

An Act Concerning
A Charter
For
The City of Milford



November 8, 1983

Milford, Connecticut

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**A CHARTER
FOR THE CITY OF MILFORD**

SPECIAL ACT NO. 139 ADOPTED:

JUNE 15, 1959 EFFECTIVE
NOVEMBER 9, 1959
REVISED NOVEMBER 6, 1962
EFFECTIVE JANUARY 1, 1963
REVISED NOVEMBER 5, 1963
EFFECTIVE JANUARY 1, 1964
REVISED NOVEMBER 8, 1966
EFFECTIVE NOVEMBER 8, 1966
REVISED NOVEMBER 21, 1968
EFFECTIVE JANUARY 1, 1969
REVISED NOVEMBER 3, 1970
EFFECTIVE JANUARY 1, 1971
REVISED NOVEMBER 7, 1972
EFFECTIVE NOVEMBER 7, 1972
REVISED NOVEMBER 6, 1973
EFFECTIVE NOVEMBER 6, 1973
REVISED NOVEMBER 5, 1975
EFFECTIVE NOVEMBER 5, 1975
REVISED NOVEMBER 8, 1977
EFFECTIVE NOVEMBER 8, 1977
REVISED NOVEMBER 4, 1980
EFFECTIVE NOVEMBER 4, 1980
REVISED NOVEMBER 8, 1983
EFFECTIVE NOVEMBER 8, 1983

* Retyped August 25, 2010

**PART I
CHARTER ***

An Act Concerning a Charter for the City of Milford, 1959; Special Act #139

- Art. I. Powers Generally; Voting Districts; Acquisition of Property and Public Improvements; Code of Ethics, §§1-6
- Art. II. Elections and Elected Officers Generally, §§1-9
- Art. III. Mayor, Board of Aldermen; Ordinances; City Clerk; Selectmen; Board of Education; Constables; Tax Collector; Registrars of Voters; Planning and Zoning Board, §§1-16
- Art. IV. City Attorney; Political Parties; Certified Public Accountant; Appointed Boards and Commissions Generally, §§1-15
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**ARTICLE I. POWERS GENERALLY; VOTING DISTRICTS; ACQUISITION OF
PROPERTY AND PUBLIC IMPROVEMENTS; CODE OF ETHICS**

Sec. 1. Name of city; continuing powers; powers generally.

All the inhabitants dwelling within the territorial limits of the town of Milford, as heretofore constituted, shall be a body politic and corporate under the name of "The City of Milford" hereinafter called the "city," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said town and not inconsistent with the provisions of this charter, and the additional powers and privileges conferred upon cities under the general statutes of the state of Connecticut. Property rights of every description that belong to the town of Milford or are vested therein at the time this act shall take effect are transferred to and vested in said city, and said city shall be liable, in place of said town in respect to all liabilities, debts and obligations that at any time were originated for said town. The term "city" as used in this charter, unless the context otherwise indicates, shall be taken to indicate the town of Milford.

* Editor's note - This part consists of the charter of the city, being Special Acts, 1959, No. 139, as amended from time to time, and is included herein for the convenience of the users of this Code. The arrangement, format, etc., of the charter have been retained, except that article and section catchlines have been added where necessary. Amendments have been worked into their proper places and amended or repealed provisions deleted. Dates of referendums at which amendments were approved are cited in parentheses following the amended sections. 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.

Sec. 2. Voting districts generally.

There shall be such aldermanic districts within the city as are in existence within the town of Milford on the effective date of this act and as provided by section 4 of article II of this act. (Referendum of 11-4-75)

Sec. 3. Acquisition of property or buildings.

The city, in carrying out the powers and duties conferred or imposed on it by this Charter or the General Statutes, shall have power to acquire for public purposes, lands, buildings or other structures, any interest or estate in land and air rights over land in accordance with the provisions of the General Statutes conferring such powers on municipalities and may take the same upon paying just compensation to the owner thereof in the manner provided in Title 48 of the General Statutes. (Referendum of 11-8-77)

Sec. 4. Assessment of property owners for public improvement benefits; damages or compensation to owners for property taken.

The city may, by ordinance of its board of aldermen, assess benefits against any property benefited by any public work or improvement, and may award damages to any owner of property damaged by, or taken for, any such public work or improvement, and shall have a lien against the property so benefited for the fair share of the cost of such public work or improvements as the board of aldermen may determine, and the owners of such properties shall have such rights, and the city such power and authority, with respect to such assessments and awards as are provided in the general statutes. (Referendum of 11-8-66)

Sec. 5. Power to contract with United States or state; implied and incidental powers generally.

The city shall have, in addition to the powers specifically granted by this charter and the constitution and general statutes, all powers implied in or incident to the powers expressly granted herein and all other powers incident to the management of the property, government and affairs of the city including the power to enter into contracts with the United States, the state or any political subdivision thereof for services and the use of facilities, the exercise of which powers is not expressly forbidden by the constitution and the general statutes. The enumeration of particular powers in this and any other article of this charter shall not be construed as limiting this general grant of powers but shall be considered as in addition thereto.

Sec. 6. Adoption of code of ethics required.

The city shall by ordinance establish a code of ethics for all city officers, employees and officials whether elected or appointed; paid or unpaid. Such code would have as its

purpose the establishment of suitable ethical standards of conduct for all such officers, employees and officials by prohibiting acts or actions incompatible with the best interests of the city of Milford. (Referendum of 11-5-63)

Sec. 7. Gender reference.

Any reference made hereafter noting gender shall refer to either the masculine or feminine. (Referendum of 11-8-83)

ARTICLE II. ELECTIONS AND ELECTED OFFICERS GENERALLY

Sec. 1. Elected officials enumerated; terms of office generally.

The elected officials of the city shall be: Mayor, members of the board of aldermen, town clerk, members of the board of education and members of planning and zoning board as hereafter constituted, two registrars of voters, and as many constables as are provided by law, who all shall hold office for a term of two years respectively and until their successors have qualified, and members of the board of education and members of the planning and zoning board who shall be elected for terms as hereinafter provided. Every elected official of the city shall take office on the second Monday after his election, except as hereinafter provided. (Referendum of 11-5-63; Referendum of 11-8-66; Referendum of 11-3-70; Referendum of 11-8-83)

Sec. 2. Meeting of city electors; election and terms of office of members of board of education.

