

**THE CHARTER OF THE TOWN OF
GREENWICH, CONNECTICUT***

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*The Town Charter is a compilation of the Special Acts of the General Assembly of the State of Connecticut and acts of the Representative Town Meeting amending the Special Acts under the authority of Home Rule Special Acts, Numbers 377 of 1955 and 118 of 1961.

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**ARTICLE 1. BOARD OF ESTIMATE AND
TAXATION—FINANCE DEPARTMENT.****Sec. 1. Board of Estimate and Taxation; powers
and duties.**

The Board of Estimate and Taxation shall be responsible for the proper administration of the financial affairs of the Town and subject to the provisions of this Article, shall exercise all the powers and perform all the duties at the date of the passage of this Article conferred and imposed by law upon the Board.
(S.A. 444 § 15, 1939.)

Sec. 2. Membership; qualification.

(a) The Board of Estimate and Taxation shall consist of twelve (12) electors nominated and elected at large. Members shall be sworn, and shall hold office for two (2) years from January 1 following their election and until their successors shall be elected and shall have qualified.

(b) They shall be taxpayers, shall hold no other elective office in the Town government, and shall serve without pay.
(S.A. 347 § 2, 1921; as amended by S.A. 444 § 6, 1939; S.A. 235 § 1, 1947.)

Sec. 3. Vacancies on Board.

The Board of Estimate and Taxation shall fill any vacancy that may occur, and the person selected to fill such vacancy shall belong to the same political party as the member succeeded by him.
(S.A. 347 § 2, 1924; as amended by S.A. 444 § 6, 1939.)

Sec. 4. Organization of Board.

(a) The Board of Estimate and Taxation shall meet biennially in even numbered years at which meeting it shall elect one of its members as chairman of the Board, one as vice-chairman and one as clerk. The chairman and vice-chairman of the Board shall be chosen from those members of the Board who belong to the political party receiving the greatest number of votes cast for all the candidates of any one political party for members of the Board of Estimate and Taxation at the last Town election.

(b) The chairman shall have a vote at the meetings of the Board, and, in the case of a tie, an additional vote for the purpose of dissolving such tie. In the absence of the chairman of the Board, the vice-chairman shall act for him and have the same powers as the chairman.

(S.A. 347 § 3, 1921; as amended by S.A. 203 § 1, 1933; S.A. 607 § 1, 1951; S.A. 172 § 1, 1953.)

Sec. 5. Meetings; records.

(a) The chairman may call special meetings, and upon the request of any four (4) members shall call a special meeting of the Board, in each instance giving reasonable personal notice to the members thereof, or written or printed notice sent to the residence of each, or mailed to each by the clerk of the Board, in time to reach his place of residence at least twenty-four (24) hours before the time of such meeting.

(b) The clerk shall keep a record fully and in detail of the minutes of the meetings of the Board, and of all actions taken at its meetings. The record shall be kept as a permanent record of the Town, and shall be open

at all reasonable times to public inspection, and the accuracy of the minutes so recorded shall be attested by the signatures of the chairman and clerk.

(c) The Board may adopt rules for its meetings, not inconsistent with law and with this Article.

(S.A. 347 §§ 3, 4, 1921; as amended by S.A. 203 § 1, 1933; S.A. 172 § 1, 1953.)

Sec. 6. Quorum of Board.

Seven (7) members shall constitute a quorum for the transaction of business, but a less number may adjourn to a later date. Whenever any meeting of the Board is called, or the Board is required to meet by virtue of any rule providing for meetings which it may adopt, and no quorum is present, the chairman of the Board may issue a warrant, signed by him, directed to the sheriff of the county of Fairfield, his deputy, or any constable of the Town, to arrest and bring into such meeting a sufficient number of members of the Board to constitute a quorum, and any such officer, upon the receipt of such warrant, shall forthwith serve the same. In the event that any member of said Board be so arrested, he shall be discharged immediately upon the adjournment of such meeting.

(S.A. 347 §§ 3, 4, 1921; as amended by S.A. 203 § 1, 1933; S.A. 172 § 1, 1953.)

Sec. 7. Finance Department; created; organization.

(b) All financial functions of the Town shall be divided, under the Board of Estimate and Taxation, among offices of the Department. Such offices shall include the Office of Accounts and Control under a

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Comptroller, the Treasury Office under a Treasurer, the Assessment Office under an Assessor and the Tax Collector's Office under a Tax Collector. The Board of Estimate and Taxation shall have power in the Department, subject to this Article, to determine the numbers and kinds of offices and positions, the finance policies, the methods of procedure and, subject to appropriation as otherwise provided by law, the rates of compensation of the officers and employees of the Finance Department. The heads of any such offices shall appoint and remove subordinates in such offices.

(c) No money shall be borrowed for any department of the Town, except with the approval and under the direction and control of the Board of Estimate and Taxation. All books, all rate bills, both for the Town and for the sewer districts, and for all other taxes levied, and all statements, books and bills and demands for the collection of all taxes levied and special assessments made, shall be prepared by the Finance Department officer as may, from time to time, be designated for such duty by the Board of Estimate and Taxation.

(S.A. 444 § 15, 1939 and S.A. 292 § 22, 1949; as amended by RTM, 5/11/1992.)

Sec. 8. Financial records.

(a) The books, accounts and records of the Town and of each department of the Town concerning and affecting the finances of the Town, shall be kept in such form as may be requested by the Board of Estimate and Taxation. Such Board and its representatives, and the accountants and auditors of the Town, shall at all times have access to such books, accounts and records, with the right to make copies thereof.

(b) The head of each department of the Town shall, from time to time, furnish to the Board such information concerning his department as may be requested by the Board.

(S.A. 201, 1933.)

Sec. 9. Review of financial reports; conduct of investigations.

(a) The Board of Estimate and Taxation shall review all financial reports by the Comptroller, the Treasurer and the independent auditors, and shall investigate all irregularities and unsatisfactory conditions disclosed in such reports.

(b) The Board shall conduct inquiries into the costs of the Town government and make investigations of prices, rates of compensation, necessity for expenditures and the accounting, auditing, expenditure and revenue-control procedures of the various departments of the Town government.

(S.A. 444 § 17, 1939.)

Sec. 10. Office of Accounts and Control; Comptroller; borrowing.

(a) The head of the Office of Accounts and Control shall be the Comptroller. He shall exercise all the powers and perform all the duties conferred and imposed by law upon the Comptroller, except as provided in this Article. He shall keep the general accounts of the Town and prepare financial reports therefrom. He shall install in all departments, systems of bookkeeping, accounting and financial reporting, the form of all accounts to be kept and financial reports to be rendered, and supervise the keeping of such accounts and

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the rendering of such reports. He shall maintain current audit and control of all receipts and expenditures. He shall approve and audit all claims and all bills and requisitions drawn against the Town by the Board of Education and all Town officials and provide for their payment by warrant upon the Treasurer. He shall transmit to the Board of Estimate and Taxation such financial statements as the Board of Estimate and Taxation may, from time to time, require. The head of each budget unit shall be kept currently informed of its unencumbered appropriation and allotment balances.

(b) The Comptroller shall provide for the issuance and sale of all bonds and notes and for the borrowing of money to meet the temporary requirements of the Town, with the approval of the Board of Estimate and Taxation. The Comptroller shall perform such other duties as may be assigned to him.

(S.A. 347 § 5, 1921; as amended by S.A. 444 § 18, 1939.)

Sec. 11. Comptroller; appointment; term; salary; vacancy.

(a) The Comptroller shall be appointed by the Board of Estimate and Taxation for a two-year term at the meeting at which the chairman is elected. The Board shall fix the salary of the Comptroller, which shall be paid out of the general funds of the Town upon the requisition of the chairman or clerk of the Board.

(b) The Comptroller shall serve and hold office during the appointed term at the will and pleasure of the Board. In case of a vacancy in the office of the Comptroller, the Board may appoint a Comptroller for the remainder of the unexpired term.

(c) When any comptroller shall, in the opinion of the Board, by reason of illness or disability, become unable to discharge the duties of his office, the Board may appoint some suitable person Acting Comptroller at such compensation as the Board may fix. The Acting Comptroller, upon being duly sworn and giving a bond satisfactory to the Board, may exercise all the duties and perform all the functions of the Comptroller until such time as the Comptroller shall be found by the Board to be able to discharge the duties of his office. (S.A. 347, § 5, 1921; as amended by S.A. 343, § 1, 1937; RTM, 12/8/03.)

Sec. 12. Treasury Office; Treasurer.

(a) The head of the Treasury Office shall be the Treasurer. The Treasurer shall perform all the duties and may exercise all the powers imposed or conferred upon the Town Treasurer, except as provided in this Article. Except as otherwise provided, he shall collect and receive all monies due the Town, including those of any sinking fund and any trust fund with which the Town or any agency thereof is charged, keep custody of and manage the proceeds thereof, subject to the direction and control of the Board of Estimate and Taxation, and cause the monies to be paid out only on lawful warrants of the Comptroller.

(b) The Treasurer shall have no powers or duties with respect to the collection of taxes and assessments, and shall not be required to examine the books of the Tax Collector. The Treasurer shall keep only such accounts as shall be prescribed by the Comptroller and shall not be responsible for any monies paid out in accordance with warrants for such payments bearing the signature of the Comptroller.

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(c) The Treasurer shall have custody of all securities, bonds, notes, negotiable instruments, insurance policies, deeds and other documents evidencing any right, title or interest in favor of the Town.

(S.A. 4.44, § 20, 1939; as amended by S.A. 356, § 1, 1941.)

Sec. 13. Treasurer; appointment; term; salary; vacancy.

(a) The Treasurer of the Town shall be appointed by the Board of Estimate and Taxation and shall hold office during the pleasure of the Board and until his successor shall be appointed. The Board shall fix the salary of the Town Treasurer.

(b) When any Town Treasurer shall in the opinion of the Board, by reason of illness or disability, become unable to discharge the duties of his office, the Board may appoint some suitable person as Acting Town Treasurer, at such compensation as said board may fix. The Acting Town Treasurer, upon being duly sworn and giving a bond satisfactory to the Board, may thereupon exercise all the duties and perform all the functions of the Town Treasurer until such time as the Town Treasurer shall be found by the Board to have become able to discharge the duties of his office.

(S.A. 347, § 6, 1921; as amended by S.A. 607, § 2, 1951; S.A. 172, § 2, 1953).

Sec. 14. Independent audit; reports.

(a) An independent audit shall be made at least annually of all accounts of the Town, by auditors chosen by the Board of Estimate and Taxation under contract. Such auditors shall be qualified practicing

public accountants, experienced in municipal accounting and auditing who have no personal interest, direct or indirect, in the financial affairs of the Town or of any of its officers. If, at any time, such an audit as is prescribed herein is required to be made by State officers under the provisions of any law for the inspection and audit of municipal accounts, the Board of Estimate and Taxation may accept such audit by State officers as fulfilling the requirements of this Section.

(b) Reports of the results of such independent audit shall be made to the Board of Estimate and Taxation and the State Tax Commissioner, in such form as the Board of Estimate and Taxation may provide. Special reports shall be so made as required. An abstract of the result of such audit shall be made public.

(S.A. 347, § 10, 1921; as amended by S.A. 444, § 19, 1939.)

Sec. 15. Borrowing to meet temporary requirements.

The comptroller with the approval of the Board of Estimate and Taxation may, in the name of the Town, borrow such monies as may be necessary to meet the temporary financial requirements of the Town. The monies so borrowed shall be evidenced by notes given in the name of the Town and signed and countersigned as provided in Section 19. The monies shall be repaid, so far as may be possible, from the income of the Town received during the current fiscal year. If any of the monies so borrowed shall remain unpaid at the end of the fiscal year, the amount thereof may be included in the estimates and appropriations for the succeeding fiscal year.

(S.A. 347 § 7, 1921.)

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Sec. 16. Issuance of bonds; Board approval.

Nothing contained in this Article shall apply to or affect the issuance of bonds or other obligations by the Town, pursuant to the provisions of the General Statutes or of any other special act or acts of the General Assembly, or the proceedings of the Selectmen, electors or officers of the Town in relation thereto, except that no bonds shall be issued hereafter by the Town, pursuant to the provisions of the General Statutes, unless such issuance be first approved at a meeting of the Board of Estimate and Taxation by a vote of at least seven (7) members of its Board.

(S.A. 347 § 36, 1921.)

Sec. 17. Issuance of bonds; Representative Town Meeting authorization.

No bonds shall be issued by the Town, nor shall any bonds be legal obligations of such Town, unless authorized by the affirmative vote of a majority of the entire membership of the Representative Town Meeting.

(S.A. 421, 1939.)

Sec. 18. Issuance of bonds within two years.

No notes or bonds of the Town, whether heretofore or hereafter authorized, shall be issued except within two (2) years from the date of the authorization thereof, unless otherwise provided in the act authorizing the issue of such notes or bonds.

(S.A. 344, 1937.)

Sec. 19. Execution of bonds; formalities.

All bonds and notes issued by the Town shall be signed only by the chairman of the Board of Estimate

and Taxation and the Treasurer, and shall be countersigned by the Comptroller. All bonds shall, in addition to the signatures, have the seal of the Town affixed thereto and shall be attested by the Town Clerk, and the coupons shall bear a facsimile of the signature of the Treasurer. No officers other than those above specified shall sign any bonds or notes of the Town. (S.A. 444 § 18, 1939.)

ARTICLE 2. BUDGET, APPROPRIATIONS AND REQUISITIONS.

Sec. 20. Fiscal year.

The fiscal year for the Town shall commence on July 1.
(S.A. 347 § 1, 1921; amended by RTM, 1/8/62.)

Sec. 21. Annual Budget and Operations Plans.

(a) By Departments, Divisions and Officers. The head of each department and division under the supervision and control of the Board of Education, the Board of Health, the Board of Social Services, the Board of Estimate and Taxation and the First Selectman and all other officers and boards of the Town shall annually prepare and submit to their supervising authority a proposed budget report and an operations plan presenting the proposed financial and operational plans for the ensuing fiscal year. The proposed budgets shall be presented at such time, in such form and with such content as shall be prescribed by the Board of Estimate and Taxation and shall contain such additional information as is requested by the First Selectman or the Board of Estimate and Taxation. Such

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proposed budgets shall include a detailed estimate of the amount of money which will be required to meet the obligations of the Town for such board, department, office or division to provide for its expenses for the ensuing fiscal year, shall list capital requests separately from operating expenses and shall identify capital items that are anticipated to be requested within at least the next five fiscal years but are not being requested at the present time. The operations plans shall set forth in such form as shall be prescribed by the First Selectman, a concise and comprehensive report of the administrative activities of the board, department, division or office showing services, activities and work accomplished during the current year and to be accomplished in the ensuing fiscal year. Such operations plans shall contain a table of organization for the agency preparing it and shall list any changes in personnel proposed in the budget request for the ensuing fiscal year.

(b) Review and Revision by First Selectman. Upon completion of their review, and at such time as shall be prescribed by the First Selectman, such boards, departments, divisions and officers of the Town, shall submit such proposed budgets and operations plans to the First Selectman. The First Selectman shall review all proposed budgets received and shall make such revisions and modifications in such proposed budgets as the First Selectman deems necessary or appropriate, except for the operations budget submitted by the Board of Education, and, unless requested by the Board of Estimate and Taxation, except with respect to fixed charges as proposed by the Board of Estimate and Taxation. The First Selectman shall review all operations plans received and shall make such revi-

sions and modifications in such operations plans as the First Selectman deems necessary or appropriate, except for those submitted by the Board of Education and the Board of Estimate and Taxation, and, with respect to those plans submitted by departments, boards or officers not under the supervision and control of the First Selectman, only after consultation with such department, board or officer affected. Revisions and modifications to such proposed budgets or operations plans by the First Selectman shall not be such as to prevent any Town officer or board from performing or exercising any power, duty or obligation specified or mandated by Town Charter or state statute. In connection with such reviews, the First Selectman shall (1) develop goals and objectives and establish priorities for spending for the ensuing fiscal year; (2) establish priorities with respect to recommended capital spending for all Town agencies; and (3) develop a long range capital spending plan.

(c) Submission to the Board of Estimate. On or before December 1 in each year, or at such other time as the Board of Estimate and Taxation shall prescribe, the First Selectman, for and on behalf of said boards, departments, divisions and offices and the Board of Education, shall submit to the Board of Estimate and Taxation, with copies to the Budget Overview and Finance Committees of the Representative Town Meeting and such other Committees of the Representative Town Meeting as the Moderator may direct, such proposed budgets, as revised, with such comments as are appropriate, presenting the proposed financial plans for said boards, departments, divisions and offices for the ensuing fiscal year, including detailed estimates of the amount of money which will be

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required to provide for anticipated operating and capital expenses for the ensuing fiscal year. Such proposed budgets shall be in such form as the Board of Estimate and Taxation shall prescribe. Nothing in this section shall be construed as preventing any board or officer from submitting a request for addition to, or reinstatement of, any item omitted from, or deleted from its budget directly to the Board of Estimate and Taxation in accordance with procedures prescribed by said board.

(d) Publication of Estimates. The Board of Estimate and Taxation shall, on or before April 10 in each year, cause to be published in a newspaper published in the Town, a summary of such estimates.

(S.A. 347 § 13, 1921; as amended by S.A. 343 § 2, 1937; S.A. 444 § 16, 1939; S.A. 172 § 3, 1953; S.A. 71 § 8, 1955; RTM, 5/8/61; RTM, 1/8/62, 3/13/1972; Char. Rev. 11/4/1975, eff. 1/1/1978; RTM, 10/14/80; RTM, 6/9/03, approved at referendum 11/4/03.)

Sec. 22. Hearings; appropriations.

(a) On or before April 10 in each year, the Board of Estimate and Taxation shall appoint the times when and places where it will hold meetings in the Town for hearings upon the estimates furnished the Board as provided in Section 21 hereof, and shall give notice of such meetings by publication in a newspaper published in the Town and by giving such other public notice as the Board shall deem advisable. At all such meetings and at all adjournments thereof, the Board shall hear all persons who shall desire to be heard relative to such estimates.

(b) After such hearings and on or before May 5 next ensuing in each year, the Board shall make and file in the office of the Town Clerk a detailed statement of the

appropriations which it deems necessary for the expenses and conduct of the affairs of the Town for the ensuing fiscal year, with its reasons for such appropriations.

(c) Appropriations may be made to two (2) or more departments jointly if so requested by such departments. Seven (7) affirmative votes of the Board shall be required to determine the proposed appropriations. (S.A. 347 § 14, 1921; as amended by S.A. 343 § 3, 1937; RTM, 1/8/62.)

Sec. 23. Submission to Representative Town Meeting.

The Board of Estimate and Taxation shall submit the proposed appropriations to a Representative Town Meeting to be held on or before May 15 in each year. Such Meeting shall take action upon such proposed appropriations and make such appropriations as may appear advisable except that no appropriations shall be made exceeding in amount that for the same purpose recommended by the Board, and no appropriation shall be made for any purpose not recommended by the Board. The appropriations so fixed by the Representative Town Meeting shall be the appropriations for the Town for the ensuing fiscal year.

(S.A. 347 § 15, 1921; as amended by RTM, 1/8/62.)

Sec. 24. Failure of Board to act.

If the Board of Estimate and Taxation in any year shall fail to perform any of the acts or duties provided in Sections 21, 22 and 23 hereof, as the same have been or may be amended, then, in such event, the several amounts appropriated for ordinary expenses

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for current purposes in the budget for the current fiscal year, together with the sums necessary for all interest on indebtedness and for the retirement of indebtedness of the Town becoming due during the ensuing fiscal year of the Town, and the sums for State and military taxes and for the special emergency fund for relief, appropriated in the budget for the current fiscal year, and sums equivalent to the temporary borrowings, if any, of the Town outstanding and a sum equal to the deficit in the operations of the Town during the current fiscal year, as such deficit may be estimated by the Town auditors, shall be deemed to be submitted and recommended by the Board of Estimate and Taxation to the Representative Town Meeting, to be held as provided in Section 23, as the same has been or may be amended, for all purposes as though submitted and recommended by the Board of Estimate and Taxation to the Representative Town Meeting, in accordance with the provisions of Section 23, as amended.

(S.A. 415 § 1, 1939; as amended by RTM, 1/8/62.)

Sec. 25. Failure of Representative Town Meeting to act.

If the Representative Town Meeting shall fail, on or before May 15 in any year to take action upon any or all proposed appropriations submitted to it by the Board of Estimate and Taxation as provided in Section 23 hereof, as the same has been or may be amended, such appropriation or appropriations recommended to the Representative Town Meeting by the Board of Estimate and Taxation, not so acted upon, shall be deemed to be acted upon, made and fixed by the

Representative Town Meeting and shall be the appropriations, as the case may be, of the Town for the ensuing fiscal year for all purposes.

