the same is placed except taxes or prior improvement liens due to the city or the state and legal proceedings may be taken for the collection thereof by civil action against such delinquent owner or by foreclosure of such liens in the same manner as a lien for unpaid taxes due the City of Bristol, provided such lien for any such water charge or assessment shall not continue for a longer period than one hundred eighty days after the

assessment therefor has been voted or the due date of the bill for the water charges incurred unless a certificate of such lien shall be lodged with the town clerk for record and provided further that no bill incurred for water charges shall be lodged with the town clerk for record earlier than one hundred sixty days after the due date of the bill for said charge.

(r) The City Council may designate the water department as the facility to bill and collect for the City of Bristol the sewer usage fee when said program is implemented in accordance with the City Code of Ordinances.

(Amend., eff. 11-5-75; Amend., eff. 1-1-83; Amend., eff. 11-9-83; Amend., eff. 11-3-93; Amend., eff. 12-8-05)

Legislative history--Sp. No. 251, 1911; Sp. No. 352, § 3, 1911; Sp. No. 249, 1915; Sp. No. 164, 1919; Sp. No. 434, §§ 113--124, 1931; Sp. No. 489, § 49, 1939; Sp. No. 151, § 5, 1943; Sp. No. 1, 1944; Sp. No. 326, § 1, 1945.

Sec. 67. Initiative and removal.

Special meetings of the electors for the purpose of voting on any proper question, including the removal from office of any appointee of the city council, may be called at any time by the mayor or by the city council, and shall be called whenever electors to the number of ten per cent of the electors who were entitled to vote at the last general city election shall petition that such meeting be called. The signatures to such a petition need not all be appended to one paper, but each signer shall add to his signature a statement of his place of residence, giving the street and number, if any. One of the signers of the petition shall make oath before an officer competent to administer oaths that each signature appended to such paper is the genuine signature of the person whose name it purports to be. Within five days from the filing of such petition with the town clerk, said town clerk shall ascertain if such petition is signed by the regular number of qualified electors, and he shall attach to such petition a certificate showing the result of such examination. If, by said clerk's certificate, the petition be found to be insufficient, it may be amended within ten days from the date of such certificate. The clerk shall make like examination of the amended petition, and, if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice to the filing of a new petition to the same effect. If the petition shall be found to be sufficient, the clerk shall, without delay, submit the same to the city council. The petition for each electors' meeting shall state specifically the resolution or resolutions it is desired to have submitted to vote at such meeting. Upon receipt of such petition, the city council shall either (a) pass such resolution or resolutions without alteration, within twenty days after attachment of the clerk's certificate to the accompanying petition, in which case the petition shall become of no effect, or (b) if the petition shall not have been withdrawn in a written statement signed by a majority of the signers of the original petition, call a special meeting of the electors within thirty days unless a general municipal election is to be held within ninety days thereafter; and at such special or general meeting, the resolution or resolutions shall be submitted to a vote of the electors of said city. All votes at the meetings of the electors shall be taken by the check list at the polling places in the several voting districts. The registrars of voters shall have power to appoint such election officers

as are necessary. The question of the passage of any such resolution shall be designated on the voting machine, or on the ballot, if required, in the following words "for the resolution" (stating the nature of the proposed resolution). At the close of the election, the votes registered or ballots cast shall be counted immediately and the result in each voting district shall be declared by the moderator. The moderator of the first voting district shall declare the general result on this and all other elections and he shall certify such results to the town clerk forthwith. The registrars shall, if requested, appoint one challenger from each side of the matter to be voted upon. If a majority of the qualified electors voting upon any proposed resolution shall vote in favor thereof, such resolution shall thereupon become a valid resolution of the city and any resolution proposed by petition, or which shall be adopted by vote of the people, shall not be repealed or amended except by vote of the people.

(Amend., eff. 12-8-05)

Legislative history--Sp. No. 352, § 66, 1911; Sp. No. 434, § 138, 1931; Sp. No. 489, § 52, 1939; Sp. No. 188, 1955.

Sec. 68. Recall of elective officers.

(a) Each incumbent of an elective office shall be subject to recall by the voters of this city, not inconsistent with state statutes. The procedure to effect such a removal from office shall be as follows: A petition signed by qualified electors equal in number to twenty per cent of the entire vote cast for mayor at the last preceding biennial election, demanding an election of a successor of the officer sought to be removed, shall be addressed to the city council and presented to the city clerk, and shall contain a statement of the reason for such demand. If the officer sought to be removed shall not resign within five days after the petition is filed, the council shall cause a special election to be held within thirty days thereafter, to determine whether the people will recall such officer. In the published call for the election shall be printed, in not more than two hundred words, the reasons for demanding the recall of such officer as set forth in the recall petition, and such officer may therein, in not more than two hundred words, justify his course in office.

(b) The sufficiency of such petition shall be determined by the town clerk, subject to the right of any person who has signed it to appeal to the city council for final decision of its sufficiency. The officer sought to be removed shall be deemed a candidate, and his name shall appear as that of a candidate upon the voting machine or a printed ballot, as the case may be.

(c) The nomination of other candidates and the election shall be in accordance with the provisions of this charter concerning nominations and elections, except that the result of the election under the recall shall be final, and the candidate receiving a plurality vote shall be elected for the remainder of the term, subject to subsequent recall. The officer sought to be removed shall, if he shall not resign, continue to perform the duties of his office until the election, whereupon if he shall fail of election, he shall be deemed to be removed from office.

(d) No recall petition shall be filed against any officer, nor a recall election held, until such officer has actually held his office for at least four months, nor within ninety days of a general city election.

(e) No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any city office within two years after such recall or resignation.

(f) The council may make such further provisions as may be necessary to carry out the provisions of this section and the election may be ordered and conducted and the result declared in the same manner as is determined herein for the election of officers at biennial city elections.

Legislative history--Sp. No. 352, § 11, 1911; Sp. No. 434, § 22, 1931, Sp. No. 489, § 13, 1939.

APPENDIX - 2021 RENUMBERING		
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<u>Construction of the charter.</u>	<u>2</u>	<u>2</u>
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<u>Existing laws and ordinances.</u>	<u>60</u>	<u>4</u>
<u>Savings clause.</u>	<u>59</u>	<u>5</u>
<u>Ethics and conflicts of interest.</u>	<u>55(a)</u>	<u>6</u>
<u>Bond issues.</u>	<u>4 (first sentence)</u> <u>4 (second sentence)</u>	<u>7</u> <u>51(u)</u>
<u>Lien fees.</u>	<u>29</u>	<u>8</u>
<u>Unlawful harassment in the workplace.</u>	<u>56</u>	<u>9</u>
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