A meeting of the electors of the city shall be held on the first Tuesday after the first Monday of November, 1959, and biennially thereafter, for the purpose of electing, in accordance with the provisions of the charter, the city officials as provided in section 1 above, except that one-half of the members of the board of education shall be elected at the November, 1975 biennial election for a term of two years and commencing with the November, 1977 election and biennially thereafter all members of the board of education shall be elected for terms of two years. (Any elected Town of Milford official whose term expires on or after the first Monday of October, 1959, and before the second Monday of November, 1959, and further any elected Town of Milford official whose term expires after the second Monday of November, 1959, shall serve out his term until his successor has qualified.) (Referendum of 11-8-66; Referendum of 11-6-73)

Sec. 3. Elected officers and appointments to boards and commissions, etc.; membership in political parties, etc.

Not more than two members of the board of aldermen elected from each aldermanic district, and not more than two members of the board of education elected from each aldermanic district, and not more than a bare majority of the constables may be members of the same political party at any time. When two or more persons are to be

appointed to any office, board or commission, if the number appointed is even, no more than half the members shall be named from any one political party; if the number to be appointed is odd, no more than a bare majority shall be named from any political party. (Referendum of 11-21-68; Referendum of 11-4-75; Referendum of 11-8-77; Referendum of 11-8-83)

Sec. 4. Election laws; voting districts; power of board of aldermen to alter or add voting districts, etc.

- (a) The provisions of the general statutes relating to town officials shall govern the conduct of all elections held under the provisions of this act except as follows. At all elections held within the city, there shall be not fewer than five aldermanic districts, containing as nearly as possible an equal number of residents.
- (b) An aldermanic district will be deemed for the purposes of this Charter to be a political subdivision within the City, the boundaries of which district will determine elected representation on the Board of Aldermen, Board of Education and Planning and Zoning Board. Aldermanic districts shall contain such voting district or districts within their boundaries as hereinafter provided. The Board of Aldermen may, at any time, alter the boundaries of the aldermanic districts or establish additional aldermanic districts.
- (c) Each aldermanic district shall contain such voting districts in the City as are in existence on the effective date of this revision. Such voting districts shall not be considered to be political subdivisions of the City of Milford. The Board of Aldermen may, at any time by Ordinance, alter the boundaries of any voting district or establish additional voting districts within any or all aldermanic districts, there shall be a polling place in each voting district. The boundaries of a voting district shall not cross the boundaries of an Aldermanic District. (Referendum of 11-7-72; Referendum of 11-4-75)

Sec. 5. Elected officers to be electors of city.

No person shall be eligible for election to any city office or appointment to any board or commission who is not at the time of his election or appointment an elector of the city and any person ceasing to be an elector of the city shall thereupon cease to hold elective or appointive office in the city. Any elected official who ceases to be a resident of the aldermanic district which he represents shall cease to hold office. (Referendum of 11-5-63; Referendum of 11-4-75)

Sec. 6. Vacancies in elected offices; appointment by board of aldermen; political party to be same; resignation upon taking office of mayor.

The board of aldermen at a regular or special meeting warned for that purpose may; by majority vote, fill any vacancy in an elective office except members of the board of education who shall be appointed as provided in the general statutes, and members of

the planning and zoning board who shall either be appointed or elected as hereinafter provided. Such appointee shall be a member of the same political party as his predecessor in said office and he shall serve until the next city election. Upon taking office of mayor permanently, any elected city official shall resign his position within the city government. Said vacancy shall be filed according to the provisions of this charter. (Referendum of 11-5-63; Referendum of 11-3-70; Referendum of 11-8-83)

Sec. 7. Elected officials not to hold other public offices, etc.

During the term for which he was elected no elected official of the city of Milford shall hold any other public office or employment whatever, elective or appointive, within the city government, except that of commissioner of the superior court, mayor and notary public. (Referendum of 11-5-63)

Sec. 8. Special elections generally.

Special elections when required under the provisions of this charter or by the general statutes shall be called and warned by the board of aldermen.

Sec. 9. Regulations as to elections; registration; applicability of state law; authority of board of aldermen.

Except as specifically provided herein, the general statutes relating to the making and registration of electors, the conduct of elections, the canvassing of votes and the declaration of the result, shall be applicable to all municipal or special elections held in accordance with the provisions of this charter. The board of aldermen shall provide by ordinance for the manner of warning city elections and such additional regulations in respect to elections and such additional regulations in respect to elections not inconsistent with the statutes or this charter as may be necessary to accomplish the intent of this section.

**ARTICLE III. MAYOR; BOARD OF ALDERMEN; ORDINANCES; CITY CLERK;
SELECTMEN; BOARD OF EDUCATION; CONSTABLES; TAX COLLECTOR;
REGISTRARS OF VOTERS; PLANNING AND ZONING BOARD**

Sec. 1. Mayor – Office staff.

The mayor's office shall consist of the mayor, his secretary and such other employees and members as may be deemed necessary by the mayor. All employees and members shall be appointed by the mayor and may be removed by him. (Referendum of 11-7-72)

Sec. 2. Same – Chief executive officer of city; duties and powers generally.

The mayor shall be the chief executive officer of the city. He shall have the power to administer oaths, to sign contracts, deeds and other instruments or documents when

authorized by the board of aldermen, and shall have the responsibility of presenting the budget for each fiscal year as hereinafter provided; to appoint all members of all boards and commissions except as otherwise provided by this charter, subject to the approval of a majority of the board of aldermen; to communicate to the board of aldermen not later than sixty days after the end of each fiscal year a general statement of the situation, state and condition of the city in relation to its government, expenditures, finances and improvements, which report and recommendations shall be entered upon the records of the city within five days after their reception, and published in a newspaper of general circulation within the city and sufficient copies thereof shall be provided and available in the town clerk's office to the taxpayers of the city; and to have and exercise all other executive and administrative powers conferred by the laws of the state upon any municipal chief executive not inconsistent with this charter.