(S.A. 415 § 2, 1939; as amended by RTM 1/8/62.)

Sec. 26. Extension of time; State Tax Commissioner.

Anything in this Article to the contrary notwithstanding, the State Tax Commissioner may extend the time for the Board of Estimate and Taxation and for the Representative Town Meeting, or either of them, to act under the provisions of Sections 21, 22 and 23 hereof as the same have been or may be amended, but such extensions shall not be for more than five (5) days in any one case. At the expiration of such respective extensions, if any, the provisions of this Article with respect to any act to be performed, or to any failure to act, by the Board of Estimate and Taxation or the Representative Town Meeting, shall apply.

(S.A. 415 § 4, 1939.)

Sec. 27. Periodic allotments.

The Board of Estimate and Taxation may, at the time of recommending or making an appropriation or from time to time thereafter, provide for the expenditure of a portion or portions of such appropriation or of the uncommitted balance thereof during a specific period or specific periods and may, from time to time, change such periodic allotments as to the uncommitted balance of such appropriation.

(S.A. 203 § 7, 1933.)

Sec. 28. Appropriations to emergency fund.

When there shall be a special emergency, the Town may, on the recommendation of the Board of Estimate

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and Taxation, make an appropriation to a special emergency fund to be allotted by the Board, from time to time, to and for the purposes of such department or departments which will, in the opinion of the Board, in the execution of its purposes, best secure the objects of such appropriation, with the power in the Board to, from time to time, change any such allotment as to the uncommitted balance thereof.

(S.A. 203 § 8, 1933.)

Sec. 29. Separate accounts for appropriations; payment of requisitions.

Immediately upon the final fixing of the appropriations for any fiscal year, the Comptroller shall open a separate account of each appropriation and shall pay out monies thereon only on written requisition of the person or persons responsible for the expenditure. No check or draft issued by the Comptroller in payment of any requisition shall be payable to bearer, but to the order of the person entitled to receive the same. The Comptroller shall sign and the Treasurer shall countersign all checks issued by the Town.

(S.A. 347 §§ 7, 15, 1921; as amended by RTM, 1/8/62.)

Sec. 30. Expenditures in excess of appropriations.

(a) No officer of the Town shall expend, or enter into any contract by which the Town shall become liable for, any sum which, with such contracts as are then in force, shall exceed the appropriations for the several departments, or any of them, except in cases of necessity connected with the repair of highways and bridges and then not to exceed in the aggregate Five Hundred Dollars (\$500.00) in any fiscal year and except in cases

of necessity connected with the care of the Town poor and then not to exceed in the aggregate One Hundred Dollars (\$100.00) in any fiscal year.

(b) If any occasion arises whereby more money will be actually needed for any department of the Town than has been appropriated, as provided for herein, the Selectmen or the head of such department shall notify the Board of Estimate and Taxation of such fact, and the chairman of the Board shall forthwith call a meeting of the Board to consider the matter of an appropriation for such object. The Board may make such appropriation in an amount not exceeding Five Thousand Dollars (\$5,000) or such other greater sum as the Representative Town Meeting may hereafter authorize, for such object, after due inquiry.

(c) If the amount required shall exceed Five Thousand Dollars (\$5,000), or such other greater sum as the Representative Town Meeting may hereafter authorize, such appropriation shall not be finally made until, upon the recommendation of the Board, the same has been voted by the Town at a meeting called for that purpose. If such appropriation is made after the laying of the tax, unless the income for the current fiscal year is sufficient to meet the same, the amount of such appropriation shall be included and made a part of the next tax levy.

(d) No appropriation for one (1) object shall be used for any other object, except that the Board shall have the power to transfer uncommitted balances from one (1) appropriation for a department to another appropriation for the same department. The Board of Estimate and Taxation may also appropriate, within the limits and upon such terms as shall hereafter from

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time to time be authorized by the Representative Town Meeting, upon recommendation of the Town Attorney, any monies required for the payment, compromise or settlement of any claim or claims against the Town, and in any case where the approval of any such appropriation by the Representative Town Meeting shall be required by the Representative Town Meeting, the Representative Town Meeting is authorized and empowered to delegate the power to approve the same to a committee of the Representative Town Meeting. (S.A. 347 § 18, 1921; as amended by S.A. 343 § 4, 1937; RTM, 1/8/62; S.A. 238, 1963; RTM, 9/9/63.)

Sec. 31. Uncommitted appropriations.

All uncommitted appropriations shall be covered back into the Town Treasury except that uncommitted appropriations for capital improvements may, at the end of any fiscal year, with the approval of the Board, be continued and set up as a reserve for the same purpose, and may be committed against for one (1) fiscal year after the expiration of the fiscal year for which appropriations were originally made. (S.A. 347 § 18, 1921; as amended by S.A. 343 § 4, 1937.)

Sec. 32. Control of commitments; requisitions.

No commitment, obligation or contract for property, services or any other valuable thing, involving the payment of money, shall be made by any Town official or by any other person on behalf of the Town, for which an appropriation has not been made or in excess of any appropriation for such purpose. No act, document or statement purporting to be such a commitment, obligation or contract of the Town, except in case of an emergency as hereinafter provided, shall be binding

upon the Town unless a requisition or purchase order therefor, signed by the head of a department of the Town or some person designated by him for that purpose shall have been filed in the office of the Comptroller and such requisition or purchase order shall have been certified by the Comptroller, or by someone deputized by him for that purpose, as being within the uncommitted balance of an appropriation against which such commitment, obligation or contract shall be properly chargeable.

(S.A. 201, 1933; as amended by RTM, 1/8/62.)

Sec. 33. Requisitions for Board of Education.

All monies required by the Board of Education, as appropriated for its use during any fiscal year, shall be paid by the Treasurer upon the requisition of such persons, in behalf of the Board of Education, as said Board by law or special vote, certified by the secretary of said Board to the Comptroller, may provide and in the absence of such by-law or special direction upon the requisition of the secretary of said Board.

(S.A. 347 § 22, 1921.)

Sec. 34. Emergency commitments.

In case of an emergency a commitment against an uncommitted balance of an appropriation may be made to the extent of not more than Fifty Dollars (\$50.00). In such case the commitment shall be, within forty-eight (48) hours, confirmed by a requisition or purchase order therefor, filed in the office of the Comptroller, and signed by the head of the department or some person designated by him for that purpose on whose behalf such commitment shall have been made.

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The requisition or purchase order shall be certified as above provided and charged against the relative appropriation.

(S.A. 301, 1933; as amended by RTM, 1/8/62.)

Sec. 35. Employment and periodic service contracts.

(a) This Article shall not prevent the employment by the head of a department of any person for a period and for an amount not in excess of that provided in an appropriation for such purpose. For periodic employment no requisition need be filed until the expiration of each period for which payment for such employment may be due.

(b) This Article shall not prevent the making of contracts for periodic service, such as water, electric light and other similar services usually contracted for in advance, for a period and for an amount not in excess of an appropriation provided for such purpose. Such contract shall be filed with the Comptroller immediately when made. For such contracts no requisition or purchase order need be filed until the expiration of each period for which payment on such contracts may be due.

(S.A. 201, 1933.)

Sec. 36. Estimates of proposed commitments.

In case the exact amount of a proposed commitment cannot be determined at the time a requisition or purchase order therefor is filed, as above provided, such requisition or purchase order shall be for an amount which it is estimated will cover such commitment. A further final requisition or purchase order

shall be filed with the Comptroller by the head of the department or some person designated by him for that purpose filing such original requisition or purchase order for the exact amount of such commitment when determined. The excess, if any, shall be charged against the relative appropriation.
(S.A. 201, 1933.)

Sec. 37. Petty cash fund.

A petty cash fund in an amount approved by the Board of Estimate and Taxation may be advanced out of the uncommitted balance of an appropriation to the head of a department, upon his requisition therefor, for the purpose of meeting the petty expenses of such department. Such fund shall be known as an "imprest petty cash fund" and shall be charged against the relative appropriation and accounted for by the head of the department receiving the same. Vouchers, duly authenticated, representing proper disbursements out of such fund on behalf of the Town shall be filed with the Comptroller by such head of a department for payments made by him out of such fund, and the amount of such vouchers shall be appropriately charged.
(S.A. 201, 1933; as amended by RTM, 1/8/62.)

ARTICLE 3. ELECTIONS.

Sec. 38. Elective officers; terms.

(a) There shall be an election in the Town of Greenwich on the first Tuesday after the first Monday in November in odd-numbered years. At such elections only the following officers shall be elected: members of the Representative Town Meeting, a First Selectman,

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two (2) Selectmen, five (5) members of the Board of Tax Review, a Tax Collector, a Town Clerk, seven (7) Constables, twelve (12) members of the Board of Estimate and Taxation and members of the Board of Education.

(b) All officers elected under the provisions of this act shall hold office for two (2) years from January 1 following their election and until their successors shall be elected and shall have qualified, except members of the Board of Education, whose terms shall be as prescribed by law and who shall serve until their successors shall be elected and shall have qualified and except the First Selectman and Selectmen who shall hold office for two (2) years from the first day of December following their election and until their successors shall be elected and shall have qualified. Notwithstanding the foregoing, the terms of office of the First Selectman and Selectmen elected on the first Tuesday after the first Monday in November, 1977 shall commence January 1, 1978 and shall expire November 30, 1979, or at such later date as the successors shall be elected and shall have qualified. (S.A. 444 § 5, 1939; as amended by S.A. 235 § 1, 1947; RTM, 6/13/1966.) (Char. Rev. 11/4/1975, eff. 11/8/1977; as amended by RTM, 5/11/1992; RTM, 6/14/1993.)

Sec. 39. Election of Board of Estimate and Taxation.

The Board of Estimate and Taxation shall be nominated and elected at large. Not more than six (6) candidates for such Board shall be nominated by any one (1) political party. No person shall vote for more than six (6) members of the Board. (S.A. 444 § 6, 1939.)

Sec. 40. Nomination of candidates for Representative Town Meeting members; ballots.

(a) Nominations of candidates for Representative Town Meeting members to be elected under this Article shall be made by petition, which shall bear no political designation, shall be signed by not less than twenty-five (25) voters of the district in which the candidate resides and shall be filed with the Town Clerk not later than September 15, immediately preceding election. Any Representative Town Meeting member, who by August 15 immediately preceding the election, shall have attended at least two-thirds ($\frac{2}{3}$) of all Representative Town Meetings and two-thirds ($\frac{2}{3}$) of all district meetings, held during the current term of office, may become a candidate for reelection by giving written notice thereof to the Town Clerk not later than September 15, immediately preceding election.

(b) No petitions shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed. A petition may contain more than one (1) name but not in excess of the number of Representative Town Meeting members which a district is entitled to elect at the election for which the nomination is made. The Town Clerk shall verify and correct the names of candidates thus nominated and names of petitioners in accordance with the voting lists of the Town, and endorse the same as having been so verified and corrected. The Clerk shall, immediately after receiving and verifying the petitions and notices of Sec. 40(a), transmit the nominations to the Secretary of the State, who shall prepare sample ballots, ballots and absentee ballots for each district for such election of town meeting members. Such

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ballots shall have no party name, symbol or designation thereon. The names of candidates shall be arranged in alphabetical order on separate ballots for each district, with the number of blank lines after the last name on each ballot equal to the number of Representative Town Meeting members the particular district is entitled to elect. The ballot shall be printed in such manner as to indicate to the voter how many of the candidates he may be entitled to vote for and the method of indicating his choice.

(S.A. 154, § 4, 1933, as amended by S.A. 301, 1957; RTM, 6/8/1964; RTM, 6/17/1965; RTM, 9/21/1981;* RTM, 6/12/1995;† RTM, 9/17/2007)

Sec. 41. Election of Representative Town Meeting Members.

(a) Other than officers designated as Representative Town Meeting members ex officio, the Representative Town Meeting shall in each district consist of one (1) member for each unit of representation, as hereinafter defined, or major portion thereof in such district, who shall hold office for two (2) years from January 1 following their election and until their successors shall be elected and shall have qualified. The unit of representation shall be the total number of electors in the town as certified by the registrars to the Town Clerk divided by two hundred thirty (230).

(b) The registered voters in each district shall elect by ballot from among their number as Representative Town Meeting members from such district the number

***Editor's note**—This resolution also provided that it shall take effect 1-1-1982.

†**Editor's note**—This resolution also provided that it shall take effect 1-1-1996.

of Representative Town Meeting members in such district, other than the officers designated as Representative Town Meeting members at large, to which such district may be entitled under this Act.

(c) A voter shall indicate on the ballot the persons for whom he wishes to vote by placing a cross-mark (×), plus (+) or check (v) at the point provided for such cross-mark (×), plus (+) or check (v) on the ballot opposite the name or names of the candidates voted for, or, if the name or names of the desired candidate or candidates are not printed on the ballot, a voter may write in the name or names of the person or persons he wishes to vote for in the blank spaces provided on the ballot for such purpose, and shall, in like manner, place a cross-mark (×), plus (+) or check (v) opposite the name or names of such person or persons voted for.

(d) The chief presiding officer shall forthwith, after a biennial election of Representative Town Meeting members, file in the Town Clerk's office a list of the members elected, by districts, together with their respective addresses. The Town Clerk shall, upon receipt of such list, forthwith notify each member by mail of his election.

(S.A. 154 §§ 2, 4, 1933; as amended by S.A. 412 § 4, 1939; S.A. 341, 1953; RTM. 6/8/64.)

Sec. 42. Voting

At each biennial election for the election of Town officers and Representative Town Meeting members, voting for election of such Town officers shall be governed by the provisions of the General Statutes as to voting and voting machines, but the voting for election of Representative Town Meeting members

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shall be by printed ballot, in the manner provided in the General Statutes for voting by printed ballot, except as modified by this Act and except that nothing herein contained shall prevent the use of voting machines for the election of Representative Town Meeting members as the Board of Selectmen may, from time to time, deem practicable.

(S.A. 154 § 4, 1933; as amended by S.A. 296, 1943; RTM, 6/9/69.)

Sec. 43. Voting Districts.

Except as otherwise provided in Section 9-169 of the General Statutes, the number of voting districts in the Town may from time to time be increased or decreased and the boundaries of any voting district now or hereafter established may be changed or modified by the affirmative vote of a majority of the Board of Selectmen upon approval thereof by the affirmative vote of two-thirds (2/3) of the members of the Representative Town Meeting present at a meeting duly warned for such purpose and at which a quorum is present. Such districts shall be so established as to consist of compact and contiguous territory to be bounded, as far as possible, by the center line of known streets and ways or by other well-defined limits. The Town Clerk shall cause to be posted in the Town Hall a map or maps or description of the districts as established or revised from time to time. The registrars of voters shall certify to the Town Clerk, prior to August 1 of each year of a Town election of Town Meeting members, the number of voters registered in each district on July 1 of such year.

(S.A. 154 § 1, 1933; as amended by S.A. 119, 1943; S.A. 298 § 1, 1953.)

Sec. 44. Admission and registration of electors.

Any provision of any special act to the contrary notwithstanding, the provisions of the General Statutes regulating dates for admission and registration of electors shall apply to the admission and registration of electors in connection with elections held in the Town for the election of Town officers.
(S.A. 235 § 2, 1947.)

ARTICLE 4. FLOOD AND EROSION CONTROL BOARD.***Sec. 45. Flood and Erosion Control Board.**

There shall be in the Town a Flood and Erosion Control Board, which shall consist of five (5) members. The members shall be electors of the Town, and their method of selection and terms of office shall be determined by ordinance adopted by the Representative Town Meeting.
(RTM, 11/12/57.)

Sec. 46. Flood and Erosion Control Board; powers.

(a) The Flood and Erosion Control Board shall have authority to plan, lay out, acquire, construct, reconstruct, repair, maintain, supervise and manage a Flood or Erosion Control System.

***Cross reference**—As to membership selection in Board, see Chapter 2, Article 4 of this Code.

Editor's note—Adopted pursuant to Special Act No. 377 § 6, of 1955.

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(b) As used in this Article the term "Flood or Erosion Control System" will mean any dike, berm, piping, groin, jetty, sea wall, embankment, revetment, tide-gate, water storage area, ditch, drain or other structure or facility useful in preventing or ameliorating damage from floods or erosion, whether caused by fresh or salt water. "Flood or Erosion Control System" shall further include any easements, rights of way and riparian rights which may be required in furtherance of any such System.

(RTM, 11/12/57.)

Sec. 47. Condemnation procedure.

The board is authorized to enter upon and to take and hold, by purchase, condemnation or otherwise, any real property or interest therein which it determines is necessary for use in connection with the Flood or Erosion Control System. Whenever the Board is unable to agree with the owner of any such property as to the compensation to be paid for the taking thereof, the board, in the name of the Town, may bring condemnation proceedings in accordance with the procedure provided by the General Statutes for condemnation by municipal corporations generally. In such case, the court or judge may permit immediate possession of such property by the Board in accordance with the procedure provided by the General Statutes.

(RTM, 11/12/57.)

Sec. 48. Agreements.

The Board acting through its officers is authorized to negotiate, cooperate and enter into agreements with:

- (1) The United States;

(2) The United States and the State of Connecticut;
or

(3) The State of Connecticut in order to satisfy the conditions imposed by the United States or the State of Connecticut in authorizing any system for the improvement of navigation of any harbor or river and for protection of property against damage by flood or by erosion. Such system shall have been approved by the State Department of Environmental Protection, hereby conferring on such Board all powers conferred upon such flood and erosion control boards by the General Statutes.

(RTM, 11/12/57.)

Sec. 49. Limitation on authority.

All authority of such Board and its officers is subject to all the provisions of the Special Acts as amended by home rule action relating to the Town concerning appropriations to, and commitments and requisitions by departments of said town. No condemnation proceedings shall be commenced without authorization by the Board of Estimate and Taxation and the Representative Town Meeting.

(RTM, 11/12/57.)

ARTICLE 5. HEALTH.

Sec. 50. Health Department; Board of Health.

(a) There shall be a Department of Health under the direction and supervision of the Board of Health. The Board of Health shall consist of seven (7) members who shall be appointed on or before March 31 in the even-numbered years by the Representative Town

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Meeting on nomination of the Selectmen for terms of four (4) years. Three (3) members shall be appointed for terms commencing April 1, 1970, and four (4) members shall be appointed for terms commencing April 1, 1972, and all subsequent appointments, except to fill vacancies for unexpired portions of terms, shall be made biennially. All such members shall hold office until their successors shall be appointed and shall have qualified.

(b) The Board of Health shall have power to appoint and remove the Director of Health.

(S.A. 444, § 25, 1939; as amended by S.A. 607 § 4, 1951; RTM, 10/8/51; RTM, 6/9/69; RTM, 4/10/72; RTM, 9/9/74.)

Sec. 51. Board of Health; powers and duties; penalty.

(a) The Board of Health shall exercise authority necessary for the promotion, protection, and preservation of the health of the inhabitants of the Town and, except as otherwise provided herein, shall have all the powers and duties conferred and imposed upon boards of health by the General Statutes.

(b) The Board of Health shall have power to set policy of the Health Department and to make, alter, repeal, and enforce ordinances, by-laws and regulations for the following purposes:

- (1) To provide for the health of the town;
- (2) To require and regulate inspection of schools and school children as deemed necessary by such board for the protection of the health of such children;

- (3) To supervise, control, and regulate the work of midwives, whether paid or not;
- (4) To preserve the purity of all sources of water supply for the Town and prevent pollution thereof;
- (5) To define as nuisances anything detrimental, or which in the opinion of such Board may become detrimental to the public health, and to prevent and summarily abate all nuisances;
- (6) To regulate the location, construction, and use of wells, sinks, pig pens, drains, sewers, and privies, and such other things as menace health in the Town;
- (7) To regulate the use of drains and sewers as provided in the Public Health Code; to supervise and approve the location or design of any cess-pool or septic tank or the method of disposal of the outflow from cesspools and septic tanks;
- (8) To grant licenses for the collection of garbage, refuse, and waste and to regulate the on premises storage and disposal of garbage, ashes, sewage, and refuse in the Town for the protection of the public health;
- (9) To regulate the carriage of any offensive substance through the roads and streets within the limits of the Town;
- (10) To regulate, by inspection, licensing, or otherwise, the conduct within said town of any business affecting the public health or safety, or unduly annoying to the public, including bakeries, barber shops, the sale of milk and other food, and any other business affecting public

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health, and prohibit the sale or compel the destruction of milk or food when deemed by said Board detrimental to public health; and

(11) To prevent the deposit of refuse or filth in any stream, highway, or elsewhere.

(c) Any person violating any such ordinance, by-law, or regulations shall be fined not more than One Hundred Dollars (\$100.00).

(S.A. 295, § 2, 1915; as amended by RTM 4/12/1976; RTM 12/10/1990;* RTM 6/10/1991.)