Sec. 3. Board of aldermen – Membership.

The board of aldermen shall consist of three members of each aldermanic district. Each elector may vote for three candidates from his aldermanic district. (Referendum of 11-5-63; Referendum of 11-4-75)

Sec. 4. Same – Organization generally; chairman as acting mayor in absence of same.

The board of aldermen shall meet to organize on the second Tuesday following its election. It shall elect from its membership a chairman, who shall preside at all meetings of the board of aldermen. The chairman of the board of aldermen shall have the powers and discharge the duties of the mayor during the absence of the mayor or when the mayor is unable to perform the duties of his office. (Referendum of 11-5-63; Referendum of 11-8-66)

Sec. 5. Same - Meetings; quorum.

Regular meetings of the board of aldermen shall be held on the first Monday of every month. Special meetings may be called by the mayor, by the chairman of the board of aldermen or upon a call signed by not less than half the members of the board of aldermen. A bare majority of the board of aldermen shall constitute a quorum.

Sec. 6. Same – Powers generally.

The legislative power of the city shall be vested exclusively in the board of aldermen as hereinafter provided. The board of aldermen shall have the power to enact, amend or repeal ordinances not inconsistent with the laws of this state or of the United States; to create, regroup, consolidate or abolish boards or commissions, departments and offices; to define the power, duties and responsibilities thereof, provided the same are not inconsistent with the charter or the general statutes; and to provide for the preservation of order, peace, safety, health and welfare of the city and its inhabitants. The board of aldermen shall have the power to determine the compensation of all

elected or appointed officials of the city; provided, however, no person elected to a city office shall receive an increase in compensation, nor a decrease in compensation, for that office during the term for which he was elected. The board of aldermen shall have the power as provided herein to levy taxes; to regulate the borrowing of money by the city; to adopt a budget for each fiscal year; to issue such bonds or notes and appropriate such funds as may be required for the proper conduct of the city's business; and it shall have such other powers as are appropriate to the exercise of its authority as the legislative body of the city and such powers and duties which, on the effective date of this charter, were conferred by law. (Referendum of 11-5-63; Referendum of 11-8-66)

Sec. 7. Ordinances; recording and indexing; hearing and notice; emergency measures; force and effect of old ordinances.

- (a) The ordinances in force at the effective date of this act shall be forthwith compiled and indexed by the town clerk and recorded in a book kept for that purpose which shall be open to public inspection. All ordinances passed by the board of aldermen shall be filed with the town clerk and recorded and indexed in said book.
- (b) At least one public hearing, five days' notice of which shall be given by publication in a newspaper having a general circulation in the city and by posting in the town hall, shall be held by the board of aldermen, or a committee thereof, before any new ordinance shall be passed, except one relating to appointment or designation of officers of the board of aldermen or its procedure, or in case of public emergency so declared by the chairman or acting chairman of the board of aldermen and set forth in the ordinance, provided no emergency ordinance shall be passed by less than a two-thirds majority vote. Emergency ordinances, including any amendments thereto, shall automatically be repealed on the sixty-first day following passage, excepting any ordinance involving appropriation of funds.
- (c) Each ordinance shall be advertised immediately upon its passage, in one or more papers having a general circulation in the city, and shall not become effective until ten days after such publication, except in case of an emergency ordinance passed as provided in the preceding section.
- (d) All ordinances, by-laws, rules and regulations in force in the town of Milford at the effective date of this act, and not inconsistent herewith, shall remain in force and effect until amended or repealed in accordance with this act. (Referendum of 11-8-66)

Sec. 8. Investigation of departments, etc.; power of board of aldermen.

The board of aldermen shall have the power to investigate any and all departments, offices and agencies of the city and for such purposes shall have the power to issue

subpoenas. The board of aldermen may request any judge to issue a capias for the appearance of witnesses and production of books and papers.

Sec. 9. Rules of procedure of board of aldermen; journal of activities.

The board of aldermen shall determine its own rules of procedure. The board of aldermen shall keep for public inspection a journal which shall be the official record of its meetings. The record shall be authenticated for each meeting by the signature of the chairman of the board of aldermen.

Sec. 10. City clerk; powers and duties; compensation, etc.

The city clerk shall also be the town clerk and shall have all the powers and duties conferred or imposed on town clerks by law and shall have such other powers and duties as are prescribed in this charter or by the board of aldermen. He shall receive a compensation fixed by the board of aldermen and all fees collected by him shall be paid into the city treasury.

Sec. 11. Selectmen; powers and duties.

The powers and duties of the board for admission of electors shall be the powers vested in and duties imposed upon them by the laws of the state relative to the admission of electors and to the erasure from registry lists of the names of those who have forfeited the privileges of electors. The board for admission of electors shall consist of the town clerk and the two registrars of voters. (Referendum of 11-8-83)

Sec. 12. Board of education; membership; powers and duties.

The board of education shall consist of two members elected from each aldermanic district, and shall have such duties and powers as may be prescribed by law. (Referendum of 11-21-68; Referendum of 11-4-75)

Sec. 13. Constables; number; powers and duties.

There shall be as many constables as are provided by law. The powers and duties of said constables shall be such as are provided by law.

Sec. 14. Tax collector; powers and duties.

The tax collector shall have such powers and duties as may be prescribed by law.

Sec. 15. Registrars of voters; powers and duties.

The registrars of voters shall have such powers and duties as may be prescribed by law. (Referendum of 11-5-63)

Sec. 16. All elected planning and zoning board.

The planning and zoning board shall consist of ten elected members as follows:

- (1) Except as hereinafter provided, two members shall be elected from each of the aldermanic districts within the city;
- (2) Except as hereinafter provided, all members shall serve for four year terms and no more than five of such terms shall expire in the same year;
- (3) Except as hereinafter provided, each member shall take office on the January first following his election;
- (4) To provide for the transition from a nine member board to a ten member all elected board, the following provisions shall apply;
 - a. Commencing January 1, 1984, a new tenth position shall be appointed by the mayor with the approval of the board of aldermen for a term of two years. Said position shall represent the 4th District;
 - b. Commencing January 1, 1985, the position whose term expires December 31, 1984, shall be appointed by the mayor with the approval of the board of aldermen for a term of one year. Said position shall represent the 2nd District;
 - c. Both appointed positions shall be filled at the regular municipal election in 1985 for elected terms of two years each commencing January 1, 1986. Said positions shall then be filled at the regular municipal election in 1987 for terms of four years each;
 - d. For the three positions whose terms expire December 31, 1986, said positions shall be filled at the regular municipal election in 1985 for elected terms of two years commencing January 1, 1987. Said positions shall then be filled at the regular municipal election in 1989 for terms of four years each. Said positions shall represent the 1st, 3rd and 5th Districts respectively.
- (5) Any vacancy on the planning and zoning board which occurs prior to a municipal election shall be filled at that municipal election to complete the unexpired term;
- (6) In the event that a vacancy occurs on the planning and zoning board prior to a municipal election, that vacancy may be filled on an interim basis by the mayor with the approval of the board of aldermen, until such time as the municipal election takes place;
- (7) Any vacancy on the planning and zoning board which occurs during the last two years of a term shall be filled by the mayor, with the approval of the board of aldermen, to complete the unexpired term. (Referendum of 11-5-63; Referendum of 11-3-70; Referendum of 11-4-75; Referendum of 11-8-83)

ARTICLE IV. CITY ATTORNEY; POLITICAL PARTIES; CERTIFIED PUBLIC ACCOUNTANT; APPOINTED BOARDS AND COMMISSIONS GENERALLY *

Sec. 1. Certified public accountant; appointment by mayor; duties and powers.

The mayor shall appoint with the approval of the board of aldermen a certified public accountant to audit, at least once a year, all the financial records of the city, its departments, bureaus, agencies, boards and offices.

Sec. 2. Appointive boards and commissions enumerated; appointment; terms of office; powers and duties generally; party membership; removal of members.

- (a) There shall be the following appointed boards and commissions: Police, fire, finance, tax review, pension and retirement, zoning board of appeals, civil service commission, board of health, board of public library, sewer commission, and park, beach and recreation commission.
- (b) All members shall be appointed by the mayor with the consent of a majority of the board of aldermen. Said appointments shall become effective without consent after sixty days unless rejected by the board of aldermen within said sixty days. Each commission shall keep records, make recommendations to the board of aldermen and provide such information as may be requested by the board of aldermen. Said boards and commissions shall have no authority to direct the administration of any department except as hereinafter provided. Not more than one-half the members of any even-numbered board or commission shall be members of any one political party and not more than a bare majority of the members of any odd-numbered board or commission shall be members of any one political party except as herein provided.
- (c) In addition to the provisions of Article VI, Section 6, regarding the recall of appointed members of boards and commissions, appointed members of boards and commissions may be removed by the mayor with the consent of the board of aldermen only for cause, subject to the following provisions as to notice and public hearing. The mayor shall notify, in writing, the person whose removal is sought of his removal, subject to the approval of the board of aldermen, specifying the reasons therefor, and shall also advise the chairman of the board of aldermen of his action and the reasons therefor. Within fourteen (14) days after such notice the board of aldermen shall hold a hearing notifying the person whose removal is sought at least seven (7) days in advance that he may be heard and may be represented by counsel. The hearing shall be public at the option of such person. Within one week following the conclusion of the hearing,

* Editor's note – The first two sections of article IV were repealed at the referendum of November 5, 1963, with a consequent renumbering of the remaining sections of article IV.

the board of aldermen, shall, by two-thirds of the members present and voting, approve the action of the mayor and notify the person whose removal is sought of its action. (Referendum of 11-5-63; Referendum of 11-21-68; Referendum of 11-3-70; Referendum of 11-6-73; Referendum of 11-8-83)

Sec. 3. Beginning of terms of office of appointive boards and commission, etc.

So far as is consistent with the provisions of this charter, the members of all appointed boards and commissions existing at the time of the adoption of this charter shall serve out their terms and until their successors are appointed and have qualified. The terms of all appointed boards and commissions shall begin on the January first after their appointment. Except as otherwise provided, the term of any member of any existing board or commission shall be continued and extended to the end of the calendar year in which said term expires. The successor appointed to said vacancy in each board or commission shall take office on the January first next succeeding his appointment. Said appointments shall be made in such manner as to effect the provisions of this act.

Sec. 4. Board of tax review; membership and appointment; powers and duties.

The board of tax review shall consist of three members appointed for terms of three years. Such board shall have all powers and duties conferred or imposed by the general statutes on boards of tax review.

Sec. 5. Pension and retirement board; membership and appointment; powers and duties.

There shall continue to be a pension and retirement board as created by special act. As authorized in the special act, there shall be six members of said board who shall be appointed by the mayor to serve for three year terms. Said board shall be entrusted with the management of the pension and retirement system of the city. (Referendum of 11-5-63)

Sec. 6. Planning and zoning board; membership and appointment; powers and duties.

(Repealed by Referendum of 11-3-70)

Sec. 7. Zoning board of appeals; membership and appointment; powers and duties.

There shall continue to be a zoning board of appeals which shall consist of five members appointed for terms of five years. Such board shall have all powers and duties conferred or imposed by the general statutes on zoning boards of appeals.

Sec. 8. Board of finance; membership; appointment and terms of office; powers and duties; meetings; size of vote by board of aldermen required to approve matters receiving negative recommendation.

The mayor shall appoint, with the approval of the majority of the board of aldermen, a board of finance, consisting of five members for terms of three years each, said appointments to be made on or before January 1st of each year to fill vacancies occurring due to expiration of terms. It shall be the duty and responsibility of the board of finance to present the annual budget to the board of aldermen as herein provided, to recommend to the board of aldermen all transfers of appropriations in budget accounts, and all issues of bonds or notes required for the management of the city business, and to recommend the tax rate.