Sec. 52. Director of Health; qualifications; duties.†

(a) The Director of Health shall possess the professional qualifications for such position pursuant to General Statutes. He shall devote his entire time to the duties of his office and shall not engage in private practice, except that with the consent of the Board of Health he may be appointed medical director of Nathaniel Witherall.

(b) The Director of Health shall, subject to the direction and control of the Board of Health, and except as otherwise provided in this Article, have all the powers and duties conferred and imposed upon

***Editor's note**—Section 5 of this amendment provided that "Subsection (b)(8) of Section 51, as amended by Section 3 above, is hereby deleted," effective July 1, 1992.

†State law reference—As to the Director of Health, generally, see C.G.S. § 19-75.

directors of health by the General Statutes. Requisitions on the Town Treasurer affecting the Department of Health shall be signed by the Director of Health.

(S.A. 444 § 25, 1939; as amended by RTM, 9/14/53; RTM, 9/9/74; RTM, 1/21/85.)

Sec. 53. Employment of assistants; nurses; equipment.

The Director of Health shall employ such assistants and public health nurses and provide such equipment, supplies and transportation facilities as he may find necessary. Such assistants and nurses, while employed as aforesaid, shall have, under delegation by the Director of Health, all the powers necessary to carry their orders into effect.

(S.A. 341 § 2, 1937; as amended by RTM, 9/14/53.)

Sec. 54. Department of Health laboratory.

The Director of Health shall establish, equip and maintain a Department of Health laboratory for investigations necessary for the maintenance and promotion of public health. The Director of Health shall appoint as director of the laboratory, an experienced chemist and bacteriologist whose qualifications shall be acceptable to the State Commissioner of Health Services as director of an approved laboratory. Nothing herein shall prevent the Director of Health from obtaining such investigations from sources outside of such laboratory.

(S.A. 341 § 2, 1937; as amended by RTM, 9/14/53; RTM, 6/11/79.)

Sec. 55. Notice of Board action.

(a) Notice of any ordinance, by-law, regulation, or order made under the provisions of this Article may be given by serving a copy thereof upon any person

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affected or by publishing a copy in a newspaper published in the Town or by posting a copy on each signpost three (3) days before the same shall take effect. Such ordinances, by-laws, and regulations, with an endorsement thereon signed by the Director of Health, that they have been published or posted, as the case may be, as required by law, shall be recorded in the office of the Town Clerk and shall remain in force until altered or repealed.

(b) A copy of any such ordinance, by-law, or regulation certified by the Director of Health shall be prima facie evidence that it has been legally made.

(c) Sections 19-82 and 19-171 of the General Statutes shall not apply to the Board of Health or to the Director of Health of the Town.
(S.A. 295 § 5, 1915; as amended by RTM, 9/14/53.)

Sec. 56. Division of Environmental Health created; Director.*

There shall be a Division of Environmental Health, the head of which shall be the Director of Environmental Health who shall be appointed by the Director of Health. The Director of Environmental Health shall render reports to the Director of Health which reports shall be incorporated in the report of the Director of Health of the Town. The Director of Health shall also appoint sanitarians. The Director of Environmental Health and the sanitarians may act for the Director of

***Cross reference**—As to the Town Sanitary Code, see Ch. 4 of this Code.

State law reference—As to the Public Health Code, see C.G.S. § 19-13.

Health in the abatement of nuisances and in carrying out under his direction all measures necessary for the protection of the public health and for the sanitary regulations of the Town and the enforcement of the Public Health Code of the State and the Sanitary Code of the Town. The duties of the director of environmental health shall also include the supervision of the storage of garbage, other refuse and waste.

(S.A. 341, § 1, 1937; as amended by RTM 9/14/1953; RTM 4/10/1972; RTM 4/12/1976; RTM 12/10/1990.*)

Sec. 57. Nathaniel Witherell Nursing Home.

The Town is authorized to conduct the nursing home known as Nathaniel Witherell, the plant, which consists of the main building, west wing, Witherell pavilion and the apartment building, on land owned by the Town on the westerly side of Parsonage Road in the Town, to alter and enlarge the building, to construct new buildings for the nursing home and to equip and maintain the same for the care and treatment of residents of said Town requiring nursing home facilities for chronic and convalescent conditions. Non-resident patients may, subject to such rules as The Nathaniel Witherell Board may prescribe, be admitted to the nursing home and treated therein provided such admission shall in no way interfere with or delay the admission of residents to the Nathaniel Witherell. The Town is further authorized to administer rental units in the Nathaniel Witherell pavillion for elderly residents of the Town.

(S.A. 480 § 1, 1931; as amended by RTM, 4/10/72; RTM, 9/9/74; RTM, 3/12/84.)

***Editor's note**—Section 6 of this amendment provided that "The last sentence of Section 56 is hereby deleted," effective July 1, 1992.

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Sec. 57.1. Nathaniel Witherell Building Committee.

(a) Any provision of any Special Act to the contrary notwithstanding, any construction or alteration of and any addition to Nathaniel Witherell and appurtenant facilities shall be under the supervision of a building committee appointed as herein after provided for each separate and specific project.

(b) The Nathaniel Witherell Building Committee shall consist of not less than eight (8) nor more than ten (10) voting members, the number of voting members to be determined by the Selectmen, and eight (8) ex officio members. All the voting members shall be electors of the Town. One (1) voting member shall be appointed by the Board of Health from its members. One (1) voting member of the committee shall be appointed by the Board of Estimate and Taxation from its members. Two (2) voting members shall be appointed by the Nathaniel Witherell Board from its members. The remaining voting members of the committee shall be appointed by the Representative Town Meeting on nomination of the Selectmen, which nomination shall be made after the appointment of members by the Nathaniel Witherell Board, Board of Health, and the Board of Estimate and Taxation. One (1) ex officio member of the committee shall be appointed by the Selectmen from the Board of Selectmen, one (1) by the Planning and Zoning Commission from the Commission, one (1) by the Commissioner of Public Works from the Department of Public Works, one (1) by the Moderator of the Representative Town Meeting from the Representative Town Meeting, one (1) by the Board of Health and one (1) by the Nathaniel Witherell

Board. In addition, the Director of Health and the Executive Director of the Nathaniel Witherell [Board] shall be ex officio members. Ex officio members of the committee shall have all the rights and privileges of voting members except the right to vote.

(c) Any vacancy shall be filled by appointment in the same manner as the appointment of the vacating member.

(d) Whenever the Nathaniel Witherell Board shall determine that any such construction, alteration or addition is necessary, the Board shall so certify to the Selectmen and shall file with the Selectmen its specifications and requirements for the project and its request for the appointment of a committee to supervise construction of the project. Upon receipt from the Nathaniel Witherell Board of the specifications and requirements for the project and its request for the appointment of a committee, the Selectmen forthwith shall determine the number of voting members to be appointed to the committee, shall nominate the members of the committee to be appointed by the Representative Town Meeting and shall give notice of the formation of the committee to the following: The Nathaniel Witherell Board, the Board of Health, the Board of Estimate and Taxation, the Moderator of the Representative Town Meeting, the Planning and Zoning Commission, the Commissioner of Public Works, the Director of Health, and the Executive Director of Nathaniel Witherell [Board]. Upon notification by the Selectmen of the formation of a committee, the Representative Town Meeting and the several boards, commissions, and Town officers charged with the appoint-

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ments of voting members and ex officio members to the committee shall appoint the same and shall notify the First Selectman of such appointments.

(e) Within thirty (30) days after the appointment of members of the committee by the Representative Town Meeting the First Selectman shall call the first meeting of the committee, at which meeting the committee shall elect from its voting members a chairman, a vice-chairman and a clerk. In the absence of the chairman, the vice-chairman shall act for him and have the same powers as the chairman.

(f) The chairman may call meetings at any time and upon the request of any three voting members shall call a meeting of the committee, in each instance giving reasonable personal notice to the members thereof or written notice delivered, or mailed to each by the clerk of the committee in time to reach his place of residence at least twenty-four (24) hours before the time of such meeting. The clerk shall keep a record fully and in detail of the minutes of each meeting of the committee and of all actions taken at each meeting. The record of each meeting shall be attested by the signatures of the chairman and the clerk and shall be filed with the Town Clerk within ten (10) days after approval thereof by the committee and shall thereupon be kept as a permanent record of the Town. A majority of the voting members of the committee shall constitute a quorum for the transaction of business, but a less number may adjourn to a later date.

(g) In supervising the project the committee shall adhere strictly to the specifications, requirements, and decisions regarding the project prepared and filed with the Selectmen by the Nathaniel Witherell Board. The

committee in its supervision of the project shall have all of the powers and duties of the Commissioner of Public Works with respect to the construction and development of public buildings and public improvements of the Town, and such supervision shall include but not be limited to the selection and employment of an architect, approval of plans and specifications, requests for necessary appropriations and advertising and acceptance of bids, except that: no architect shall be selected or employed without the prior approval of the Nathaniel Witherell Board, and no documents shall be issued for bidding unless and until the final plans and specifications shall have been submitted to and approved by the Nathaniel Witherell Board, and the Nathaniel Witherell Board shall submit all applications for aid.

(h) A progress report shall be filed by the committee with the Town Clerk on or before the expiration of each successive period of three (3) months after the first meeting of the committee, and the Town Clerk shall distribute copies thereof to each member of the Representative Town Meeting and to the Chairmen of the following Boards: the Nathaniel Witherell Board, the Board of Health, and the Board of Estimate and Taxation. Upon completion of the project the committee shall file with the Town Clerk and with the Nathaniel Witherell Board and the Board of Estimate and Taxation, a final report which shall include an itemized statement of all cash disbursements and a comparison between original cost estimates and actual disbursements by major categories, including architect's fees, site improvement, building construction and equipment.

(RTM, 4/10/1972, as amended by RTM, 3/10/1975; RTM, 1/16/2007)

Sec. 58. Nursing home administration.

(a) There shall be in the Town a Board to be known as "The Nathaniel Witherell Board." The Board shall consist of nine (9) members who shall be appointed by the Representative Town Meeting on nomination by the Selectmen.

(b) At its organization meeting. The Board shall elect from among its members a chairman, vice-chairman and secretary for a term of one (1) year each. The Chairman shall have a vote at the meeting of the Board and, in the case of a tie, an additional vote for the purpose of dissolving such tie. In the absence of the Chairman of the Board, the Vice-Chairman shall act for him and have the same powers as the Chairman. The Board shall also enact a set of by-laws or rules pertaining to its conduct of business.

(c) All appointments of members of the Board, except appointments to fill vacancies of unexpired terms, shall be for terms of three (3) years commencing on April 1 of the first year of the term and expiring on March 31 of the third year of the term, provided that appointments of new members to the Board shall be for terms of years of less than three (3) years when such a lesser term of years is necessary to prevent the expiration of more than four (4) members' terms in the same year.

(d) The Board shall have full legal authority and responsibility for the operation of the facility as delineated by applicable local, State and Federal regulations and standards.

The Board shall have the power to appoint and remove a licensed Nursing Home Administrator and a Medical Director. The Board shall make such rules as

it may deem necessary for the conduct of the Nursing Home, for the admission of patients thereto and for charges against such patients as are able to pay. The Board shall further be responsible for the conduct of the rental units, for the admission of elderly persons thereto and for charges against such persons.

(S.A. 480 § 2, 1931; as amended by S.A. 340, 1937; RTM, 4/10/1972; RTM, 9/9/1974; RTM, 3/12/1984; RTM, 6/8/1986.)

Sec. 59. Town may charge for Nathaniel Witherell care.

The Town is authorized to care for at the Nathaniel Witherell patients of the classes enumerated in Section 57 hereof other than those who are unable to pay for nursing home care and in such instances shall charge such patients for their care and treatment and is empowered to collect the charges made therefor.

(S.A. 480 § 3, 1931; as amended by RTM, 4/10/1972.)

Sec. 60. Gifts to Nathaniel Witherell.

The Nathaniel Witherell Board is authorized to accept gifts or grants of money or property in the name of Nathaniel Witherell for the purposes of the nursing home or rental units for the elderly upon such terms as may be agreed to by The Nathaniel Witherell Board. All monies and securities received for the Nathaniel Witherell shall be in the care and custody of the Treasurer of the Town for the use of the Nathaniel Witherell in accordance with the terms of the gifts or grants thereof.

(S.A. 480 § 4, 1931; as amended by RTM, 4/10/1972; RTM, 9/9/1974; RTM, 3/12/1984.)

Sec. 61. Nathaniel Witherell appropriations.

Appropriations for the Nathaniel Witherell shall be made in the same manner as appropriations for other boards and departments of the Town. No bill against the Town relating to the Nathaniel Witherell or the maintenance or conduct thereof shall be paid by the Town until it shall have been approved and certified as correct by the Nursing Home Administration.

(S.A. 480 § 5, 1931; as amended by RTM, 4/10/1972; RTM, 9/9/1974; RTM, 3/12/1984.)

Sec. 62. Department of Social Services; Board of Social Services.

(a) There shall be a Department of Social Services under the direction and control of the Board of Social Services.

(b) The Board of Social Services shall consist of seven (7) members who shall be appointed on or before March 31 in any applicable year by the Representative Town Meeting on nomination of the Selectmen for terms of three (3) years. Three (3) members shall be appointed for terms commencing April 1, 1994, and four (4) members shall be appointed for terms commencing April 1, 1996. For the terms commencing April 1, 1994, the three (3) members shall be appointed for terms respectively expiring on March 31, 1997. For the terms commencing April 1, 1996, two (2) of the four (4) members shall be appointed for terms respectively expiring on March 31, 1998 and the other two (2) members shall be appointed for terms respectively expiring on March 31, 1999. After April 1, 1996, all subsequent appointments, except to fill vacancies for unexpired portions of terms, shall be made annually

and shall be for terms of three (3) years. All such members shall hold office until their successors shall be appointed and shall have qualified.

(c) The Board of Social Services shall have power to appoint and remove the Commissioner of Social Services. The Board of Social Services may appoint a Deputy Commissioner of Social Services.

(S.A. 444 § 26, 1939; as amended by S.A. 607 § 5, 1951; RTM 1/15/1968; RTM, 6/9/1969; RTM, 4/10/1972; RTM, 1/18/1994.)

Sec. 63. Commissioner of social services; duties; salary.

(a) Except where otherwise mandated by state or federal law with respect to nursing homes, the Commissioner of Social Services shall, subject to the direction and control of the Board of Social Services, have full charge of the social services of the Town and shall also have such powers and duties as are now or shall hereafter be conferred and imposed by law upon the Selectmen or any other administrative agency of the Town relative to minors, mentally ill persons, children born out of wedlock, indigent or incapable persons, and persons addicted to the use of intoxicating liquors and drugs, including making applications of the appointment of conservators for incapable persons, for the commitment of mentally ill persons, for the removal of a parent as natural guardian of a minor and for the adoption of a minor.

(b) Wherever copies of any papers relative to such matters shall be law be served on the Selectmen of the Town or one (1) of them, service shall instead be made on the Commissioner of Social Services. No bill against

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the Town relating to social services or the support of indigent persons of the Town shall be paid by the Town until it has been approved and certified as correct by the Commissioner of Social Services.

(c) The salary of the Commissioner of Social Services shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined. In the absence or disability of the Commissioner of Social Services or if the office becomes vacant for any reason, the Deputy Commissioner of Social Services shall perform the duties and exercise the powers of the Commissioner of Social Services for a period not to exceed ninety (90) days or for such longer period as the Board of Social Services may determine. The salary of the Deputy Commissioner shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined.

(S.A. 444 § 26, 1939; as amended by S.A. 133, 1943; S.A. 327, 1953; S.A. 79, 1955; RTM 1/15/1968; RTM, 6/9/69; RTM, 4/10/72; RTM, 3-10-03.)

ARTICLE 6. HOME RULE

Sec. 64. Incorporation.

The electors of this State dwelling within the territorial limits of the Town of Greenwich as the same now are or hereafter may be are and shall continue in perpetuity to be a body politic and corporate under the name of "Town of Greenwich" and as such shall continue to have perpetual succession and to hold and exercise all rights, powers and privileges conferred on

the Town by this and previous laws, general and special, and which hereafter may be conferred by law. This Article and all special acts affecting the Town, together with any authorized additions to or amendments or repeals thereof by local action without recourse to the General Assembly, constitute its charter. (S.A. 377, 1955; as confirmed by S.A. 118, 1961.)

Sec. 65. Home rule.

The Town is authorized, in addition to all powers now or which hereafter may be conferred on the Town by general or special laws, subject to the following provisions of this Article and within the scope permitted by the General Statutes, to adopt charter provisions and amend or repeal, pursuant to the provisions of this Article, special acts constituting charter provisions of the Town and charter provisions which may locally be adopted pursuant to this Article or other law. Such adoptions, amendments or repeals are hereafter referred to as home rule action.

(S.A. 377, 1955; as confirmed by S.A. 118, 1961.)

Sec. 66. Mandatory referendum; approval.

(a) No home rule action which would affect the existence, mode of selection, composition, rights, powers, privileges or duties of the Representative Town Meeting, the Selectmen or the Board of Estimate and Taxation shall become effective unless such action is approved at a referendum held not later than one (1) year after completion of all actions required by Section 67 hereof. The Board of Selectmen shall submit such home rule action to the electors at a regular or special election, as it shall determine.

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(b) Approval of such home rule action at a regular election shall be by a majority of the electors voting thereon and at a special election shall be by a majority of the electors voting thereon which majority shall be not less than fifteen percent (15%) of the electors of the Town as determined by the last-completed registry list.

(S.A. 377, 1955; as confirmed by S.A. 118, 1961; as amended by S.A. 28, § 1, 1965.)

Sec. 67. Home Rule procedures.

(a) A proposal for home rule action affecting the Board of Estimate and Taxation or the Finance Department of the Town government may be initiated only by affirmative vote of seven (7) members of the Board of Estimate and Taxation, and any other proposals for home rule action may be initiated only by affirmative vote of a majority of the Selectmen. Any proposal so initiated shall be transmitted to the Town Clerk. The Clerk shall cause the content of the proposal and the question of its adoption or rejection to be included in the warning of the next Representative Town Meeting.

(b) A proposal initiated as prescribed in Subsection (a) may be adopted or amended and adopted by affirmative vote of a majority of the entire membership of the Representative Town Meeting at a meeting warned for that purpose, except that where the proposal involves the creation or abolition of any board of the Town government an affirmative vote of two-thirds (2/3) of the entire membership of the Representative Town Meeting is required for its adoption.

(c) If any proposal initiated as prescribed in Subsection (a) shall be amended and adopted by the Representative Town Meeting, it shall not become effective until the initiating board shall have concurred in the amendment by the same vote as required for initiation.

(S.A. 377, 1955; as confirmed by S.A. 118, 1961; as amended by S.A. 28 § 2, 1965.)

Sec. 68. Home Rule action; report.

Whenever a proposal for home rule action has been adopted and becomes effective pursuant to this Article or other law the Town Clerk shall, within fifteen (15) days, file with the Secretary of the State a copy thereof.

(S.A. 377 § 6, 1955.)

Sec. 69. Existing Home Rule laws unaffected.

All existing provisions of general and special law authorizing the Town to adopt charter provisions or to add to, amend or repeal special acts affecting the Town, by local action and without recourse to the General Assembly, shall remain effective.

(S.A. 377 § 7, 1955.)

Sec. 70. Repeal of inconsistent Special Acts.

Any existing special acts or provisions thereof inconsistent with any of the provisions of this Article are, to the extent necessary to eliminate such inconsistency and effectuate the purposes of this Article amended or repealed.

(S.A. 377 § 8, 1955.)

ARTICLE 7. ORDINANCES.

Sec. 71. Authority to adopt ordinances.

All authority to adopt ordinances and bylaws regulating traffic and parking in the Town shall be exercised by the Board of Selectmen. All authority to adopt ordinances and bylaws with respect to other matters shall, subject to the provisions of any special act relating to the Town, be exercised by the Representative Town Meeting.

(S.A. 406 § 4, 1953.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)

Sec. 72. Notice by publication.

Whenever it is required by law that any ordinance or bylaw adopted by the Board of Selectmen or Representative Town Meeting shall be published before becoming effective, such ordinance or bylaw shall become effective fifteen (15) days after publication thereof or at such later date as may be specified in such ordinance or bylaw.

(S.A. 406 § 5, 1953.)

Sec. 73. Substituted notice.

Whenever it is required by law that any ordinance or bylaw adopted by The Board of Selectmen or Representative Town Meeting must be published before becoming effective, in lieu of publication verbatim a certified copy thereof may be filed in the office of the Town Clerk, provided notice of such filing and of the general nature of such ordinance or by-law and of its

effective date shall be published, in which event publication of such notice shall be deemed publication of such ordinance by law.

(S.A. 328 §1, 1953.)