Regular meetings of the board of finance shall be held at least once a month. Requests for recommendations to the board of finance shall be officially noted in the minutes of the first regular meeting of the board following the receipt of such requests.

The board of finance shall be required to submit its recommendations, affirmative or negative, on any request, to the board of aldermen no later than five days after the second regular meeting of the board of aldermen after official receipt of such request. Failure to make a recommendation within said time period, for any reason, shall constitute and be considered a negative recommendation.

The above requirements to the contrary notwithstanding, the board of finance shall, at least five days prior to each fiscal year, make a recommendation to the board of aldermen on any and all matters pertaining to the closing of the fiscal year, then pending before said board. Failure to make such recommendation shall constitute and be considered a negative recommendation.

An affirmative vote of two-thirds of the members of the board of aldermen present and voting shall be required to approve any matter receiving a negative recommendation from the board of finance; whereas, a simple majority of the members of the board of aldermen present and voting shall be sufficient to pass upon an affirmative recommendation from the board of finance. (Referendum of 11-5-63; Referendum of 11-7-73; Referendum of 11-6-73; Referendum of 11-8-77)

Sec. 9. Sewer commission; membership, appointment and terms of office; powers and duties.

The mayor shall appoint, with the approval of a majority of the board of aldermen, a sewer commission consisting of five members for terms of three years each, said appointments to be made on or before January first of each year to fill vacancies occurring [occurring] due to expiration of terms. This commission shall be vested

with all the rights, duties and authority of sewer commissions as set out in the general statutes. (Referendum of 11-6-73)

Sec. 10. Civil service commission; appointment, membership and terms of office; powers and duties; employees covered, etc.

The mayor shall appoint, with the approval of a majority of the board of aldermen, a civil service commission consisting of five members for terms of three years each, said appointments to be made on or before January first of each year to fill vacancies occurring due to expiration of terms. The civil service commission within one hundred eighty days of its appointment shall develop a classification of all positions in the city government. It shall be the duty of this commission to prescribe rules for ascertaining the competency of applicants for positions or promotions and rules for the discharge for cause of employees for all positions in the city government except those positions in the unclassified service and shall cause to be prepared a statement of the duties and responsibilities of each position in the classified service, the compensation pertaining thereto and the minimum qualifications for such positions. Vacancies in the higher positions in the classified service shall be filled as far as practical by promotion from lower classes upon the basis of such examinations or tests as may be specified by the commission. All persons now in the employ of the city except as hereinafter provided shall become members of the classified service with full civil service status. The personnel director shall serve as executive secretary of the civil service commission. The unclassified service of the city shall consist of:

- (1) All elected officers of the city;
- (2) All members of appointed boards and commissions;
- (3) The heads of departments appointed by the mayor, except the head of the finance department, who shall be a classified employee;
- (4) All employees of the board of education;
- (5) The tax assessor, purchasing agent, and tax collector;
- (6) Personnel within the police and fire departments who are governed by rules of the board of police and fire commissioners;
- (7) Employees of the mayor's office;
- (8) Assistants to the city attorney and other employees of the department of law;
- (9) Other positions as determined by the civil service commission.

Except as herein provided, the provisions of the general statutes shall apply. (Referendum of 11-6-62; Referendum of 11-5-63; Referendum of 11-6-73; Referendum of 11-8-83)

Sec. 11. Board of police commissioners; membership; powers and duties.

There shall continue to be [a] board of police commissioners. The board of police commissioners shall consist of seven electors who shall have duties and responsibilities as prescribed by special act. Each commissioner shall serve a term of three years, with three commissioners being appointed every third year, commencing January 1, 1974, and two commissioners being appointed in each of the two intervening years. The board of police commissioners shall appoint a chief of police who shall be the chief administrative officer of the police department and the commissioners shall appoint such number of policemen of said city as it may deem necessary; provided, no additional personnel shall be appointed without prior budgetary appropriation, which policemen shall have the power to preserve order, serve criminal process, arrest for crime and enforce the laws of said city. Said policemen shall be under the control and management of said board of police commissioners and said board shall make all necessary regulations as to their duties, promotions, discipline, terms of service, removal and regulate the hours of the work week. Any person appointed a policeman shall remain in office until removed for cause and after a hearing where he may, if he so desires, be represented by legal counsel or his elected union representative. If charges are filed against any police officer, the same shall be in writing and such policeman may file any proper answer to same. Said board of police commissioners shall be authorized to issue such licenses as may be provided for by ordinance or other public law.

Number 165 of the Special Acts of 1915 as amended, and any other Special Acts inconsistent with this section are hereby repealed. (Referendum of 11-5-63; Referendum of 11-6-73; Referendum of 11-4-80)

Sec. 12. Board of fire commissioners; membership; duties and responsibilities.

There shall continue to be a board of fire commissioners which shall consist of seven electors who shall have the right to establish an average workweek of not more than forty-eight hours for all permanent paid members of the Milford Fire Department. Each commissioner shall be appointed to a three year term and two commissioners shall be appointed each year. Three commissioners shall be appointed every third year, commencing January 1, 1974, and two commissioners being appointed in each of the two intervening years. At least two members of the board of fire commissioners shall have had previous fire service experience.

The board of fire commissioners shall have the power to organize and maintain a fire department; to make all necessary rules and regulations for the control and discipline thereof. The board shall have control and management of all apparatus, equipment and buildings owned and used or which may be hereafter required by the city for fire purposes. Said board of commissioners shall appoint a chief of the fire department who

shall be the chief administrative officer of the department, and shall appoint such number of firemen in the city as may be necessary (1); provided, no additional personnel shall be appointed without prior budgetary appropriation. Said firemen shall be under the exclusive control and management of said board of fire commissioners and said board shall make all necessary regulations as to their duties, discipline, promotion, term of service, removal and regulate the hours of the workweek.

Any person appointed a fireman shall remain in office until removed for cause, and after a hearing where he may, if he so desires, be represented by legal counsel or his elected union representative. If charges are filed against any fireman, the same shall be in writing and such fireman [may] file any proper answer to same.