Sec. 74. Copies available.

Whenever notice of the adoption and effective date of any ordinance or by-law is given in the manner provided above in lieu of publication verbatim, copies thereof shall be made available for distribution to interested parties by the Board of Selectmen or the officer charged with the administration and enforcement thereof.

(S.A. 328 §2, 1953.)

ARTICLE 8. PARKS AND RECREATION.

Sec. 75. Department of Parks and Recreation.*

There shall be a Department of Parks and Recreation which shall have supervision and control of the recreational facilities and activities of the Town including the development, regulation, maintenance and use of public parks, trees, playgrounds, community centers, golf courses, skating rinks, the Greenwich Civic Center, bathing beaches, boat harbors, boating facilities, and waters of Long Island Sound and elsewhere subject to the jurisdiction of the Town, and all other recreational places and means of transportation thereto, and the equipping of the same with buildings and

***Cross reference**—As to park regulations generally, see Chapter 7 of this Code.

Charter reference—As to Harbor regulations, see Article 19.

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other structures. The Department shall have such other powers and duties as the First Selectman may, from time to time, prescribe.

(RTM, 4/27/70.) (Char. Rev. 11/4/1975, eff. 1/1/1978.)

Sec. 76. Director of Parks and Recreation; appointment; duties.

(a) The Department of Parks and Recreation shall be under the direction and control of the First Selectman. The head of the Department shall be the director of Parks and Recreation. He shall be appointed by the Selectmen after consultation with the Board of Parks and Recreation.

(b) The Director shall have the power to promulgate regulations respecting recreational activities governing the use of recreational places and facilities subject to the prior approval of the Selectmen. He shall have charge of the issuance of all permits and licenses, the assignment of facilities, the collection of fees and charges, and the enforcement of ordinances and regulations governing the use of recreational facilities, activities and places.

(RTM, 4/27/70.) (Char. Rev. 11/4/1975, eff. 1/1/1978.)

Sec. 77. Division of Recreation.

There shall be in the Department of Parks and Recreation, a Division of Recreation headed by a Superintendent, appointed by the Director. The Superintendent shall have charge, under the supervision of the Director, of planning, development and regulation of the recreational programs and activities of the Town performed in the places and facilities referred to in Section 75.

(RTM, 4/27/70.)

Sec. 78. Division of Parks and Trees.

There shall be in the Department of Parks and Recreation, a Division of Parks and Trees headed by a Superintendent, appointed by the Director. The Superintendent shall be the Tree Warden and shall have all the powers and duties conferred and imposed by law upon tree wardens. The superintendent shall have charge, under the direction and control of the Director, of the development and maintenance of the park system, including golf courses, playgrounds and such other Town properties as the Director may designate except grounds and playgrounds under the control of the Board of Education, unless specifically authorized by the Board of Education.

(RTM, 4/27/70.)

Sec. 79. Division of Marine and Facility Operations.

There shall be in the Department of Parks and Recreation, a Division of Marine and Facility Operations headed by a Superintendent, appointed by the Director. The Superintendent shall have charge, under the supervision of the Director, of the servicing, maintenance, alteration, repair and storage of all physical properties under the control of the Department.

(RTM, 4/27/1970; as amended by RTM, 1/21/1974.)

Sec. 80. Board of Parks and Recreation.

(a) There shall be a Board of Parks and Recreation consisting of nine (9) resident electors who shall be appointed by the Representative Town Meeting, on nomination of the Board of Selectmen.

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(b) In the event that there are vacancies for terms expiring March 31, 2010, the filling of two (2) such vacancies shall be for terms expiring March 31, 2009 and thereafter the new terms for such positions filled shall be for terms expiring March 31, 2012.

(c) Appointment of four (4) members commencing April 1, 2008 shall be for three (3) members to be appointed for terms expiring March 21, 2011 and one (1) member for a term expiring March 31, 2012.

(d) Appointment for five (5) members for terms commencing April 1, 2010 shall be for three (3) members to be appointed for terms expiring March 31, 2013 and for two (2) members for terms expiring March 31, 2012 unless two members have been previously appointed to those terms as provided in subsection (b).

(e) Appointments to fill terms commencing on April 1 of 2011, 2012, 2013 and thereafter shall be for three (3) years, except to fill vacancies for unexpired terms.

(f) In addition to the members so appointed, one (1) of the Selectmen and one (1) member of the Board of Education to be designated by the Board of Selectmen and the Board of Education respectively, shall be members of such board, ex officio.

(g) The Board shall make studies and shall prepare and submit to the First Selectman from time to time, proposals, recommendations and long range plans relating to the parks and recreational system of the Town. The First Selectman shall consult with the Board concerning the selection of sites, budget and the appointment of personnel.

(RTM, 4/27/1970.) (Char. Rev. 11/4/1975, eff. 1/1/1978; RTM, 9/18/2006.)

Sec. 81. Recreational facilities; appropriations.

The town of Greenwich may establish, maintain and conduct public parks, playgrounds, bathing beaches and recreation places, together with such means of transportation thereto as may be necessary or desirable, and may acquire by purchase or lease or otherwise, land and property necessary thereto, and may equip said parks, playgrounds, bathing beaches and recreation places with all necessary buildings and equipment for the use of the inhabitants of said town. The selectmen may enact ordinances governing the use by said inhabitants of such parks, playgrounds, bathing beaches and recreation places together with means of transportation thereto, and governing the conduct of said inhabitants thereon, which ordinances may provide for the imposition of a fine not exceeding twenty-five dollars for any violation thereof. Such moneys as shall be required for the aforesaid purposes shall be appropriated in the same manner as is provided for other appropriations for the expenses of said town. The money appropriated for any deficiency in maintaining and conducting parks, playgrounds, bathing beaches, recreation places and means of transportation shall be raised by taxation. Appropriations for cost of land or permanent improvement shall be met by taxation or the issuance of bonds as the town may elect.

(S.A. 124, 1919; as amended by S.A. 71 Sec. 9, 1955; R.T.M. 4/27/1970.)

Sec. 81a. Bruce Museum.

(a) The Bruce Museum shall be under the control of the Department of Parks and Recreation.

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(b) The Director of Parks and Recreation is authorized to enter into an agreement, subject to Representative Town Meeting approval, with the Bruce Museum, Inc., a not-for-profit Connecticut corporation organized and existing for the purposes of promoting and carrying out activities for the benefit and welfare of the Bruce Museum and the Town, to administer, supervise, manage and operate the Bruce Museum for such purposes. Any such agreement shall provide for the method of acceptance of gifts, grants, devises and bequests to the Bruce Museum, which method shall be in accordance with the standards of the American Association of Museums and which acceptance shall be the best interest of the townspeople. All items in the Bruce Museum collection shall be properly cataloged and conserved, whether stored or exhibited.

(c) Budget report; appropriation. Bruce Museum, Inc., through the Director of Parks and Recreation, shall annually prepare and submit to the First Selectman for preparation, submission and processing in accordance with Town budget procedures, a budget report presenting the proposed financial plans of the Museum for the ensuing fiscal year. Such budget reports shall be made at the time and in the form prescribed by the Board of Estimate and Taxation. The appropriations for the Museum shall be in the form of a single appropriation for such purpose.

(d) Sale or Disposition of Bruce Museum Collection Items. Bruce Museum, Inc., through the Director of Parks and Recreation may sell by sealed bid or public

auction, transfer, exchange or convey any item in the collection of the Bruce Museum, subject, nevertheless to the following:

- (i) All of the items in the collection of the Bruce Museum shall be held in trust for the benefit of the townspeople.
- (ii) No such item shall be disposed of except by affirmative action of the Board of Directors of Bruce Museum, Inc., acting at a meeting of said Board publicly noticed for such purpose. Notice of such meeting shall be published in a newspaper having general circulation in the Town of Greenwich at least Thirty (30) days prior to the date of such meeting, and the public shall have the right to attend and participate at such meeting.
- (iii) The Board of Directors of Bruce Museum, Inc., shall act to so dispose of an item in the collection of the Bruce Museum only upon an affirmative determination by said Board that the continued ownership or possession of such item by the Bruce Museum is not appropriate or necessary in the best interests of the townspeople for the proper operation of the Bruce Museum, either at the time of such determination or in the foreseeable future.
- (iv) In the case of a sale or exchange of any item in the collection having a value in excess of \$25,000, Bruce Museum, Inc., shall not dispose of such item without first obtaining an objective judgment appraisal of its value from a qualified, independent appraiser, which appraisal must include an indication of how the determination

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was made. All funds or property thereupon received by Bruce Museum, Inc., upon the sale or exchange of such item shall be in an amount of value at least equal to the value thereof as so appraised.

- (v) All funds received from sale or exchange of any item shall be deposited in an account specially designated to be used by Bruce Museum, Inc., to acquire objects to be added to the Bruce Museum collection. Any objects received in exchange for items in the museum collection shall be added to the said collection and held as aforesaid.
 - (vi) No item or object so disposed of shall be acquired privately by any Museum employee, officer, volunteer or member of the Board of Directors of the Bruce Museum, Inc. or other governing body of the Museum or his or her representative unless the item or object is sold publicly and with complete disclosure of its history.
 - (vii) The Director of Parks and Recreation shall execute all documents of title necessary to effect the sale or disposition of such items provided that there has been full compliance with the procedures set forth herein.
- (RTM, 10/28/1991.)

ARTICLE 9. PLANNING AND ZONING.***Sec. 82. Definitions.**

(a) For the purposes of this Article, the following terms shall have the meanings provided in this Section.

- (1) *Commission* means the Planning and Zoning Commission of the Town.
- (2) *Planning and Zoning Board of Appeals* means the Planning and Zoning Board of Appeals of the Town.
- (3) *Town* means the Town of Greenwich.
- (4) *Town Agency* means any person, board, department, commission, commissioner, committee or officer duly authorized to act for and in behalf of the Town in any capacity, including but not limited to the Board of Selectmen, the Board of Estimate and Taxation, the Department of Finance, the Fire Department, the Police Commission, the Department of Public Works, the Planning and Zoning Board of Appeals, the Board of Health, the Recreation Board, the Board of Social Services and the Condemnation Commission.
- (5) *Town Meeting* means the Representative Town Meeting of the Town.
- (6) *Street* includes all public and private streets, highways, avenues, boulevards, parkways, roads

***Cross reference**—As to planning and zoning generally, see Chapter 6 of this Code.

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and other ways used for vehicular or pedestrian travel, but excludes such ways serving a single principal use of any land or building.

(RTM, 1/17/1966)

- (7) *Subdivision* means the division of a tract or parcel of land into two (2) or more parcels or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and includes resubdivision.

(RTM, 3/14/2005.)

- (8) *Resubdivision* means a change in a map of an approved or recorded subdivision or resubdivision if such change;

(A) Materially affects any street layout shown on such map;

(B) Affects any area reserved thereon for common use; or

(C) Materially diminishes the size of any lot shown thereon, as defined in the subdivision regulations, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

- (9) *Public Real Property* includes public parks, playgrounds, parking spaces, water fronts, squares, commons, aviation facilities and other Town-owned real property used for public or municipal purposes.

- (10) *Public Notice* means, unless otherwise specified in this Chapter, the publication in a newspaper of general circulation in the Town once a week for two (2) consecutive weeks of a notice of

the time and place of a public hearing set for not less than ten (10) days after the date of the first of such publications.

(b) Whenever appropriate the singular shall include the plural and the plural shall include the singular. (S.A. 469 § 1, 1951; as amended by RTM, 10/14/1969; RTM, 6/8/1970.)

Sec. 83. Planning and Zoning Commission; powers.

There shall be in the Town a commission to be known as the "Planning and Zoning Commission of the Town of Greenwich." The commission shall, in addition to the powers and duties conferred by this Article have all the powers and duties conferred upon zoning commissions under the General Statutes. Authority to regulate the erection, construction, reconstruction, alteration or use of buildings and the use of land shall include authority to adopt building lines. Regulations concerning building lines, including those heretofore established for the Town and former borough of Greenwich, shall be adopted, enforced, amended or changed in the same manner as other zoning regulations. (S.A. 469 § 2, 1951.)

Sec. 84. Planning and Zoning Board of Appeals; organization.

(a) There shall be in the Town a board to be known as the "Planning and Zoning Board of Appeals of the Town of Greenwich." The Board shall have all the powers and duties conferred upon zoning boards of appeals by the General Statutes, in addition to the powers and duties conferred by this Article. The Board

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shall consist of five (5) regular members and three (3) alternate members, who shall be electors of the Town and shall not be members of the Commission. Such alternate members, also referred to as "the panel of alternates," shall, when seated as herein provided, have all the powers and duties conferred upon zoning boards of appeals and their members by the General Statutes in addition to the powers and duties conferred by this Article.

(b) Said regular members and alternate members shall be appointed by the Town Meeting on nominations by the Selectmen. All appointments of regular members and alternate members to the Board, except to fill unexpired terms, shall be made annually on or before March 31. Each regular member and alternate member appointed heretofore and currently serving a designated term shall continue to serve such term for which such member was appointed. Of the two (2) additional positions as alternate members of the Board created hereby, one (1) shall be appointed for a term expiring on March 31, 1976 and one (1) for a term expiring on March 31, 1977. After January 1, 1974 all appointments of regular members and alternate members to the Board, except to fill vacancies for unexpired terms, shall be for terms of four (4) years commencing on April 1 of the first year of the term. Appointed regular members and alternate members of the Board shall hold office until their successors shall have been appointed and shall have qualified.

(c) Vacancies in the appointed membership of the Board including any vacancy in the panel of alternates shall be filled for the unexpired portion of the term in the same manner as regular appointments. If a regu-

lar member of the Board is absent, he may designate an alternate from the panel of alternates to act in his place. If he fails to make such a designation or if he is disqualified, the chairman of the Board shall designate an alternate from such panel, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(S.A. 469, 1951, § 3; as amended by RTM, 6/12/1961; RTM, 6/9/1969; RTM, 10/9/1973.)

Sec. 85. Commission membership.

(a) The Planning and Zoning Commission shall consist of seven (7) members all of whom, except ex officio members, shall be electors of the Town. Five (5) members shall be appointed by the Town Meeting on nominations by the Selectmen. The remaining two (2) shall be the First Selectman and the Commissioner of Public Works, ex officio. After July 1, 1969 all appointments to the Commission, except to fill unexpired terms, shall be made annually on or before March 31.

(b) The ex officio members of the Commission shall have the same rights and duties as the appointed members, but shall not have the right to vote. Their terms of office shall correspond to their respective official tenures.

(c) Four (4) members of the Commission shall constitute a quorum thereof and such quorum may include an ex officio member or members. No action of the Commission shall be taken except upon the affirmative vote of at least four (4) members thereof.

(S.A. 469 § 4, 1951; as amended by RTM 6/9/69.)

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Sec. 86. Alternative members; creation; term; vacancies.

(a) In addition to the five (5) regular members of the Planning and Zoning Commission, the Commission shall also include three (3) alternate members. They shall be appointed by the Representative Town Meeting on nominations by the Board of Selectmen. Appointments of alternate members shall be for the term of three (3) years commencing on April 1, 1972.

(b) The alternate members of the Planning and Zoning Commission when seated on the Commission shall have all the powers and duties set forth in the General Statutes of the State and the Special Acts of the Town relating to the Planning and Zoning Commission of the Town. Such alternate members shall be electors of the Town and shall not be members of the Planning and Zoning Board of Appeals.

(c) Appointed alternate members of the Commission shall hold office until their successors shall have been appointed and shall have qualified. Vacancies in the alternate membership of the Commission shall be filled for the unexpired portion of a term in the same manner as regular appointments.

(d) If a regular member of the Planning and Zoning Commission is absent or is disqualified, the chairman of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(e) Alternate members of the Commission shall serve without compensation.
(RTM, 6/12/72.)

Sec. 87. Commission; terms; vacancies.

(a) Of the members of the Commission first appointed, two (2) shall be appointed for terms respectively expiring on December 31 of the year following their appointment; two (2) shall be appointed for terms respectively expiring on December 31 of the second year following the year of their appointment; and one (1) shall be appointed for a term expiring on December 31 of the third year following the year of his appointment. After July 1, 1969 all appointments of members to the Commission, except appointments to fill vacancies for unexpired terms, shall be for terms of three (3) years, commencing April 1 of the first year of the term. Appointed members of the Commission shall hold office until their successors shall have been appointed and shall qualify.

(b) Vacancies in the appointed membership of the Commission shall be filled for the unexpired portion of a term in the same manner as regular appointments.
(S.A. 469 § 5, 1951; as amended by RTM, 6/9/69.)

Sec. 88. Commission officers; meeting; rules; records.

(a) The Commission shall elect a chairman and a secretary from among its appointed members and shall create and fill such other offices as it may determine. The term of office of the chairman of the Commission shall be one (1) year and an incumbent of such office shall be eligible for re-election.

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(b) The Commission shall hold at least one regular meeting in each month. The Commission shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations. Such record shall be a public record. (S.A. 469 § 6, 1951.)

Sec. 89. Commission employees.

The Commission may engage such employees as it may deem necessary for its work and may also employ or contract with planning consultants, engineers, architects and other specialists for such services as it may require. (S.A. 469 § 7, 1951.)

Sec. 90. Commission; information.

The Commission may consult with any Town agency, the Board of Education or the Housing Authority of the Town, which shall, upon request, furnish to the Commission, within a reasonable time, such information as it may have which the Commission may require for its work. (S.A. 469 § 8, 1951.)

Sec. 91. Commission budget.

On or before December 1, in each year, or at such other time as the Board of Estimate shall prescribe, the Commission shall prepare and submit a budget request presenting its requirements for the ensuing fiscal year in accordance with Section 21. The Commission may accept gifts for its purposes, but all of its expenditures, exclusive of such gifts, shall be within the amounts appropriated for its purposes. (S.A. 469 § 9, 1951; as amended by RTM, 1/8/62; RTM, 6/9/03, approved at referendum 11/4/03.)

Sec. 92. Plan of Development.

The Commission shall prepare and adopt and may amend a plan for the development of the Town. Such plan shall be known as the "Plan of Development" and shall be so prepared that all or portions thereof may be adopted by the Town Meeting. The plan shall be based on studies of physical, social, economic and governmental conditions and trends and shall be designed to promote the development of the Town and the general welfare and prosperity of its people.

(S.A. 469 § 10, 1951.)

Sec. 93. Plan adoption and amendment.

The Commission may adopt the Plan of Development by a single resolution or may, by successive resolutions, adopt parts of the plan and amendments thereto. The Commission may, from time to time, amend, extend or add to the Plan of Development or parts thereof whenever changed conditions or further studies by the Commission indicate the advisability of such amendment, extension or addition.

(S.A. 469 § 11, 1951.)

Sec. 94. Contents of Plan.

The Plan of Development shall show the Commission's recommendation for the most desirable use of land within the Town for residential, recreational, commercial, industrial and other purposes; for the most desirable density of population in the several parts of the town; for a system of streets and drains, for parks, for the general location, relocation and improvement of public real property and public buildings, including schools; for the general location and extent of public

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utilities and terminals, whether publicly or privately owned, for water, sewerage, light, power, transit and other purposes; and for the location of public housing projects. Such other recommendations may be made by the Commission and included in the plan as will, in its judgment, be beneficial to the town.
(S.A. 469 § 12, 1951.)

Sec. 95. Plan adoption; procedure.

Prior to the adoption of any plan of development, or any part thereof, or any amendment thereto, the Commission shall file, in the office of the Town Clerk, a copy thereof with accompanying maps, diagrams, charts, descriptive matter and reports and shall hold at least one (1) public hearing thereon after public notice.
(S.A. 469 § 13, 1951.)

Sec. 96. Approval of Plan by Representative Town Meeting.

After the adoption by the Commission of any plan of development, or any part thereof, or any amendment thereto, a copy thereof, with accompanying maps, diagrams, charts, descriptive matter and reports shall be certified to the Representative Town Meeting for its approval or rejection. Such Plan of Development, or any part thereof, or amendment thereto, shall take effect upon approval by the Representative Town Meeting. After the approval of such Plan of Development, or any part thereof, or amendment thereto, by the Representative Town Meeting, a copy thereof with accompanying maps, diagrams, charts and descriptive matter certified by the clerk of the Representative Town Meeting shall be filed in the office of the Town Clerk.
(S.A. 469 § 14, 1951.)

Sec. 97. Plan of Development; purpose.

The approval by the Representative Town Meeting of any plan of development, or any part thereof, or any amendment thereto, is hereby declared to be to conserve and promote the public health, safety and general welfare.

(S.A. 469 § 15, 1951.)

Sec. 98. Plan; limitation on effect.

(a) The Plan of Development shall not, except as specifically provided in this Article, prevent the use of any land for any purpose otherwise lawful, and shall not in any way reduce the amount of the award which any landowner may be entitled to receive for his land in any condemnation proceedings, whether or not the landowner or his predecessors in title shall have improved or altered his land contrary to the Plan of Development.

(b) The Commission shall not refuse approval of any subdivision on the ground that such subdivision creates or will tend to create a use of land contrary to that shown upon the Plan of Development, except insofar as the Commission may, under Section 101, require the streets and drains in such subdivision to conform to the street and drainage system shown on the Plan of Development.

(S.A. 469 § 16, 1951.)

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Sec. 99. Municipal improvements; approval.

(a) After the passage of this Article no action, other than the making of studies or surveys, shall be taken by any Town agency, the Board of Education or the Housing Authority on any proposal involving;

- (1) The location, relocation, major redesign, extension or abandonment of any street or sewage disposal plant;
- (2) The acquisition of land for, or the location, relocation, abandonment, sale, lease or major redesign of public real property or public buildings, including schools;
- (3) The extent and location of transportation routes and terminals whether publicly or privately owned; or
- (4) The location of public housing projects.

Until such proposal has been submitted to and approved by the Commission or has been approved by the Representative Town Meeting as herein provided.

(S.A. 469 § 17, 1951.)

Sec. 100. Municipal, improvements; referral to Representative Town Meeting.

(a) The failure of the Commission to act upon any proposal, submitted to it pursuant to Section 99 hereof, within ninety (90) days after such submission shall be deemed to constitute an approval thereof. The Commission may, by resolution adopted prior to the termination of the ninety (90) day period and for sufficient reasons to be stated in the resolution, defer approval for any length of time reasonably necessary.

(b) In the event of the approval or disapproval or deferment by the Commission of any such proposal, the Commission shall cause a notice of such action to be published in a newspaper having a general circulation in the Town and the Town Agency, the Board of Education or the Housing Authority having original jurisdiction of the matter, or any person owning property within the Town, may, within thirty (30) days from the date of publication of such notice by the Commission, refer such proposal to the Representative Town Meeting. The Representative Town Meeting shall have power to approve such proposal or to reject it. (S.A. 469 § 18, 1951; as amended by RTM, 6/8/70.)

Sec. 101. Subdivision of land; procedure; regulations.

(a) No subdivision of land shall be made until a plan for such subdivision has been approved by the Commission. Any person, firm or corporation making any subdivision of land without the approval of the Commission shall be fined not more than Two Hundred Dollars (\$200.00) for each lot sold or so subdivided.

(b) All plans for subdivision shall, upon approval, be filed or recorded in the office of the Town Clerk. Any plan not so filed or recorded within ninety (90) days following its approval by the Commission or within ninety (90) days of the date upon which such plan is taken as approved by reason of the failure of the Commission to act, shall become null and void. No such plan shall be recorded or filed by the Town Clerk or other officer authorized to record or file plans until its approval has been endorsed thereon. The filing or recording of a subdivision plan without such approval shall be void.

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(c) Before exercising the powers granted in this Section the Commission shall adopt regulations covering the subdivision of land. No such regulations shall become effective until after a public hearing, notice of the time, place and purpose of which shall be given by publication in a newspaper of general circulation in the municipality at least seven (7) days prior to the date of such hearing, and until the same or any material amendment thereof, shall be approved by the Representative Town Meeting.

(d) The regulations shall provide that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety, that proper provision shall be made for water, drainage and sewerage, and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that provision shall be made for protective flood control measures and that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the Plan of Development as described in Section 94, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width, as to provide an adequate and convenient system for present and prospective traffic needs.

(e) Such regulations may provide for open spaces for parks and playgrounds for use of the subdivision and for the maintenance thereof.

(f) Such regulations shall provide for the variance of the application of such regulations in harmony with their general purposes and intent where, owing to conditions especially affecting the land being subdivided, a literal enforcement of such regulations would

result in practical difficulty, unnecessary hardship or a conflict with other requirements in such subdivision deemed to be of greater benefit or importance.

(g) Such regulations may prescribe the extent to which and the manner in which streets shall be graded and improved and public utilities and services provided.

(S.A. 469 § 19, 1959; as amended by RTM, 6/8/70.)

Sec. 102. Subdivision plans; approval.

(a) All plans for subdivisions shall be submitted to the Commission with an application in a form to be prescribed by it. The Commission may charge fees as set forth in the subdivision regulations. The Commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be acted upon by the Commission without a public hearing. Notice of the public hearing shall be given not less than seven (7) days before the date of the hearing by publication once in a newspaper of general circulation in the municipality and by sending a copy thereof by registered or certified mail to the applicant.

(b) The Commission shall approve, modify and approve or disapprove any subdivision application or maps and plans submitted therewith within sixty (60) days after the submission thereof. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the municipality and addressed by certified mail to any person applying to the Commission under this Section, by its secretary or clerk, under his signature in any written, printed, typewritten or stamped form, within ten (10)

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days after such decision has been rendered. Such notice shall be a simple statement that such application was approved, modified and approved or disapproved, together with the date of such action.

(c) The failure of the Commission to act thereon shall be considered as an approval and a certificate to that effect shall be issued by the Commission on demand, provided an extension of this period may be had with the consent of the applicant. The grounds for disapproval shall be stated in the records of the Commission.

(S.A. 469 § 20, 1951; as amended by RTM, 6/8/70.)

Sec. 103. Subdivisions; petition to Board of Appeals.

(a) The action of the Commission in approving or disapproving any subdivision may be reviewed by the Planning and Zoning Board of Appeals on petition by any Town agency, the Board of Education or the Housing Authority, by any person owning property in the Town, or by the person seeking approval of such subdivision, provided written notice of such petition is filed by the petitioner with the Commission and the Town Clerk within twenty (20) days from the effective date of such action. Upon receipt of such written notice, the Commission shall transmit a record of the proceedings had before it to the Planning and Zoning Board of Appeals which after a public hearing had de novo shall have the power to uphold or reverse such action.

(b) The Board shall be bound to the same extent as the Commission by any regulations passed pursuant to Section 101 hereof, may provide for rules of proce-

ture before it, shall keep minutes of its meetings and full transcripts of all public hearings, and, in the event of the reversal of the Commission's action or disapproval of a subdivision, shall enter the reasons therefor in its minutes.

(c) The action of the Planning and Zoning Board of Appeals on a petition for review of a decision by the Planning and Zoning Commission shall constitute the action of the final planning authority of the Town with respect to subdivisions.

(S.A. 469 § 21, 1951; as amended by RTM, 6/8/70.)

Sec. 104. Subdivision appeals.

Any person aggrieved by an official action of the Planning and Zoning Board of Appeals may appeal therefrom in the manner and with the effect provided in Sec. 8-28 of the General Statutes.

(S.A. 469 § 22, 1951; as amended by RTM, 6/8/70.)

Sec. 105. Building permits in subdivisions; bond.

(a) No building permit shall be issued for a building in any subdivision on any street, the construction of which has not been commenced prior to the effective date of this Article, until the Commissioner of Public Works shall have certified that the street and drains therefor, together with other drains in such subdivision, have been constructed as approved by the Commission, or until a bond to secure to the Town the completion of such roads and drains within a time acceptable to the Commissioner of Public Works has been posted with the Commissioner of Public Works.

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(b) The bond shall be signed by a surety company authorized to do business in this State and shall be in an amount sufficient to secure the cost of completion of such streets and drains as estimated by the Commissioner. If the construction of all of the roads and drains in a subdivision will not be finished or bonded prior to the issuance of any building permit in such subdivision, the Commissioner of Public Works shall have the power to approve the order in which the streets and drains or portions thereof are completed or bonded. When a street or drain or portion thereof has been completed or bonded, the Commissioner of Public Works shall notify the Building Inspector of this fact. (S.A. 469 § 23, 1951.)

Sec. 106. Streets and drains; construction; inspection.

(a) The construction of any streets or drains approved by the Commission shall not be commenced until a permit therefor has been obtained from the Commissioner of Public Works. The Commissioner shall, upon application, issue a permit good for six (6) months, provided he approves the order, if any, in which portions of the approved roads or drains are to be constructed. The Commissioner of Public Works may require as a condition to certifying completion of streets and drains a certificate signed by a registered professional engineer experienced in the construction of streets and drains stating that the completed streets and drains have been constructed under his supervision and according to plans and specifications approved by the Commission.

(b) After an appropriation has been obtained as provided by law for other appropriations in the Town, the Commissioner may employ, and the Town shall

compensate, such inspectors as may be necessary to insure that all such construction has been done according to plans and specifications approved by the Commission, and the amount of such compensation shall be repaid to the Town by the person by whom such construction has been undertaken. The Commissioner may require a bond with sufficient surety to insure to the Town the repayment of such compensation. (S.A. 469 § 24, 1951.)

Sec. 107. Approved subdivisions not affected.

No subdivision that has received final approval under Special Acts and Regulations as heretofore constituted shall be required to comply with the provisions of the foregoing amendments, or any amendments to the subdivision regulations made hereafter. In the event of a resubdivision the plan shall be governed by then existing regulations. (RTM, 6/8/70.)

ARTICLE 10. POLICE BENEFIT FUND

Sec. 108. Police Benefit Fund created.

There shall be in the Town a fund called the "Police Benefit Fund". This Fund shall consist of:

- (1) All property specially devised or given for the benefit of disabled policemen of the Town and all property given to them on account of services rendered;
- (2) All lost, abandoned, unclaimed or stolen money recovered by or turned in by any Town police officer and all monies arising from the sale of

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abandoned, lost or stolen property which may be recovered by any such Town police officer, available at any time for the purpose under the laws of this State;

- (3) All rewards, gifts and emoluments that may be presented to the Police Department or to any member thereof;
- (4) The income and interest from all property and money belonging to this Fund;
- (5) Such sums as the Town may from time to time, appropriate therefor;
- (6) All monies collected from such Town police officers by fines or forfeitures of pay imposed or ordered and all monies deducted or withheld from the pay of any such Town police officer on account of lost time or for breach of rules of the Police Department;
- (7) All monthly assessments on the salaries of all members of the Police Department on the basis of seven and three-quarters percent (7 3/4%) per annum thereof. Any member may, by written notification received by the Board of Trustees within thirty (30) days following January 1, 1963, elect to continue to make contributions at five percent (5%) of his annual salary and receive only those benefits which were provided under this Article prior to January 1, 1963.
(S.A. 410 § 2, 1931; as amended by S.A. 362 § 1, 1941; S.A. 254, 1947; RTM, 11/13/62.)

Sec. 109. Benefit Fund trustees.

The Selectmen of the Town, the Comptroller of the Town and the Chief of the Police Department of the

Town shall be trustees of the Fund and the Treasurer of the Town shall be the Treasurer of the Fund. The Comptroller shall draw all orders upon the Fund, which orders shall be countersigned by the Treasurer of the Town. The secretary shall keep a record of the proceedings of the Board and of all actions taken by it with regard to the Fund. The Trustees shall make a report annually to the Board of Selectmen, which shall be published with Town report.

(RTM, 1/17/66.)

Sec. 110. Trustees to administer Fund; deficiencies.

The Board of Trustees shall have charge of the Benefit Fund and may, by a majority vote, direct the Treasurer to invest any portion of the fund in any securities authorized by law as investments for trust funds or to deposit the Fund or any portion thereof in any of the banks in the Town. If the Benefit Fund shall be found, at any time, to be insufficient to meet the requirements upon it, the Selectmen may, at the instance of the Board of Trustees, recommend an appropriation to make good such deficiency and any prospective deficiency in the Fund may be provided for by the Town in its annual appropriation for the Police Department.

(S.A. 410, §4, 1931.)

Sec. 111. Retirement due to disability.

(a) The Board of Trustees may, by the affirmative vote of a majority thereof, as a reward for meritorious service, retire from duty any member of the regular Town Police Force after twelve years of continuous service as a Town police officer, upon a certificate of a

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physician showing that such member is permanently disabled. Such physician shall further certify that, in his opinion, such disability is due either to the natural infirmities of age or to injury received or exposure endured in the performance of duty as a policeman of the Town. Such member, so retired, shall receive annually from the Fund during his lifetime, a sum equal to two percent (2%) if the member retired prior to July 1, 1971, or if the member retired on or after July 1, 1971, two and one-quarter percent (2-1/4%) of the regular yearly compensation received by him before retirement for each year of his continuous service, provided that such sum shall not be less than one-half (1/2) of such compensation and shall not exceed two-thirds (2/3) of such compensation. Such sum shall be paid in monthly installments.

(b) The Board of Trustees may, by an affirmative vote of the whole number of its members, retire any member of the Town Police Force, who, while in the actual performance of duty and by reason of the performance of duty and without fault or misconduct on his part, shall become permanently disabled physically or mentally, so as to be entirely unfit for the performance of duty. Such member, so retired, shall receive annually from the Fund during his lifetime, a sum equal to two percent (2%) (if the member retired prior to July 1, 1971, or two and one-quarter percent (2 1/4%) (if the member retired on or after July 1, 1971,) of the regular yearly compensation received by him before retirement for each year of his continuous service, provided that such sum shall not be less than one-half (1/2) of such compensation and shall not exceed two-thirds (2/3) of such compensation. Such sum shall be paid in monthly installments.

(c) After death of any member of the force, so retired, or after the death of any member of the force eligible for retirement, the widow of any such member married prior to such retirement or eligibility for retirement shall receive, during her lifetime, or until her remarriage, a sum equal to one-fourth (1/4) of the regular yearly compensation received by such member before retirement or eligibility for retirement. Such sum shall be paid in monthly installments.

(S.A. 410 § 6; as amended by S.A. 362 § 2, 1941; RTM, 11/13/62.)

Sec. 112. Retirement due to age.

(a) Any member in service may retire upon his written application to the board of trustees setting forth at what time, not less than thirty (30) nor more than ninety (90) days subsequent to the filing thereof, he desires to be retired, provided, at the time so specified for his retirement, he shall have met the minimum requirements for service retirement set forth below in which event his benefit shall be determined at the rate set forth.

Minimum Requirements For Service Retirement Age and Service

<i>Date Effective</i>	<i>Age</i>	<i>Years of Creditable Service</i>	<i>Age Only</i>	<i>Maximum Retirement Age</i>	<i>Rate of Benefit</i>
Prior to July 1, 1971	50	25	55	60	1/50
On and After July 1, 1971	45	20	55	55	1/40

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The maximum retirement age of fifty-five (55) shall apply only to members who shall not have attained said age as of July 1, 1971, and the maximum retirement age for members who shall have attained age fifty-five (55) prior to July 1, 1971, shall continue to be age sixty (60). A member who has attained his compulsory retirement age may continue in active service for a further period of not more than two (2) years at the discretion of the police commission.

(b) Any member retired under the provisions of this Section shall receive annually from the Fund during his lifetime, a sum equal to his rate of benefit multiplied by the regular yearly compensation received by him before retirement for each year of his continuous service, but not in excess of two-thirds ($2/3$) of such compensation, such sum to be paid in monthly installments. Upon the death of any member retired under the provisions of this Section, the widow of such member, married prior to retirement, shall receive during her lifetime or until her remarriage, a sum equal to one-fourth ($1/4$) of the regular yearly compensation received by such member before retirement, such sum to be paid in monthly installments.

(c) Upon the death of any active member in good standing on whose account no benefits are payable under Sections 111 or 114 of this Article, the widow of such member shall receive during her lifetime or until her remarriage a sum equal to one-fourth ($1/4$) of the regular yearly compensation received by such member at the time of his death, such sum to be paid in monthly installments. In no event shall the sum received by any pensioner or beneficiary of said pensioner be less than One Thousand Two Hundred Dollars (\$1,200) annually.

(d) Each member who retired prior to July 1, 1982, or his beneficiary, shall receive, effective July 1, 1987, an adjusted retirement allowance in accordance with the following table:

Age Less Than 65	Increase in Allowance	Per Cent Increase	Adjusted Maximum Monthly Benefit Not to Exceed
Current Maximum Monthly Benefit			
Less than \$300	20%		\$ 339.00
\$300 to \$499.99	13%		\$ 535.00
\$500 to \$999.00	7%		\$1,000.00
\$1,000 and over	None		—

Age 65 and over	Increase in Allowance	Per Cent Increase	Adjusted Maximum Monthly Benefit Not to Exceed
Current Maximum Monthly Benefit			
Less than \$300	27%		\$ 360.00
\$300 to \$499.99	20%		\$ 565.00
\$500 to \$999.99	13%		\$1,000.00
\$1,000 and over	None		—

Provided, however, effective July 1, 1987, no retired member or beneficiary shall receive a pension less than \$300 per month including this adjustment.

(S.A. 362 § 4, 1941; as amended by RTM, 3/9/59; RTM, 11/13/62; RTM, 1/18/71; RTM, 9/13/71; RTM, 6/9/80; RTM, 6/29/87.)

Sec. 113. Recall from pension list.

The Board of Trustees may, in its discretion, order any member on the retired list, except such members

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as have been retired under the provisions of Section 112 hereof, to be examined or reexamined by a medical examiner to be designated by the Board. If such member shall be reported capable of performing his police duty, the Board may, by the affirmative vote of a majority of its whole number, restore such member to the regular force.

(S.A. 362 § 5, 1941.)

Sec. 114. Benefits to family of deceased member.

(a) When any member of the regular (or supernumerary) police force shall have been killed while in the actual performance of duty, or shall have died from the effects of any injury received while in the actual discharge of such duty, the Board of Trustees shall direct an allowance out of such Fund equal to one-half (1/2) of:

- (1) In the case of a member classified as a policeman who is below the rank of lieutenant, the annual earnable compensation of a police lieutenant as in effect at the time of his death; or
- (2) In the case of a member classified as a policeman if the rank of lieutenant, the annual earnable compensation of a police captain as in effect at the time of his death; or
- (3) In the case of a member classified as a policeman of the rank of captain, the maximum annual earnable compensation of a deputy chief as in effect at the time of his death, to be paid from the Fund to the widow of such policeman or, if he shall leave no widow, to his child or children not over eighteen (18) years of age, and to his child or children under eighteen (18) years of

age, after the death or marriage of his widow. Such annual payments to such widow shall cease if such widow shall marry, and such payment to such children shall cease when all of such children shall attain the age of eighteen (18) years. If such deceased member shall leave neither widow, nor children under the age of eighteen (18) years, the Board of Trustees may, in its discretion, by a majority vote of its whole number, direct the whole or any part of such sum to be paid to the parent or parents of such deceased member, if such parent or parents, prior to his death, depended on him, in whole or in part for their support.

(S.A. 410 § 7, 1931; as amended by S.A. 362 § 3, 1941.)

Sec. 115. Exceptions to widow's allowance.

A widow shall not be entitled to the benefits herein provided if her marriage took place after a member had retired nor if she has been living separate and apart from her husband at the time of his death. To be entitled to the benefits herein provided, a widow shall have lived continuously with her husband at least one (1) year next preceding his demise.

(S.A. 362 § 7, 1941.)

Sec. 116. Refund of contributions.

Upon the termination of service of a member for any reason other than death or retirement, he shall be paid the amount of his contributions made to the Fund subsequent to January 1, 1963 together with interest at three and one-half percent (3-1/2%) per annum. If a member dies prior to retirement, such amount shall be paid to such person, if any, he has nominated by

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written designation duly executed and filed with the Board of Trustees, otherwise to his legal representatives.

(RTM, 11/13/62.)

Sec. 117. Effect of failure to pay assessment.

Any person who shall fail to pay any assessment which may be laid as herein provided shall not be entitled to any benefits from the Fund.

(S.A. 410 § 8, 1931.)

Sec. 118. Rules and regulations.

The Board of Trustees shall have authority to make all necessary rules and regulations to carry out the provisions of this Article concerning the Fund.

(S.A. 410 § 9, 1931.)

Sec. 119. Trustees to administer Borough Fund.

All rights and benefits accruing, and the principal of any monies, and/or other personal property held for the benefit of the Police Department of the Borough of Greenwich under an act amending the charter of the Borough of Greenwich approved June 6, 1913, and an act providing for a police benefit fund in the Town of Greenwich, approved April 18, 1929, shall be held by the trustees provided for under this Article, to be administered in accordance with its provisions for the benefit of the entire Police Force of the Town.

(S.A. 410 § 1, 1931.)

Sec. 120. Property transferred to Trustees.

All accumulations of the Police Benefit Fund existing under previous laws or any ordinance passed by

the Town and all property heretofore devised and given, if any, for the benefit of disabled policemen of the Town or Borough of Greenwich are transferred to, and vested in, the trustees of the Police Benefit Fund herein provided for, to be held and managed and disposed of as heretofore provided, and all lawful acts heretofore done in reference to the Fund are ratified. No payments to any member of the Police Department of the Town not formerly a member of the police force of the Borough of Greenwich shall be made by the trustees out of any funds received from the trustees of the Borough Police Benefit Fund until the per capita value of the Town Police Benefit Fund shall be equal to the per capita value on January 1, 1932 to each member of the Police Department of the Borough of Greenwich.