Said board of fire commissioners shall have exclusive jurisdiction of the hydrants used for fire purposes and the location of same and may make suitable regulations for their protection and care. It shall have such other regulatory powers as may be provided by ordinance or other public law. Number 203 of the Special Acts of 1917 as amended and any other special acts inconsistent with this section are hereby repealed. (Referendum of 11-6-62; Referendum of 11-5-63; Referendum of 11-6-73)

Sec. 13. Park, beach and recreation commission; membership, terms of office and appointment; powers and duties; director as executive secretary of same.

The mayor shall appoint with the approval of a majority of the board of aldermen, a park, beach and recreation commission consisting of five members for terms of three years each, said appointments to be made on or before January first of each year to fill vacancies occurring [occurring] due to expiration of terms. The duties of the park, beach and recreation commission shall be the operation and management of the city's parks, playgrounds, recreational facilities and activities. Said board may authorize the preparation of surveys, maps or plans in connection with the acquisition of property or equipment for this purpose. The director of recreation shall be the executive secretary of the park, beach and recreation commission. (Referendum of 11-21-68; Referendum of 11-6-73)

Sec. 14. Continuance of old boards and commissions not inconsistent with this charter; board of health.

Except as provided by this charter, all boards and commissions existing on the effective date of this Charter shall continue in existence subject to sections 2 and 3 of this article. There shall be a board of health consisting of seven members, one of whom shall be a licensed physician, appointed by the mayor with the approval of a majority of the board of aldermen. Commencing January 1, 1974, the terms of newly appointed members shall be for three years and the mayor, subject to the approval of the board of aldermen, shall appoint thereafter the necessary members of the board for three-year terms. Such board shall have all powers and duties as prescribed by state statutes and any others

as passed by the board of aldermen. (Referendum of 11-21-68; Referendum of 11-6-73)

Sec. 15. Board of public library.

There shall be a board of public library consisting of nine members appointed by the mayor, with the approval of the majority of the board of aldermen. The original board will have three members for one year; three members for two years; and three members for three years. Thereafter, on or before January first, the mayor shall appoint three members each year for three-year terms. Such board shall have all powers and duties as prescribed by state statutes and any others as passed by ordinance by the board of aldermen. (Referendum of 11-21-68; Referendum of 11-6-73)

ARTICLE V. DEPARTMENTS GENERALLY

Sec. 1. Enumerated.

There shall be established the following departments of the city: Public works, police, fire, finance, health, welfare, recreation and law and such other departments as may be established by Ordinance. (Referendum of 11-5-63; Referendum of 11-8-83)

Sec. 2. Directors as executive heads of departments; appointment by mayor.

Each department of the city shall have as its executive head a director who shall be appointed by the mayor, except in the case of the police department and fire department. (Referendum of 11-5-63)

Sec. 3. Director of finance; purchasing agent; city treasurer; assessor; tax collector and assessor to be subordinate to director of finance.

- (a) The mayor shall appoint a director of finance who shall have direct supervision over the department of finance and the administration of the financial affairs of the city, including the keeping of accounts and financial records, the assessment and collection of taxes, special assessments and other revenues, the custody and disbursement of city funds and money, the control over expenditures and such other duties as the board of aldermen may by ordinance provide. Accounts shall be kept by the department of finance showing the financial transactions for all departments of the city. Forms for such accounts shall be prescribed by the director of finance with the approval of the mayor. Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the mayor.
- (b) (1) The purchasing agent of the city shall purchase all supplies, materials, equipment and other commodities required by any department, agency, board or commission of the city, except the board of education, the town court and the probate court, on requisition signed by the head of the department, office or

agency or chairman of the board or commission, or a responsible representative appointed by him. Nothing herein contained shall be construed to prevent the city purchasing agent from serving to the extent requested as the purchasing agent for the board of education, the town court or the probate court upon request of the chairman of the board of education or the judges of such courts.

(2) Purchases shall be made under such rules and regulations as may be established by the board of aldermen, provided, if any purchase or contract for the purchase of the same commodity over a period of time involves the expenditure of two thousand five hundred dollars or more, the purchasing agent, unless it shall be determined by the board of aldermen to be against the best interest of the city, shall invite sealed bids or proposals, giving ten days' public notice thereof by publication at least once in a daily newspaper having circulation in the city and shall let the purchase or contract to the lowest responsible bidder thereon or may reject all such bids or proposals. All such sealed bids or proposals shall be opened publicly.*

(c) The mayor shall appoint a city treasurer, who shall be an officer in the department of finance and subordinate to the director thereof and may have other duties in said department.

(d) The mayor shall appoint the assessor, the tax collector and the purchasing agent and they shall be subordinate to the director of finance. (Referendum of 11-5-63; Referendum of 11-6-73)

Sec. 4. Department of public works; director; jurors and powers and duties.

The department of public works shall include a director of public works, and shall consist of such divisions as established by ordinance. The powers and duties of said divisions shall be such as shall be assigned to them by ordinance; or by the direction of the mayor. (Referendum of 11-6-73)

Sec. 5. Health department, department of welfare, department of recreation; powers and duties.

(a) (1) The health department shall be responsible for the preservation and promotion of the public health and shall perform such functions and shall have such powers and duties as are imposed by law on directors of health and such other powers and duties as the board of aldermen may prescribe.

(2) The mayor, subject to the provisions of the general statutes relating to the appointment of directors of health, shall appoint a director of health who shall be the administrative head of the health department. He shall organize the work of said department in such manner as he shall deem most efficient and economical.

* Editor's Note: See Code Section 2-91 for updated requirements for competitive bidding.

He shall be charged with the enforcement of all laws, ordinances, rules and regulations in respect to the public health.

(b) (1) The department of welfare shall have all the powers and duties relating to the poor, neglected and dependent persons vested by law in the selectmen of towns.

(2) The mayor shall appoint a director of welfare who shall be responsible for the efficiency, discipline and good conduct of the department. He shall be in charge of the administration of all welfare activities of the city. He shall have power to make all rules and regulations relating to the administration of the department not inconsistent with the general statutes and ordinances of the city. He shall have such other power and duties as the board of aldermen may prescribe.