(S.A. 410 § 10, 1931.)

Sec. 121. Payment by Town.

(a) The Town shall annually add to the Police Benefit Fund a sum equal to the total assessments on the salary of each member of the Police Department who is a member of the Police Benefit Fund paid to the Trustees of the Fund during the preceding year, plus an amount equal to two percent (2%) of the total salaries paid during the preceding year to members of the Police Department who are members of the Police Benefit Fund.

(b) This amendment is to be construed as temporary relief until such time as a more general policy shall be put into effect; and it shall not create any vested rights to restrict the Town in its choice, or putting into effect, of such policy.

(S.A. 410 § 11, 1931; as amended by RTM, 3/9/59.)

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Sec. 121.1. John M. Gleason.

(a) As herein used (1) "police benefit fund" refers to the police benefit fund established and maintained under number 410 of the special acts of 1931, as amended; (2) "trustees" refers to the trustees of said police benefit fund; (3) "employment" refers to employment by the Town of Greenwich other than in its police department.

(b) The trustees may at any time, by the affirmative vote of a majority thereof, as a reward for meritorious service to the Town since January 30, 1930, retire John M. Gleason of Greenwich upon a certificate of a physician showing that John M. Gleason is permanently disabled and that such disability is due either to the natural infirmities of age or to injuries received or exposure endured in the performance of duty as a policeman of the Town of Greenwich, or in the employment of the Town as above defined.

(c) John M. Gleason may retire upon his written application to the trustees setting forth at what time, not less than thirty (30) nor more than ninety (90) days subsequent to the filing thereof, he desires to be retired, provided, at the time so specified for his retirement, he shall have attained the age of fifty-five (55).

(d) (1) Upon the retirement of John M. Gleason under this act the trustees of the police benefit fund shall pay from said fund to John M. Gleason during life a pension of Four Hundred Thirty Dollars (\$430.00) each month. (2) After the death of John M. Gleason so retired, or after his death after becoming eligible for retirement under this act the trustees of the police benefit fund shall pay from said fund to his widow

during her life or until her remarriage the sum of Two Hundred Fifteen Dollars (\$215.00) each month. (3) If John M. Gleason shall be killed while in the actual performance of duty in the employment of the town as above defined or shall die from the effects of any injury received while in the actual discharge of such duty, said monthly payments to his widow during her life or until her remarriage shall be Four Hundred Thirty Dollars (\$430.00). If there is no widow entitled to receive benefits under this subsection and if the parent or parents of John M. Gleason are living and prior to his death depended on him in whole or in part for their support, the trustees may, in their discretion, by a majority vote of the whole number thereof, direct the whole or any part of such monthly sum to be paid to such parent or parents.

(e) The widow of John M. Gleason shall not be entitled to benefits under this act if (1) her marriage to John M. Gleason took place after his retirement, or (2) if she shall not have been married to John M. Gleason and lived continuously with him at least one year prior to his death.

(f) Until the retirement of John M. Gleason under this act or until his death, whichever first occurs, he shall pay into the police benefit fund the monthly sum of Forty-three Dollars (\$43.00).

(g) The retirement of John M. Gleason under this act shall not be conditioned on his employment by the town of Greenwich as above defined or as a policeman at the time of his retirement, but such employment shall not continue after retirement.

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(h) During his employment as defined above John M. Gleason shall not be a member of the retirement system established under number 408 of the special acts of 1945, as amended.

(4/1/55).

ARTICLE 11. PUBLIC PARKING.

Sec. 122. Department of Parking Services; Director.

(a) There shall be a Department of Parking Services under the supervision and control of the First Selectman. The Department of Parking Services shall have charge of administrative and managerial services relating to the parking areas and facilities of the Town including supervision of planning, development, operation, regulation, collection of revenue and use of public parking areas owned, leased with or otherwise subject to the jurisdiction of the Town and, as provided in this section, with supervision of the construction and furnishing of same with necessary equipment, signs, buildings, appurtenances and other structures and the maintenance thereof. The Department of Parking Services shall assist the Board of Selectmen, Board of Estimate and Taxation, Condemnation Commission, Planning and Zoning Commission and Representative Town Meeting in carrying out their responsibilities under this Article.

(b) The head of the Department of Parking Services shall be the Director of Parking Services who shall be experienced in matters of public parking administration and management. The Director shall perform the duties set forth in this Article and shall supervise

public parking projects. The Director shall select and employ architects and professional engineers for projects requiring structural analysis, design, development and construction management, except that no architect or engineer shall be selected or employed without the prior approval of the Commissioner of Public Works and the Selectmen. No documents shall be issued for bidding for the construction of parking structures unless and until the final project plans and specifications have been sealed and approved by a professional engineer and approved by the Commissioner of Public Works and the Selectmen. The Director shall obtain written statements from the architect and engineer of record and general contractor involved in any project affirming that the completed construction is in compliance with the approved plans and design specifications. The Director shall superintend the issuance of all permits, licenses, assignments and scheduling of maintenance of public parking areas and facilities.

(c) The Director may make joint applications with the Commissioner of Public Works for appropriations for parking-related activities including construction, maintenance and design professional work in order that they may be carried out by the Department of Public Works and shall obtain the approval of the Commissioner of Public Works for any on-street parking activity that affects a Town highway. Such appropriations and appropriations for the parking administrative and managerial services shall be charged to the Department of Parking Services and may be made first from the parking fund and then, as necessary, from the general fund and shall be submitted and approved separately from appropriations for the acquisition and improvement of parking areas as otherwise

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provided by this Article. Determination of joint, administrative and managerial appropriation requests related to parking services shall be made by the First Selectman.

(RTM, 6/13/2005; RTM, 4/10/2006; RTM, 6/12/2006.)

Sec. 123. Acquisition of land for public parking.

The Town is authorized to acquire real property, which shall include improvements, easements, hereditaments and every estate and interest therein, by purchase, lease, gift or condemnation, and to improve the same, for the purpose of providing for the public parking of vehicles, after funds to cover the estimated cost of acquisition and improvement have been appropriated and allotted as hereinafter provided and as provided by law in the Town.

(S.A. 177 § 1, 1957; RTM, 6/13/2005; RTM, 6/12/2006.)

Sec. 124. Appropriations for parking areas; initiation of projects.

(a) The Town may make appropriations for, and provide out of the general fund and through borrowing, funds to pay the cost of the acquisition and improvement of parking areas, whether or not any part of such cost is to be reimbursed to the Town as hereinafter provided, and may allot such funds in the manner hereinafter provided.

(b) If in the judgment of the Board of Selectmen it is necessary to acquire or improve any area for the public parking of vehicles, it shall submit to the Board of Estimate and Taxation plans showing the area to be acquired or improved, together with a request for an allotment from funds appropriated for this purpose to

meet the estimated cost of acquisition or improvement and, if necessary, an application for the appropriation of such funds as may be required for any such allotment.

(S.A. 177 § 3, 1957; RTM, 6/13/2005; RTM, 4/10/2006; RTM, 6/12/2006.)

Sec. 125. Determination of allotments; notice; amounts.

(a) All allotments by the Board of Estimate and Taxation from funds appropriated for the acquisition or improvement of public parking areas shall be allotted by seven (7) affirmative votes of the Board of Estimate and Taxation. In making any such allotment, the Board of Estimate and Taxation shall by seven (7) affirmative votes determine:

- (1) What portion, if any, of such cost shall be reimbursed to the Town by the assessment of benefits in the manner hereinafter provided and the parking district to be benefited by such acquisition or improvement, and to be assessed for such benefits. In its determination of the area or areas of benefit, the Board of Estimate and Taxation may divide the same into benefit zones or sub-areas of benefit and may determine what portion in percentage of the total amount to be assessed as benefits shall be made a charge upon and apportioned by the Condemnation Commission over and upon each benefit zone or sub-area of benefit in proportion to the benefit received;
- (2) What portion, if any, of such cost shall be reimbursed to the Town by the laying and

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levying of taxes in the manner hereinafter provided and the parking district to be served by such acquisition or improvement, and to be taxed therefore; and

(3) What portion, if any, of net revenues to be derived from parking meters on the highways or public parking areas within any such parking district shall be applied on account of the portion of the cost determined to be reimbursed by the laying and levying of taxes as aforesaid.

(b) Public notice of the meetings at which any such allotment and determinations are to be considered shall be given at least ten (10) days before the meeting by publishing a copy thereof in a newspaper having circulation in the Town.

(c) No appropriation or allotment of more than Five Thousand Dollars (\$5,000.00) for the acquisition or improvement of any parking area shall become effective until it and such determinations of the Board of Estimate and Taxation shall be approved by the Representative Town Meeting. The Town Meeting shall have power to increase but may not decrease the portion of cost to be reimbursed and may decrease, but not increase, the portion of such meter revenues to be so applied. The approval of the Representative Town Meeting shall not be required for any appropriation or allotment of Five Thousand Dollars (\$5,000.00) or less nor for such determinations of the Board of Estimate and Taxation with respect thereto.

(d) All determinations made under this Section may be revised from time to time in the same manner in which the original determinations are to be made hereunder.

(S.A. 177 § 4, 1957.)

Sec. 126. Filing of parking district maps.

The Board of Estimate and Taxation shall forthwith file in the office of the Town Clerk each parking district map approved as provided above. The Town Clerk shall receive all maps provided for in this Article for filing even though the same may not comply with the requirements of the General Statutes for such filing. (S.A. 177 § 5, 1957.)

Sec. 127. Appeal to Condemnation Commission.

(a) When any property owner is aggrieved by the inclusion of his property within a parking district, or by the exclusion of his property therefrom, he may appeal such inclusion or exclusion to the Condemnation Commission, provided written notice of such appeal is filed by the appellant with the Commission and the Town Clerk within fifteen (15) days after approval of such parking district by the Representative Town Meeting or the Board of Estimate and Taxation if Representative Town Meeting approval is not required.

(b) The Condemnation Commission, after hearing such appeal, may affirm the map of the parking district as originally drawn or may amend the same by the exclusion or inclusion, as the case may be, of the appellant's property. The Condemnation Commission shall file its decision with the Town Clerk and give written notice of its decision to the appellant and to the Town Counsel and, in case of any such amendment, shall file an amended parking district map with the Town Clerk. Such appeal shall stay all proceedings for the collection of any tax or assessment imposed on

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property of the appellant by reason of its inclusion within such parking district, but shall stay no other proceedings or actions.

(S.A. 177 § 6, 1957.)

Sec. 128. Acquisition of real property; procedure.

(a) After funds have been appropriated and allotted for the acquisition of any area for public parking, the Director of Parking Services may acquire such area by negotiation and, upon authorization of the Representative Town Meeting, may apply to the Condemnation Commission appointed under the provisions of Section 157 hereof, hereinafter called "the Commission," for the condemnation of such real property required for such purpose and for an assessment of damages. The Commission shall not take by eminent domain, for the purposes of this Article, any property of a corporation which has the right of eminent domain. This Article shall not affect the powers of eminent domain of such corporation.

(b) The Commission shall notify all persons claiming interest in such real property of a hearing on such proposed taking, notice of which shall be given to such persons at least ten (10) days before such hearing by leaving copies of such notice with them or at their places of abode in the Town, if they reside therein, or, if they do not reside in the Town, by registered or certified mail addressed to their last-known addresses, and by publication in a newspaper published or having circulation in the Town at least ten (10) days before such hearing. After such hearing the Commission shall determine whether or not such taking is necessary and, upon finding that it is necessary, shall determine

and assess damages resulting from such taking and shall file in the office of the Town Clerk a certificate as to its determination of such necessity of taking and shall therein designate by number each lot or parcel taken, the owner thereof, if known, and the damages assessed in each instance.

(c) The Commission, within five (5) days after the filing of the certificate, shall give written notice of such determination of necessity and assessment and the amount thereof in each case to each person claiming interest in each lot or parcel taken, addressed to him at his last-known post office address, and by publishing in a newspaper published or having circulation in the Town, within five (5) days after such filing, a notice of the filing in the office of the Town Clerk of the certificate of necessity and assessment of damages. Upon the filing of such certificate, title to the real property to be acquired shall vest in the Town.

(d) The assessment of damages shall be deemed final and conclusive upon such filing, without other notice to any person, subject to the right of appeal as provided in Section 149 hereof. The Town shall pay the amounts thus assessed to the persons claiming interest in each lot or parcel upon acceptance thereof. After the Town obtains title to real property acquired for public parking, the Director of Parking Services shall cause the same to be improved for public parking of vehicles after the allotment of funds therefor as herein provided.

(S.A. 177 § 7, 1957; RTM, 6/13/2005; RTM, 4/10/2006; RTM, 6/12/2006.)

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Sec. 129. Certification of cost of acquisition or improvements.

(a) The Director of Parking Services shall advise the Comptroller when such public parking areas have been acquired or improved. The Comptroller shall thereupon compute and ascertain the total cost of acquisition or improvement thereof. In such total cost shall be included all expenses in connection with the acquisition of land, buildings, easements and other property, or in the improvement thereof, all sums paid by the Town to surveyors, engineers, architects, inspectors, attorneys and other persons in connection therewith, the cost of any work done by the Town, all expenses in connection with any assessment of benefits, and the interest on notes or bonds issued by the Town, or on funds advanced by the Town at a rate not to exceed six percent (6%) per annum, to pay the expense of such acquisition or improvement computed to the time at which the first installment of any assessment or tax becomes due, but not in excess of four (4) years' interest.

(b) The Comptroller shall certify such total cost. The part of such cost which has been determined shall be assessed or taxed against the property within a parking district in accordance with the provisions of this Article. Where such cost is to be assessed, such certification shall be to the Condemnation Commission, and where such cost is to be taxed, such certification shall be to the Board of Estimate and Taxation. (S.A. 177 § 8, 1957; RTM, 6/13/2005; RTM, 4/10/2006; RTM, 6/12/2006.)

Sec. 130. Apportionment and assessment of benefits.

After receiving from the Comptroller the certificate of cost, the Condemnation Commission shall apportion among and assess against the several lots or parcels of real property within the area or sub-areas of benefit as shown on the parking district map all or such part of the cost of acquisition or improvement which is to be assessed against the property benefited within such area or sub-areas of benefit in the proportion, as nearly as may be, to the benefit which each lot or parcel shall derive therefrom. In determining such apportionment the Commission, among other things, may consider whether such benefits are direct or remote, the present and prospective use of the real property and the improvements thereon, the increase in the value of the real property and the improvements thereon benefited by such improvement and the frontage, size, shape and assessed value of such property. In the performance of its duties the Commission may employ such personnel and experts as may be necessary.

(S.A. 177 § 9, 1957.)

Sec. 131. Filing of proposed apportionment and assessment of benefits.

After the Condemnation Commission has prepared its proposed apportionment and assessment of benefits, it shall file the proposal in the office of the Town Clerk, designating by number with reference to a map each lot or parcel benefited, the owner thereof, if known, and the benefit to be apportioned and assessed in each in-

stance. Such map may be the parking district map, or a new map filed with the apportionment and assessment.

(S.A. 177 § 10, 1957.)

Sec. 132. Notice of hearing.

After the making and filing of the proposed apportionment and assessment of benefits, the Condemnation Commission shall give notice thereof to all persons claiming interest in each lot or parcel to be assessed and of a hearing to be held at a specified time and place to consider and review the proposed apportionment and assessment of benefits. The notice shall be given at least ten (10) days before the hearing by mailing a copy thereof to each of such persons, addressed to him at his last-known post-office address, and by publishing a copy thereof in a newspaper published or having circulation in the Town at least ten (10) days before such hearing.

(S.A. 177 § 11, 1957.)

Sec. 133. Hearing on apportionment and assessment of benefits.

(a) The Condemnation Commission shall meet, at the time and place specified, to hear objections to such proposed apportionment and assessment of benefits and may modify and correct the same. On completion of such apportionment and assessment of benefits, the Condemnation Commission shall file the same in the office of the Town Clerk, designating by number with reference to the map each lot or parcel benefited, the owner thereof, if known, and the benefit apportioned and assessed thereto.

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(b) The Condemnation Commission, within five (5) days after the filing of the completed apportionment and assessment of benefits, shall give written notice thereof and of the amount of the assessment of benefits in each case to each person claiming interest in each lot or parcel taken, addressed to him at his last-known post-office address, and by publishing in a newspaper published or having circulation in the Town, within five (5) days after such filing, a notice of the filing in the office of the Town Clerk of the completed apportionment and assessment of benefits. The assessment of benefits shall be deemed final and conclusive upon such filing, without other notice to any person, subject to the right of appeal as provided in Section 149 hereof.

(S.A. 177 § 12, 1957.)

Sec. 134. Payment in installments.

(a) The benefits apportioned and assessed as provided in Section 133 shall be payable in equal annual installments on September 1 in each year following the filing of the assessment as provided in Section 133, with interest at a rate not exceeding six percent (6%) per annum from the time at which the first installment becomes due. Such rate of interest and the number of annual installments, which shall not exceed fifteen (15), shall be determined by the Board of Estimate and Taxation. The entire balance of any assessment with accrued interest may be paid at any time. If two (2) successive installments are in default, the entire balance, at the election of the Board of Estimate and Taxation, shall forthwith become due and payable with interest.

(b) Upon the filing of the certified copy of the judgment of the Court on an appeal from the assessment of benefits, the amount determined by the Court to be assessable as benefits shall be payable in the same number of installments as if no appeal had been taken. The installments which would have been then payable had no appeal been taken shall forthwith be payable with interest upon the unpaid amount of the assessment of benefits as finally determined and remaining installments shall be payable with interest in the same manner as if no appeal had been taken. (S.A. 177 § 13, 1957; as amended by RTM, 1/8/62.)

Sec. 135. Lien of assessment.

An assessment of benefits made under this Article shall be a lien on the property assessed with interest until paid. Such lien shall take effect on the filing of the assessment as provided in Section 133 hereof, subject to modification on appeal, and shall take precedence over all other liens and encumbrances, except existing liens for taxes and assessments. (S.A. 177 § 14, 1957.)

Sec. 136. Collection of assessment.

The Tax Collector shall, upon warrant from the Condemnation Commission, have authority to collect the assessments and interest by foreclosure of the liens or by such other remedies as may be available to him for the collection of any Town taxes. (S.A. 177 § 15, 1957.)

Sec. 137. Assessment on tax exempt property.

Any assessment on property which is tax exempt on the records of the Assessor shall not be due and

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payable or bear interest until September 1 after the removal of such property from the list of tax-exempt property in the office of the Assessor, and, commencing with September 1, any such assessment shall be payable in installments and with interest in the manner provided above in Section 134 hereof.
(S.A. 177 § 16, 1957; as amended by RTM, 1/8/62.)

Sec. 138. Subdivision of lot.

If title to a portion of any lot or parcel of land subject to the lien of an assessment of benefits shall change, the Assessor, on the request of either party to the transfer, shall apportion the assessment or the unpaid balance thereof and interest, if any, between or among the several portions of such lot or parcel. Each portion shall thereafter be subject only to the amount so apportioned against it with interest, if any.
(S.A. 177 § 17, 1957.)

Sec. 139. Parking district taxation.

(a) Whenever a determination has been made to recover the cost of acquisition or improvement of a public parking area or areas, or a part of such cost, by the laying and levying of taxes against property within a parking district, the Board of Estimate and Taxation shall determine whether such cost shall be reimbursed to the Town in one (1) year by a single tax or by annual taxes over such number of years not exceeding twenty (20), and in such amounts each year, as the Board of Estimate and Taxation may determine. If such cost is to be reimbursed by successive annual taxes, the Board shall determine the rate of interest, not exceeding six percent (6%) per annum, which shall be charged each year upon the unpaid balance of such cost and be

included in each annual tax. The determinations under this Section may be revised by the Board of Estimate and Taxation from time to time.

(b) The tax or the first of such annual taxes shall be due on the September 1 following the expiration of seven (7) months after certification of the cost of such project as above provided, and succeeding taxes shall become due on September 1 of each succeeding year. On or before May 15 preceding the due date of such tax or each annual tax, the Assessor shall present to the Board of Estimate and Taxation a statement showing the total assessed valuation upon the grand list last completed of the real estate, including land and buildings, located within such parking district. The Board, by the affirmative vote of seven (7) of its members, shall on or before June 21 determine the tax rate which shall be laid thereon to pay for the cost of such project to be recovered in the following year, together with interest, but after the credit of parking revenues applicable to such cost, and levy taxes at a uniform rate upon such properties.

(c) The chairman and clerk of the Board shall forthwith file a certificate of the laying and levying of such taxes in the office of the Town Clerk. Such taxes shall become due on the succeeding September 1, shall bear the same rate of interest as unpaid Town taxes and shall be a lien upon such properties, including any buildings and improvements thereon, from the date of the last-completed grand list. No lien shall continue to exist for more than one (1) year from the date that the tax becomes due and payable unless continued in the manner provided in the General Statutes for the

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continuance of real property tax liens. Such lien shall take precedence over all other liens and encumbrances excepting existing Town taxes and assessments.
(S.A. 177 § 18, 1957; as amended by RTM, 1/8/62.)

Sec. 140. Tax-exempt property.

Property which is exempt from real property taxes or is nontaxable shall be exempt from any taxes imposed under this Article, except that the value of real property of the Town within a parking district not used for public parking shall be included in determining such taxes and sums equal to the amounts which would be levied as taxes against such property, if taxable, shall be paid by the Town.
(S.A. 177 § 19, 1957.)

Sec. 141. Parking notes or bonds; issuance.

(a) Upon approval by the Representative Town Meeting of an allotment for the acquisition or improvement of a public parking area or areas, the Comptroller, with the approval of seven (7) members of the Board of Estimate and Taxation and two-thirds ($\frac{2}{3}$) of the members in attendance at a Representative Town Meeting at which a quorum is present, may, subject to the provisions and within the limitations of the General Statutes providing for and regulating the issuance of municipal bonds, issue notes or bonds in an amount not exceeding the amount of such allotment, any other provision of the special acts to the contrary notwithstanding. Such notes or bonds shall be general obligations of the Town and shall be called parking notes or parking bonds, given by and in the name of the Town

and signed by the chairman of the Board of Estimate and Taxation and by the Treasurer, and countersigned by the Comptroller.

(b) Additional notes or bonds may be issued in the discretion of the Board and the Representative Town Meeting to provide for the amount of any deficit which may be found in the proceeds of the notes or bonds herein authorized to meet the cost of acquisition or improvement. Such additional notes or bonds shall be subject to the same conditions as the notes or bonds first issued.

(c) The Board of Estimate and Taxation shall determine the form and detail of such notes or bonds, the rate of interest thereon, which shall not be more than six percent (6%) per annum, and the dates of payment of the interest, and the time or times, not more than twenty (20) years from their date, at which they may mature. The Board shall arrange for their issuance and sale, and do all other acts in connection therewith which may be necessary and not inconsistent with this Article.

(S.A. 177 § 20, 1957.)

Sec. 142. Parking Fund; use.

(a) A separate fund shall be established and maintained by the Town to account for:

- (1) All amounts appropriated by the Town for the Department of Parking Services operation and maintenance of public parking areas and all amounts allotted by the Town for the acquisition and improvement of public parking areas;

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- (2) All amounts collected as parking assessments, including interest;
 - (3) All taxes levied under the provisions of this Article, including interest;
 - (4) All parking revenues;
 - (5) The proceeds of all notes and bonds issued under this Article, and,
 - (6) All interest received on moneys in this Fund.
- (b) The amounts received shall be used:
- (1) For the acquisition or improvement of public parking areas:
 - (2) To reimburse the Town for any amounts advanced from the general fund for such purposes to the extent of funds not contributed by the Town for such purposes:
 - (3) To pay the Department of Parking Services expenses of operation and maintenance of the parking areas; and
 - (4) To pay the principal of and interest on any notes and bonds issued pursuant to the provisions of this Article.
- (c) An allotment for any such acquisition or improvement shall continue in force until the cost thereof has been certified by the Comptroller. At that time the unencumbered balance of any such allotment shall be returned to the unappropriated surplus of the Parking Fund.
(S.A. 177 §21, 1957; as amended by RTM. 9/9/1957; RTM, 6/13/2005; RTM, 4/10/2006; RTM, 6/12/2006.)

Sec. 143. Regulations and enforcement.

Reasonable regulations for the orderly use of the public parking areas, including the payment of reasonable fees for use and fines for violation thereof, may be prescribed by the Selectmen. Personnel of the Department of Parking Services, designated by the Director as Parking Control Officers and sworn to perform such duties before the Board of Selectmen, shall have authority to issue notices of violation of parking regulations of the Town as shall the Police Department and such other authorized officials as may be designated by the Selectmen, pursuant to C.G.S. Chapter 835, Section 48-13.

(S.A. 177 §22, 1957.)(as amended by RTM 9/13/76; RTM, 6/13/2005; RTM, 4/10/2006; RTM, 6/12/2006.)

Sec. 144. Entry upon property.

The Selectmen, Director of Parking Services, the Commissioner of Public Works, members of the Condemnation Commission and their respective agents, engineers and surveyors and such other persons as may be necessary to enable them to perform their duties under this Article are authorized to enter upon any property, in accordance with the provisions of General Statutes Section 48-13, for the purpose of making surveys, examinations or investigations and preparing maps, and for such other purposes as may be necessary in the performance of their duties under this Article.

(S.A. 177 § 23, 1957; RTM, 6/13/2005; RTM, 4/10/2006; RTM, 6/12/2006.)

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Sec. 145. Parking revenue collection equipment; revenues.

(a) For purposes of traffic control and to provide adequate parking both on and off street, the Department of Parking Service upon approval of the Board of Selectmen shall have authority to acquire parking revenue collection equipment by purchase or lease, upon such terms as the Board shall approve as best, and to install, maintain, repair and operate such parking revenue collection equipment on such public highways within the Town and parking lots and other areas owned by the Town which the Board shall approve as necessary, and to establish such rates in the operation of any such equipment in furtherance of the purposes above set forth which the Board shall approve as proper.

(b) Parking revenues from such equipment shall first be used to pay the cost of acquiring, operating, maintaining and repairing the parking revenue collection equipment and any surplus shall be used as parking revenue pursuant to this Article.

(S.A. 177 § 24, 1957; RTM, 6/13/2005; RTM, 4/10/2006; RTM, 6/12/2006.)

Sec. 146. Zoning relief.

The Planning and Zoning Commission is authorized in the exercise of its powers as a Zoning Commission to exempt all property within any parking district from any requirement that motor vehicle parking spaces be provided by the owners as a condition to the use or improvement of the properties of such owners notwithstanding that such requirement applies to other property similarly zoned outside the parking district. "Park-

ing spaces" as used in this Section and Section 147 hereof shall not include off-street loading and unloading areas.

(S.A. 177 § 25, 1957.)

Sec. 147. Limitation on power to assess and tax.

Other provisions of this Article notwithstanding, no tax shall be laid or assessment of benefits made under this Article to reimburse the Town for the cost of acquisition of any parcel of land or portion thereof until such parcel or portion has been improved for parking or for appurtenances thereto, or until the Planning and Zoning Commission, pursuant to the authority conferred upon it by this Article or any other Article, has amended the zoning regulations to exempt all properties in the parking district in which such parcel or portion is located from any requirement that motor vehicle parking spaces be provided by the owners as a condition to the use or improvement of the properties of such owners.

(S.A. 177 § 26, 1957.)

Sec. 148. Correction of irregularities; waiver.

(a) Any error or mistake in the designation of an owner of property assessed or taxed pursuant to the provisions of this Article, or in the description of such property, or any clerical or other error in any of the proceedings, shall not invalidate the assessment or tax, with respect to other properties. An owner who can show to the satisfaction of the Condemnation Commission that he has been prejudiced because of a clerical or other error in any of the proceedings before the Condemnation Commission shall have the right to a hearing before the Condemnation Commission. Upon

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the request for such hearing, the Condemnation Commission shall hold a hearing after such notice thereof as it shall deem appropriate.

(b) No error or mistake in the designation of an owner of property assessed or taxed pursuant to the provisions of this Article, or in the description of such property, and no clerical or other error in any of the proceedings shall invalidate any notes or bonds issued pursuant to the provisions of this Article. In case any assessment or tax shall be or become void or shall fail or have failed for want of jurisdiction or for any irregularity in the assessment or the laying and levying of any tax, the Town shall have power, and it shall be its duty, to cause the same to be re-assessed or taxed in a proper manner.

(c) Any of the provisions of this Article may be waived in writing by the affected property owner. (S.A. 177 § 27, 1957.)

Sec. 149. Appeal procedure.

(a) Any property owner aggrieved by any action of the Condemnation Commission hereunder may, within thirty (30) days after the filing of the evidence of such action with the Town Clerk, appeal to the Superior Court in Fairfield County. The appeal shall be taken by a notice stating the grounds thereof, served personally or by registered or certified mail upon any member of the Condemnation Commission and upon the Town Attorney. On any such appeal, the Court shall review the proceedings of the Commission, and if upon the hearing of the appeal it shall appear to the Court that testimony is necessary for the equitable disposition of the appeal, it may take evidence or appoint a

referee or committee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law. Such report shall constitute a part of the proceedings upon which the determination of the Court shall be made.

(b) After the hearing upon such appeal, the Court may increase or decrease any assessment of damages or of benefits and may amend the map of the parking district by the exclusion therefrom or inclusion therein of the appellant's property. The judgment of the Court shall be final. Such appeal shall stay all proceedings for the collection of any tax or assessment predicated upon the action appealed until a certified copy of the judgment of the Court is filed in the office of the Town Clerk, but shall stay no other proceedings or acts. All appeals may be consolidated by the Court.

(S.A. 177 § 28, 1957; as amended by RTM, 9/26/1988.)

ARTICLE 12. PUBLIC WORKS.

Sec. 150. Department of Public Works; Commissioner's powers and duties; Deputy.

(a) There shall be a Department of Public Works under the direction and control of the First Selectman. The head of the Department shall be the Commissioner of Public Works, who shall have charge of all matters involved in the construction, development and maintenance of the physical properties of the Town, except the design and maintenance of school property and property under the control of the Department of Parks and Recreation and Department of Parking Services. He shall be the Town Engineer and shall be

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a civil engineer and experienced in the management of engineering and construction projects, including such projects as are involved in municipal engineering.

(b) The functions of the Department of Public Works shall be distributed under the Commissioner of Public Works among divisions and offices which shall include the divisions of highways, sewers building construction and maintenance, and recycling and waste collection and disposal. Subject to the direction of the Planning and Zoning Commission, the Commissioner of Public Works shall have charge of the physical planning and development of the Town as a whole. The Commissioner of Public Works shall, subject to the provisions of this Article, have all the powers and duties formerly conferred and imposed by law upon the Superintendent of Highways, and all the powers and duties formerly conferred and imposed by law upon the Sewer Commissioners, except such powers and duties as relate to the collection of taxes and assessments.

(c) The Commissioner of Public Works shall be the Town's chief technical adviser in all matters involved in the physical development of the Town and the design and construction of its physical plan. All construction of public buildings and other public improvements of the Town, including repairs and reconstruction, shall be done according to plans prepared or approved by the Commissioner of Public Works, and be subject to his supervision and acceptance, provided the Board of Education, the Department of Parks and Recreation, and the Department of Parking Service have supervision and control over the design of buildings under their jurisdiction.

(d) There shall be a Deputy Commissioner of Public Works who shall be appointed by the Commissioner of Public Works with the prior approval of the Selectmen. Said Deputy Commissioner shall have the same qualifications as the Commissioner of Public Works. In the absence or disability of the Commissioner of Public Works or if the office becomes vacant for any reason, the Deputy Commissioner of Public Works shall perform the duties and exercise the powers of the Commissioner of Public Works for a period not to exceed ninety (90) days or for such longer period as the Selectmen may determine. The salary of the Deputy Commissioner shall be fixed by the Town on the recommendation of the Board of Estimate and Taxation in the same manner as other appropriations are determined.

(S.A. 444, § 27, 1939; as amended by RTM 4/27/1970; RTM 4/10/1972; RTM 4/12/1976; RTM 12/10/1990; RTM 1/17/1995; RTM 6/13/2005; RTM 4/10/2006; RTM 6/12/2006.)

Sec. 151. Commissioner of Public Works; functions.

The Commissioner of Public Works shall serve as chief engineer of the Planning and Zoning Commission in connection with its function of Town planning and zoning. He shall make studies and recommendations for the improvement of the plan of the Town, with a view to the present and future movement of traffic, and the convenience, health, recreation and general welfare of the Town. He shall report on the plans for all public ways, parks, beaches, tidewaters and other public spaces, and for the opening, vacating and closing of highways and other public places and make

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recommendations as to the acceptance of streets sought to be dedicated to public use. He shall supervise the lighting of all public grounds and highways, the laying of all conduits, the location, erection and construction of poles and other structures, or other obstructions in, on or over, public grounds and highways, and the granting of all permits to excavate or disturb any highway or other public property or to make any special use thereof. He shall exercise such supervision and control over all public utilities in the Town as is accorded by law to the Town.

(S.A. 444 § 28, 1939; as amended by S.A. 469 § 25, 1951.)

Sec. 152. Building Inspection Division.

There shall be in the Public Works Department a Building Inspection Division which shall be headed by the Building Inspector, who shall be trained and experienced in building construction. He shall enforce all laws and ordinances governing the construction of buildings and other structures, including plumbing, electrical, mechanical, oil burner and gas installations therein, and their maintenance in safe condition, except such as relate to fire prevention and which may be assigned to the Fire Department. He shall enforce the provisions of any laws and ordinances relating to zoning and Town planning.

(S.A. 444 § 29, 1939.)

Sec. 153. Plumbing inspection.

The Building Inspector shall, subject to the provisions of this Article, exercise all the powers and perform all the duties concerning the regulation and

inspection of plumbing, which are at the date of passage of this Article, conferred and imposed by law upon the Board of Health and the Director of Health. (S.A. 444 § 30, 1939.)

Sec. 154. Highway Division.

There shall be a Highway Division, which shall be headed by a Superintendent who shall be experienced in the supervision of highway construction projects. He shall have charge of the maintenance and repair of all public highways and their appurtenances and of all public stormwater drains and the appurtenances of the drainage system. He shall have charge, under the direction and control of the Commissioner of Public Works, of the construction of highways and drains in cases in which such work is done by men employed directly by the Town. He shall also be charged with keeping the streets in a clean and sanitary condition, the removal of snow and ice from the streets, the erection and maintenance of street name signs and the supervision of streetlighting.

(S.A. 444 § 31, 1939; as amended by S.A. 607 § 7, 1951.)

Sec. 155. Recycling and Waste Collection and Disposal Division.

There shall be a Recycling and Waste Collection and Disposal Division which shall be headed by a superintendent. The superintendent shall be charged with the duties of recycling, the collection and disposal by contract, or otherwise and the supervision thereof of recyclable materials, waste, refuse and garbage and with the granting of licenses with respect thereto.

(S.A. 444 § 32, 1939; as amended by RTM 4/12/1976; RTM 12/10/1990.)

Sec. 156. Equipment division.

(S.A. 444 § 34, 1939; repealed by RTM 1/17/1995.)

Sec. 157. Condemnation Commission.

(a) The Representative Town Meeting shall, upon or before March 31 in the even-numbered years, appoint a Condemnation Commission consisting of five (5) resident electors of the Town, who shall hold office for terms of two (2) years from the following April 1.

(b) The Condemnation Commission shall exercise all the powers and perform all the duties which were formerly conferred and imposed by law upon the Town Highway Commission and upon the Sewer Commissioners in respect to the condemnation of land and the assessment of damages arising out of such condemnation of land, and in respect to the assessment of benefits arising out of the construction of highways and the construction or connection of sewers. No appeal shall be taken from the action of the Condemnation Commission except within thirty (30) days from the filing of its report. If, after the making of any assessment of benefits, the land upon which it is made shall be divided, the Assessor shall have all the powers and duties formerly conferred or imposed by law upon the Sewer Commissioners with respect to the apportionment of such assessment.

(S.A. 444 § 7, 1939; as amended by S.A. 607 § 3, 1951; RTM, 6/9/69.)

Sec. 158. Commissioner of Public Works; powers relating to highways and bridges.

(a) The Commissioner of Public Works shall have full charge of the maintenance and repair of highways and bridges and the building and opening of new

highways and bridges in the Town, and is authorized to clean the highways. No bill against the Town relating to such maintenance or repair of highways or bridges or the building of new highways or bridges shall be paid by the Town until it shall have been approved and certified as correct by the Commissioner of Public Works.

(b) The Commissioner shall possess all the powers and shall perform all the duties in and for the Town which are conferred and imposed by the General Statutes upon the Selectmen for the care and maintenance of and concerning highways and bridges and the building and opening of new highways and bridges. All laws of the state conferring powers and imposing duties upon Selectmen for the care and maintenance of and concerning highways and bridges and the building and opening of new highways and bridges in the Town are amended so as to be applicable to and operative upon the Commissioner of Public Works in place of the Selectmen. All acts passed by the General Assembly relative to the duties of Selectmen in the care and maintenance of and concerning highways and bridges and the building and opening of new highways and bridges shall, so far as they may affect the Town, be held to apply to the Commissioner, unless otherwise therein expressly provided.

(c) The Commissioner shall have power to lay out, alter, construct, or reconstruct, maintain or repair, widen or grade any highway within the Town whenever, in his judgment, the interests of the Town shall so require. The Commissioner of Public Works or his agent may enter upon private property for the purpose of surveying or examining such property for the loca-

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tion or relocation of any highway in the Town, or for the determination of the boundary line of any such highway. He shall use care so that no unnecessary damage shall result, and the Town shall be liable to the owner of any property for any damage the Commissioner of Public Works or his agent may cause such owner.

(S.A. 347 § 20, 1921; as amended by S.A. 250, 1931.)

Sec. 159. Condemnation of land.

(a) Whenever the Commissioner of Public Works shall deem it necessary to take any land for the layout, alteration, extension, widening, change of grade or improvement of any highway in the Town and cannot agree with the owners of such land as to the damages which will be sustained or the benefits which will accrue to such owners from such taking, he shall submit the matter with the plan of such land as he shall deem it necessary to take to the Condemnation Commission. The Commission shall notify the owners of such land of a hearing on such proposed taking, notice of which shall be given to such owners at least five (5) days before such hearing by leaving copies of such notice at the places of abode in the Town of such owners if they reside therein, or, if they do not reside in the Town, by registered mail at their addresses, if known, but if not known, by publication in a newspaper published in the Town at least five (5) days before such hearing.

(b) The Commission upon such hearing being had and upon its finding that it is necessary to take such land for the layout, alteration, extension, widening, change of grade or improvement of any such highway, may take such land for such purposes or any of them.

The owners of such land shall be paid by the Town for all damages and the Town shall receive from such owners the amount or value of all benefits resulting from such taking.

(S.A. 347 § 20, 1921; as amended by S.A. 250, 1931.)

Sec. 160. Highways; assessment of damages and benefits.

(a) The assessment of such damages and of such benefits shall be made by the Condemnation Commission and filed by it with the Town Clerk, and at any time thereafter the physical construction of such layout, alteration, extension, widening, change of grade or other improvement may be made by the Commissioner of Public Works.

(b) The Town Clerk shall give notice of such assessment to the property owners affected thereby by mailing to each a copy of the same, postage prepaid. The Treasurer shall pay to any land owner the damages so assessed by the Condemnation Commission or reassessed by the court as hereinafter provided, upon certification of the amount by the Town Clerk if assessed by the Condemnation Commission or by the clerk of the court if reassessed by a committee and accepted by the court as herein provided.

(S.A. 347 § 20, 1921; as amended by S.A. 250, 1931.)

Sec. 161. Assessment; attachment of lien.

The amount of such benefits so assessed by the Condemnation Commission or reassessed by the court, as the case may be, shall constitute a lien upon the land against which such benefits were assessed until the amount thereof shall have been paid by the prop-

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erty owner to the Town with interest at the rate of six percent (6%) per annum commencing three (3) months after the date of the filing of such assessment or of the acceptance by the court of such reassessment. No such lien shall continue against such land unless notice of the same shall have been filed by the Condemnation Commission in the land records of the Town within sixty (60) days after the filing of such assessment or after the acceptance by the court of such reassessment. (S.A. 347 § 20, 1921; as amended by S.A. 250, 1931.)

Sec. 162. Damages and benefits; appeals.

(a) Any person claiming to be aggrieved by assessment of special damages or of special benefits by the Condemnation Commission may, at any time within thirty (30) days after such assessment shall have been so filed, apply to the Superior Court for Fairfield County for a reassessment of such special damages or special benefits so far as they affect such applicant. The Court shall thereupon cause notice of such application to be given to the Condemnation Commission and shall appoint a committee of three (3) disinterested electors to make such reassessment of special damages or special benefits.

(b) The Committee, having given at least ten (10) days' notice to the parties interested of the time and place of its meeting, shall hear the applicant and the Condemnation Commission, view the land and take such testimony as such Committee may deem material and shall thereupon reassess such special damages and special benefits so far as they affect such applicant and forthwith report to the Court. Such report may be rejected for any irregular or improper conduct in the performance of the duties of such Committee.