(c) (1) The department of recreation shall be responsible for the social aspects of the city as expressed in its parks, waterfront activities, outdoor sports, swimming and games, particularly in summer, and other activities both indoors and outdoors of a similar nature, as handicraft, music and drama.

(2) The mayor shall appoint a director of recreation who shall be in full charge of the administration of all city recreational facilities and programs approved by the board of aldermen and extended to all residents within the city.

Sec. 6. Law department; city attorney.

The mayor shall appoint a city attorney, who shall be an attorney at law admitted to practice in the state of Connecticut and who shall have direct supervision over the department of law. The mayor shall also appoint as many assistant city attorneys as may be provided by ordinance of the city of Milford, who shall be attorneys at law, admitted to practice in the state of Connecticut. The city attorney shall be the legal advisor for the city and all departments, boards and officers of the city relating to their official duties. Upon written request he shall furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request he shall prepare or approve forms of contracts or other instruments to which the city is a party or in which it has an interest. He shall appear for the city or any of its officers, boards or commissioners in any action brought by or against it or them and shall prosecute, defend or appeal the same or shall compromise or settle the same subject to the approval of the board of aldermen. (Referendum of 11-5-63)

ARTICLE VI. FINANCE, BUDGET, REFERENDUM AND RECALL

Sec. 1. Budget message by mayor to director of finance – Information required; recommendations.

Not later than February first of each year, the mayor shall submit to the board of finance a proposed fiscal budget. Said fiscal budget shall consist of:

- (1) A budget message outlining the financial policies of the city government and describing in connection therewith the important features of the budget plan;
- (2) Estimates of revenue, presenting in parallel columns the itemized receipts collected in the last-completed fiscal year and receipts estimated to be collected in the current fiscal year and estimates of the receipts estimated to be collected in the ensuing fiscal year;
- (3) Itemized estimates of expenditures presenting in parallel columns the actual expenditures for each department, office, agency or activity during the last fiscal year, the amount estimated to be expended in the current fiscal year and the amount estimated to be expended in the next fiscal year;
- (4) As a separate report thereto, a program previously considered and approved by the planning and zoning board, a budget of proposed capital projects for the ensuing fiscal year and for the four fiscal years thereafter. Estimates of the costs of such projects shall be submitted by each department, office or agency of the city government annually as directed by the mayor. The mayor shall recommend those capital projects to be undertaken during the ensuing fiscal year and the methods of financing the same. (Referendum of 11-21-68)

Sec. 2. Same – Public hearings by board of finance; proposed fiscal budget to be submitted to board of aldermen.

The board of finance upon receipt of the proposed fiscal budget from the mayor shall hold one or more public hearings at which any elector or taxpayer of the city may have an opportunity to be heard on the said proposed budget. Not later than March thirty-first of each year, the board of finance shall submit to the board of aldermen the proposed fiscal budget in the form prescribed in section 1 and make a recommendation as to the tax rate to be fixed for the ensuing fiscal year. The board of aldermen shall hold a public hearing on said proposed fiscal budget. (Referendum of 11-8-72)

Sec. 3. Adoption of budget by board of aldermen; reductions or deletions.

Not later than May seventh of each year, the board of aldermen shall adopt and file with the town clerk the budget for the ensuing fiscal year and fix the tax rate to be levied on property in the city in the ensuing year. The board of aldermen may reduce or delete any item therein by a majority of members present and voting but it will require a vote of two-thirds of the members present and voting to increase the budget or to add any item thereto or increase any item therein. (Referendum of 11-21-68)

Sec. 4. Fiscal year of city.

The fiscal year for the city shall commence on July first and shall terminate the following June thirtieth.

Sec. 5. Special elections; tie votes.

When as a result of any general municipal or special election it is necessary to break a tie, a special election confined to the tied candidates shall be held within thirty days after such election to determine which candidate is elected.

Sec. 6. Recall of elective officers; referendum and procedure, etc.

The mayor, town clerk, registrars of voters, and city constables and appointed members of boards and commissions may be recalled by the electors of the city. Any member of the board of aldermen, board of education or the elected members of the planning and zoning board may be recalled by the electors of the aldermanic district which that member represents.

An affidavit shall be filed with the town clerk containing statements of the grounds for recall. Such affidavit shall be accompanied by a petition signed by the electors of the city, or in the case of the board of aldermen or the board of education or elected members of the planning and zoning board the aldermanic district, to the number of ten per cent of the electors of the city, or in the case of the board of aldermen or the board of education or elected members of the planning and zoning board of the aldermanic district and certified by the town clerk as correct. A referendum shall be held within thirty days in the district or districts involved, the form of the question being as nearly as may be, "Shall A be recalled?" The voting machines shall provide a means of voting "yes" or "no". If a majority of those voting, which shall represent at least twenty-five per cent of the electors of the city or of the aldermanic district involved shall approve, the elected official or appointed board and commission member whose recall is sought shall vacate his office. If the recall of more than one elected official and/or appointed board and commission member is sought, there shall be a separate question for each. If the elected official or appointed board and commission member resigns, a referendum need not, in his case, be held. If the elected official or appointed board and commission member is recalled, his position shall be filled as provided in this charter. (Referendum of 11-7-72; Referendum of 11-8-83)

Sec. 7. Introduction of legislation to board of aldermen by electors; petition, etc.

The electors of the city may introduce legislation before the board of aldermen in the following manner: If a petition signed by five per cent of the electors of the city and stating the matter to be considered is filed with the town clerk and certified as correct, an election shall be held within thirty days of certification of the petition and the question shall be asked "Shall the following matter be put before the Board of Aldermen?" followed by a statement in detail of the matter. Any matter involving proposed bonding issues shall be expressed and include not only the principal amounts to be bonded but also the total projected interest charges on said proposal as determined by the Director of Finance. The voting machines shall provide a means of voting "yes" or "no" on each question so presented. If a majority of those voting, which shall represent at least twenty-five per cent of the electors of the city, shall approve, the matter shall be

submitted to the board of aldermen at its next regular meeting. It will require a vote of two-thirds of the members of the board of aldermen to disapprove any legislation so introduced. (Referendum of 11-6-73)

Sec. 8. Overrule by electors of actions of board of aldermen.

Any action by the board of aldermen shall be subject to overrule as follows: If a petition, signed by five per cent of the electors of the city and specifying the matter to be overruled, is filed with the town clerk and certified by him to be correct, an election shall be held within thirty days of date of certification of the petition and the question shall be asked "Shall the following action of the board of aldermen be approved?" followed by a statement of the action, and the voting machines shall provide a means of voting "yes" or "no" on each question so presented. Any action so submitted to the voters shall stand approved unless a majority of those voting thereon shall have voted "no" and such majority shall equal in number at least twenty-five per cent of all the electors in the city.

ARTICLE VII. MISCELLANEOUS PROVISIONS

Sec. 1. Effect of charter relative to special acts concerning chartered associations.

Nothing herein contained shall be construed to repeal or amend any special act concerning the Borough of Woodmont, the Laurel Beach Association or any similar specially chartered association.

Sec. 2. Contributions by city to private organizations.

No contribution of over five hundred dollars shall be made by the city to any organization or private corporation unless the city is represented on its board of directors by one or more members appointed by the mayor with the approval of a majority of the board of aldermen.

Sec. 3. Certain city officers to give bonds.

The mayor, town clerk, director of finance, tax collector and such other officers as may be required to by vote of the board of aldermen shall, before entering on their respective official duties, execute to the city in the form prescribed by the city attorney and file with the town clerk as surety company bond in a penal sum to be fixed by the board of aldermen, conditioned upon the faithful performance of such official duties. Premiums for such bonds shall be paid by the city.

Sec. 4. Filing of nonparty candidates in elections; petition, etc.

In addition to the procedure for nomination of candidates provided for in the general statutes, any elector of the city may be nominated for an elective city office and be

entitled to have his name appear on the voting machines designated “unaffiliated candidates,” provided he shall file with the town clerk not later than thirty days nor more than forty-five days preceding the election a petition signed by electors of the city or, in the case of the board of aldermen or the board of education, or the elected members of the planning and zoning board, electors of the aldermanic district in which he resides, in number equal to five per cent of the electors in the city or in his aldermanic district in the case of the board of aldermen or the board of education or the elected members of the planning and zoning board and further provided the town clerk shall certify that the petition contains the required number of signatures.

The signatures to a nominating petition need not all be affixed to one paper, but on each separate paper of a petition there shall appear an affidavit executed by its circulator stating the number of signers of the paper, that each signature was affixed in his presence, and that he believes that each signature to be the genuine signature of the person whose name it purports to be. The circulator of the petition shall himself be an elector of the city and nothing herein contained shall prevent said circulator from being a candidate proposed on any nominating petition. The signatures on a nominating petition shall be in ink or indelible pencil and each signer shall indicate, next to his signature, the date of his signing and the place of his residence. (Referendum of 11-5-63; Referendum of 11-8-72)

ARTICLE VIII. SPECIAL ACTS REPEALED AND ADOPTION OF CHARTER

Sec. 1. Certain special acts and all such acts inconsistent with charter repealed; certain vested right protected.

Sections 2 through 12, inclusive, of An Act Providing for Representative Town Meetings for the Town of Milford, number 337 of the special acts of 1939, as amended, An Act Concerning A Council Manager Form of Government for the Town of Milford, number 536 of the special acts of 1947, as amended, and any other special acts inconsistent with this charter are repealed, except that no vested interests of any town employee in any pension fund, retirement rights or otherwise shall be thereby affected.

Sec. 2. Adoption of charter; petition forms, etc.

This act shall be submitted to the electors of the town of Milford at a special election warned and called for the purpose on June 15, 1959. Voting shall be in accordance with the laws applicable to special elections in the town and voting machines shall be used with a form of presentation substantially as follows: “Shall the Town of Milford adopt the Special Act concerning a Charter for the City of Milford, providing for a Mayor and Board of Aldermen form of government, as proposed by House Bill No. 3138 of the 1959 Session of the General Assembly, as enacted? Yes.” “Shall the Town of Milford adopt the Special Act Concerning a Charter for the City of Milford, providing for a Mayor and Board of Aldermen form of government, as proposed by House Bill No. 3138 of the 1959 Session of the General Assembly, as enacted? No.” If this act is approved by a majority equal to at least fifteen per cent of the electors of said town, it shall take effect

immediately for the purpose of nominating and electing a mayor, board of aldermen, other city officials and members of the board of education, and upon the second Monday in November, 1959, for all other purposes.

Nominating Petitions and each separate paper thereof shall be substantially in the form printed below:

NOMINATING PETITION

We, the undersigned qualified voters of the City of Milford hereby nominate the _____, a duly registered elector of this city, for the office of _____, and we individually certify that we are qualified voters of the city, and of the _____ district of the city and that we have not signed nominating petitions for this office greater in number than the number to be elected to that office.

Name _____ Date of Signing _____ Address _____

STATEMENT OF CIRCULATOR

I, _____, the circulator of the petition page residing at _____, (address) in which town I am an enrolled elector, do hereby state under penalties of perjury and attest or affirm that each person whose signature appears on this page signed the same in person in my presence.

Signature of Circulator _____

Address of Circulator _____

Date _____

All separate papers comprising a nominating petition shall be assembled and filed with the town clerk, as one instrument, as provided above. No nominating petition shall be accepted by the town clerk unless accompanied by a signed acceptance of the nomination substantially in the form printed below.

ACCEPTANCE OF NOMINATION

I hereby accept the nomination for the office of _____, and agree to serve in said office if elected.

Signature _____

Address _____

Date _____

(Referendum of 11-5-63)

CHARTER COMPARATIVE TABLE

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			Art. / Section
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11-8-83 (ref.)			I 7
			II 1
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			III 11
			V 1
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			II 6