(c) If the report is rejected, the Court or judge shall appoint another committee, the members of which shall proceed in the same manner in which the first were required to proceed. If the report is accepted each assessment shall be conclusive upon such owner and the Town. The pendency of any such application for reassessment shall not prevent or delay the layout, extension, alteration, widening, change of grade or other improvement of any such highway.

(S.A. 347 § 20, 1921; as amended by S.A. 250, 1931; RTM, 9/26/88.)

Sec. 163. Condemnation of land for highway drainage.

(a) When any ditch, drain, gutter or other construction shall be required for the purpose of draining any highway in the Town, or for any other drainage purpose, the Condemnation Commission is authorized to take any land necessary for such purpose and to assess benefits and damages caused by any such construction and for the taking of any such land under the same provisions as are herein provided for the taking of any land found necessary by the Commissioner of Public Works for the layout, extension, alteration, widening, change of grade or other improvement of any highway in the Town.

(b) Any person aggrieved by the assessment for such benefits or damages shall be entitled to the same relief provided for in this Article as to the layout, extension, alteration, widening, change of grade or other improvement of any highway in the Town.

(S.A. 347 § 20, 1921; as amended by S.A. 250, 1931; S.A. 222, 1953.)

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Sec. 164. Private ways.

(a) No private way shall be laid out, constructed, opened or used in the Town except in accordance with standards and specifications approved by the Commissioner of Public Works. This Article shall apply only to private ways which serve five (5) or more lots or tracts of land which are separately owned, occupied or used, or are laid out, designed or intended for separate ownership, occupation or use. No such road shall be used until a certificate of final approval has been issued by the Commissioner.

(b) The provisions of Section 13A-71 of the General Statutes, and any other provision of the General Statutes, not inconsistent with the provisions of this Article, shall apply to the private ways within the scope of this Article.

(S.A. 411, 1939.)

Sec. 165. Sidewalks; curbs.

The Town is authorized to construct, maintain and repair sidewalks in the public highways of the Town, the entire cost of which shall be paid by the Town, from appropriations made for such purposes, as provided by law for other expenditures of the Town. The Commissioner of Public Works shall have authority, from time to time, as public necessity and convenience may require, to designate and fix the course, width, height and level of all sidewalks and curbs in and upon the streets and highways of the Town.

(S.A. 194 § 10, 1931 and S.A. 157 § 1, 1943.)

Sec. 166. Refuse disposal; light; water.

The Town is authorized to provide for the collection and disposal of garbage, ashes and all other refuse

matter in any portion of the Town subject to the regulations of the Board of Health of the Town and also to provide for street lighting, fire hydrant service and furnishing water for public purposes subject to the approval of the appropriations therefor in the same manner as is provided for other expenditures of the Town, all of which shall be under the direction of the Selectmen. The Town is authorized to construct and maintain a garbage incinerator.

(S.A. 450, § 3, 1925; as amended by S.A. 194 § 16, 1931.)

ARTICLE 13. REPRESENTATIVE TOWN MEETING.

Sec. 167. Representative Town Meeting; powers.

The Town of Greenwich shall have the capacity to act through and be bound by its Town Meeting members when acting in meeting assembled who shall, when convened from time to time as herein provided, constitute Representative Town Meetings. The Representative Town Meetings shall exercise exclusively, so far as will conform to the provisions of this Article, all powers vested in the Town, except as otherwise specifically provided by law. Action in conformity with all provisions of law now or hereafter applicable to the transaction of Town affairs in Town Meeting, shall, when taken by any Representative Town Meeting in accordance with the provisions of this Article, have the same force and effect as if such action had been taken in a Town Meeting open to all the voters of the Town as heretofore organized and conducted, except as specifi-

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cally provided in this Article. Nothing in this Article shall be construed to confer upon the Representative Town Meeting any powers other than those vested in the Town Meeting prior to the creation of the Representative Town Meeting.

(S.A. 154 § 8, 1933.)

Sec. 168. Ex officio members.

The following designated officers shall be Representative Town Meeting members ex officio: the Selectmen, the Town Clerk, the Town Attorney, the Chairman of the Board of Education and the members of the Board of Estimate and Taxation. Such ex officio members shall have all the rights and privileges of the elected members, except the right to vote.

(S.A. 444 § 2, 1939; as amended by S.A. 341, 1953.)

Sec. 169. Members' qualifications; removal.

(a) The Representative Town Meeting members shall be the judges of the election and qualifications of their members. The members as such shall receive no compensation. No person holding any salaried office or position in the government of the Town or any department, division or office thereof shall be eligible for election as a member. No member of the Representative Town Meeting, except an ex officio member thereof, shall hold any such salaried office or position.

(b) A Representative Town Meeting member who shall remove from the Town shall cease to be a Representative Town Meeting member and a Representative Town Meeting member who shall remove from the

district from which he was elected to another district may serve until the next annual meeting for the election of Representative Town Meeting members. (S.A. 154 § 3, 1933; as amended by S.A. 444 § 1, 1939.)

Sec. 170. Tie votes for candidates; procedure.

(a) In case of a tie vote under any Section of this Article affecting the election of Town Meeting members, the other members from the district in which the tie vote may occur shall, by ballot, determine which of the tied candidates shall serve as Town Meeting member or members. The moderator of elections shall immediately after an election notify the Town Clerk of any and all such tie votes, giving the names and addresses of the candidates affected.

(b) The Town Clerk shall, within two (2) days of such notification by the moderator of elections, call a meeting of the other members from the district or districts in which a tie vote occurs by causing a notice specifying the object, time and place thereof to be mailed to each such member of the particular district not less than three (3) days nor more than five (5) days before the time set for the meeting. At such meeting a majority of the members from the particular district shall constitute a quorum, and they shall elect from among their number a chairman and a clerk whose right to vote at such meeting shall not be affected by their election to their respective offices. The chairman and clerk shall count the ballots and the person or persons receiving the highest number of votes shall be declared elected. The chairman and clerk shall forthwith make a certificate of the choice and file the same with the Town Clerk.

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(c) The member or members so chosen shall thereupon be deemed elected and qualified as a Town Meeting member or members, subject to the right of all the Town Meeting members to judge of the election and qualification of the members.

(S.A. 154 § 2, 1933.)

Sec. 171. Resignations; vacancies.

(a) A Representative Town Meeting member may resign by filing a written resignation with the Town Clerk. Such resignation shall take effect on the date of such filing.

(b) Any vacancy in the full number of Representative Town Meeting members from any district, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled by the remaining members of the district from among the registered voters thereof. Upon petition therefor, signed by not less than a majority of the Representative Town Meeting members from the district, notice of any vacancy shall promptly be given by the Town Clerk to the remaining members from the district in which the vacancy or vacancies exist.

(c) The Clerk shall call a special meeting of such members for the purpose of filling any vacancy. He shall cause to be mailed to each such member, not less than five (5) days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At such meeting, a majority of the members from such district shall constitute a quorum, and they shall elect from their number a chairman and a clerk whose right to vote at such meeting shall not be affected by their election to their respective offices.

The choice to fill any vacancy shall be by ballot, and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the Town Clerk, together with a written acceptance by the member or members so chosen.

(d) The chosen member or members shall thereupon be deemed elected and qualified as a Representative Town Meeting member or members, subject to the right of all the Representative Town Meeting members to judge of the election and qualifications of the members.

(S.A. 154 §§ 3, 6, 1933.)

Sec. 172. Organization of Representative Town Meeting.

(a) The annual meeting of Representative Town Meeting members shall be held on the third Monday of January 1966, and biennially thereafter. The Representative Town Meeting members shall, at their first annual meeting and biennially thereafter, elect from among their number a Moderator, who shall act as moderator of all Representative Town Meetings. He shall hold office for a term of two (2) years and until his successor shall be elected and shall have qualified. A Moderator pro tempore may be elected by the Representative Town Meeting members from among their number who shall serve in the absence of the moderator.

(b) The Town Clerk or the Assistant Town Clerk shall act as clerk of all Representative Town Meetings and, in the absence of both, a clerk pro tempore of the meeting shall be elected by the meeting.

(S.A. 154 § 5, 1933; as amended by S.A. 217, 1947; RTM, 10/13/64.)

Sec. 173. Meetings; procedure.

(a) The Moderator may call a meeting of the members at any time. The Moderator, and, in his absence or inability, the Town Clerk, shall call such meeting upon the request of the first Selectman or the Chairman of the Board of Estimate and Taxation or upon the application of twenty (20) registered voters of the Town to be held within sixty (60) days after receiving such application. The Town Clerk shall notify all Representative Town Meeting members of the time and place at which Representative Town Meetings are to be held. The notices shall be sent by mail at least five (5) days before the meeting and a copy of such notice shall be published in the newspapers published in the Town. Such notice shall specify the object for which the meeting is to be held.

(b) One-third (1/3) of the Representative Town Meeting members shall constitute a quorum for doing business; but a smaller number may organize temporarily and may adjourn from time to time, but no Representative Town Meeting shall adjourn over the date of an election of Representative Town Meeting members. All Representative Town Meetings shall be public.

(c) Subject to such conditions, rules and regulations as may be determined from time to time by the members of the Representative Town Meeting, any registered voter of the Town who is not a Representative Town Meeting member may speak at any Representative Town Meeting, but shall not vote.

(S.A. 154 § 3, 1933; as amended by S.A. 607 § 8, 1951.)

Sec. 174. Referendum; requirements.

(a) A vote passed at any Representative Town Meeting approving any home rule action on which a referendum is not mandatory pursuant to any special act or charter provision conferring home rule on the Town or authorizing the expenditure of Twenty Thousand Dollars (\$20,000.00) or more or authorizing the issuance of any bonds by the Town or adopting a new ordinance, or amending an existing ordinance, shall not be operative until after the expiration of five (5) days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within such five (5) days, a petition, signed by not less than three percent (3%) of the registered voters of the Town, containing their names and addresses as they appear on the list of registered voters, shall be filed with the Selectmen, asking that the question or questions involved in such a vote be submitted to the registered voters of the Town at large, then the Selectmen, after the expiration of five (5) days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved.

(b) The polls shall be opened at 2:00 P.M. and shall be closed not earlier than 8:00 P.M. All votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several district meetings in the same manner as in the most recent preceding election; except that if the question or questions are submitted at an election, as that term is defined in Sec. 9-1 of the General Statutes, then the manner provided for such election shall be used. The questions so submitted shall be determined by a majority vote of the registered voters of the Town voting

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thereon, but no action of the Representative Town Meeting shall be reversed unless at least twenty-five percent (25%) of all the registered voters in the Town, shall vote to so reverse.

(c) The questions so submitted shall be stated upon the ballot in substantially the same language and form in which they were stated when presented to such Representative Town Meeting by the Moderator, and as appears from the records of such meeting. If such petition shall not be filed within such period of five (5) days, the vote of the Representative Town Meeting shall become final, binding and effective upon the expiration of such period for all purposes.

(S.A. 154 § 7, 1933; as amended by S.A. 377 §5, 1955; S.A. 28 §3, 1965.)

(as amended by RTM 12/13/76.)

Sec. 175. Referendum; appropriations.

(a) When a petition shall be filed asking for the submission to the voters of the Town, of any question as to the annual appropriations for the Town's expenditures for the ensuing year, such petition shall set forth each item of appropriation as to which a question is involved with the amount of the appropriation as approved by the Representative Town Meeting and the amount to which the petitioners desire it to be decreased or increased, provided such increase shall not be above the amount approved by the Board of Estimate and Taxation. A separate question shall be submitted to the voters on each such item of appropriation and shall call for an answer "Yes" or "No." The answer "No" shall mean the sustaining of the appropriation as

fixed by the Town Meeting. The answer "Yes" shall mean the fixing of such appropriation at the figure suggested by the petitioners.

(b) The annual appropriation as fixed by the Town Meeting shall be the appropriation for the ensuing year except as to those items upon which the referendum is called for and those items which on the referendum are answered "No" shall remain as fixed by such Town Meeting, and those items which on the referendum are answered "Yes" shall be changed in accordance with the referendum and the appropriation so fixed by the Representative Town Meeting and as so modified by such referendum shall be the appropriation for the ensuing year.

(c) In the event that such right of referendum should be exercised, as above provided with respect to the action or actions of any Representative Town Meeting on the budget of the Town for the ensuing year, so that such action or actions of the Representative Town Meeting cannot be finally determined by May 25 in any year, then the time within which the Board of Estimate and Taxation shall lay the tax shall be extended to five (5) days after such referendum vote. (S.A. 154 § 7, 1933; as amended by RTM, 3/9/70.)

ARTICLE 14. RETIREMENT SYSTEM.*

Sec. 176. Definitions.

- (a) As used in this Article:
- (1) *Accumulated Deductions* shall mean the sum of all the amounts deducted from the compensa-

***Cross reference**—As to the election of members of Retirement Board, see Chapter 2, Article 12 of this Code.

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tion of a member and standing to his credit in the annuity savings fund, together with regular interest thereon.

- (2) *Accumulation Fund* shall mean the fund in which shall be accumulated all reserves for the payment of pensions and other benefits payable from contributions by the Town, and in which shall be held the reserves for the payment of annuities, pensions and benefits in lieu thereof.
- (3) *Actuarial Equivalent* shall mean a benefit of equal value when computed upon the basis of regular interest and such mortality tables as shall be adopted by the Retirement Board.
- (4) *Annuity* shall mean annual payments for life derived from the accumulated deductions of a member. All annuities shall be paid in periodic installments, the frequency of which shall be determined by the Retirement Board.
- (5) *Annuity Reserve* shall mean the present value of all payments to be made on account of any annuity, or benefit in lieu of any annuity, computed upon the basis of regular interest and such mortality tables as shall be adopted by the Retirement Board.
- (6) *Annuity Savings Fund* shall mean the fund in which shall be accumulated the deductions from the compensation of members.
- (7) *Average Final Compensation* shall mean the average annual earnable compensation of a member during the three (3) years of creditable service for which such compensation was the highest or, if he has had less than three (3) years

of creditable service, his average annual earnable compensation during his total creditable service, except that for the purpose of determining the deductions from the compensation of members provided by Section 204 hereof the average final compensation shall be the average annual earnable compensation during the last five (5) years of creditable service.

- (8) *Base Compensation for Accidental Death Pension* shall mean:
- (A) In the case of a fireman, who dies on or after July 1, 1972, the annual earnable compensation of a police lieutenant as in effect at the time of accidental death;
 - (B) In the case of a member classified as a policeman who is below the rank of lieutenant, the annual earnable compensation of a police lieutenant as in effect at the time of accidental death;
 - (C) In the case of a member classified as a policeman of the rank of lieutenant, the annual earnable compensation of a police captain as in effect at the time of accidental death;
 - (D) In the case of a member classified as a policeman of the rank of captain who dies on or after July 1, 1973, the annual earnable compensation of a deputy chief of police;
 - (E) In the case of a member classified as a general employee or a library employee, his average final compensation.

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- (9) *Beneficiary* shall mean any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this Article.
- (10) *Board of Estimate and Taxation* shall mean the Board of Estimate and Taxation of the Town.
- (11) *Creditable Service* shall mean "prior service" plus "membership service," for which credit is allowable as provided in Section 180 hereof.
- (12) *Date the Retirement System Becomes Operative* shall mean January 1, 1946 with respect to employees classified under Sections 178 and 179 hereof as general employees or firemen, January 1, 1948 with respect to employees classified under Sections 178 and 179 hereof as library employees, and January 1, 1953 for employees classified under Sections 178 and 179 hereof as policemen.
- (13) *Deductions* shall mean the amounts paid by an employee or deducted from his compensation by the Town to be paid to the Retirement System.
- (14) *Earnable Compensation* shall mean the full rate of compensation that would be payable to a member if he worked the full normal working time for his position, excluding overtime pay, bonuses and special pay. In cases where compensation includes maintenance, the Retirement Board may, in its discretion, fix the value of that part of compensation not payable in money.
- (15) *Employee* shall mean any person who is regularly employed, whether on a salary basis, or on a daily wage basis, in the service of the Town or

in the service of the Greenwich Library or of the Perrot Memorial Library Association of Old Greenwich, Incorporated, nonprofit organizations with no capital stock, whether appointed or elected, whose compensation, whether salary or wage, is paid by the Town, or by the libraries, except that:

- (A) Employees in the public schools who are covered or are or were eligible to be covered by the provisions of the Connecticut teachers' retirement system;
 - (B) Employees of the Police Department who date of employment was prior to January 1, 1953 and who are covered or were eligible to be covered by the provisions of the police benefit fund of the Town;
 - (C) Part-time employees, persons employed on a fee basis, and employees whose services are of an emergency nature shall not be considered as employees for the purpose of the Retirement System, unless otherwise determined by the Retirement Board, in accordance with Section 178(d) hereof. In all cases of doubt, the Retirement Board shall decide who is an employee within the meaning of this definition.
- (16) *Expense Fund* shall mean the fund to which shall be credited the amounts appropriated for expenses and from which expenses shall be paid except to the extent that such expenses are authorized to be paid from investment earnings or from the corpus of the Accumulation Fund.
- (17) Masculine pronoun shall include the feminine.

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- (18) *Member* shall mean any employee included in the membership of the Retirement System as provided in Section 178 hereof.
- (19) *Membership Service and Future Service* shall mean service rendered after the date the Retirement System becomes operative and since the employee last became a member.
- (20) *Pension* shall mean annual payments for life derived from contributions made by the Town. All pensions shall be paid in periodic installments, the frequency of which shall be determined by the Retirement Board.
- (21) *Pension Reserve* shall mean the present value of all payments to be made on account of any pension, or benefit in lieu of any pension, computed upon the basis of regular interest and such mortality tables as shall be adopted by the Retirement Board.
- (22) *Prior Service* shall mean service rendered prior to January 1, 1946, for which credit is allowed by the Retirement Board as evidenced by the issuance of a prior service certificate.
- (23) *Regular Interest* shall mean interest at such percent rate compounded annually as shall be determined from time to time by the Retirement Board under the provisions of Section 205(h) hereof.
- (24) *Representative Town Meeting* shall mean the Representative Town Meeting of the Town.
- (25) *Retirement Allowance* shall mean the sum of the "annuity" and the "pension."

- (26) *Retirement Board* and *Board* shall mean the board provided in Section 196 hereof to administer the Retirement System.
- (27) *Retirement System* and *System* shall mean the retirement system of the Town.
- (28) *Service* shall mean service as an employee and paid for by the Town. Service in the aforementioned libraries shall be considered, for the purposes of this Article, as service as an employee of the Town.
- (29) *Town* shall mean the Town of Greenwich. (S.A. 408 § 1, 1945; as amended and approved 6/17/74; RTM, 1/19/88.)

Sec. 177. Name and Date Operative.

A Retirement System is established and placed under the management of the Retirement Board for the purpose of providing retirement allowances under the provisions of this Article for employees of the Town. The Retirement System so created shall be known as the "Retirement System of the Town of Greenwich," and under such name all of its business shall be transacted, all of its funds invested, all warrants for money drawn and payments made and all of its cash and securities and other property held. The Retirement System so created shall become operative with respect to employees in a designated classification upon approval, and only upon approval, by the Board of Estimate and Taxation and the Representative Town Meeting, on such date as shall be designated by the Board and Meeting, at which time appropria-

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tions to the system to carry the same into effect shall be made in the manner provided in the special acts governing appropriations by the Town.

(S.A. 408 § 2, 1945.)

Sec. 178. Eligibility for Membership in System.

(a) Any person who becomes a member of this Retirement System shall receive no pension or other benefit from any other pension or benefit system supported wholly or in part by the Town, nor shall he be required to make contributions to any other pension or benefit system of the Town. This limitation shall not apply to the benefits payable under Title II of the Social Security Act or to the taxes imposed under the Federal Insurance Contributions Act, or to widows in receipt of pensions or other benefits on account of their deceased husbands' participation in such other pension or benefit system.

(b) Any person who becomes an employee on or after the date the Retirement System becomes operative shall become a member of the Retirement System.

(c) Any person who was an employee on January 1, 1946 and whose membership in the Retirement System was contingent on his own election and who had elected not to become a member may apply for and be admitted to membership but no such employee shall receive prior service credit unless he became a member prior to January 1, 1947.

(d) The Retirement Board may deny the right to become members to any class or group of officials appointed or elected for fixed terms, or it may, in its discretion, grant and make optional to any class or group entrance into the Retirement System, upon such

terms and conditions as the Retirement Board may designate and determine, upon approval of the Board of Estimate and Taxation and the Representative Town Meeting.

(S.A. 408 § 3, 1945.)

Sec. 179. Classification of Members; cessation of Membership.

It shall be the duty of the head of each department to submit to the Retirement Board a statement showing the name, title, compensation, duties, date of birth and length of service of each member in his department, and such information regarding other employees therein as the Board may require. On the basis of such information the Board shall classify each employee in one of the following classifications:

MINIMUM REQUIREMENTS FOR SERVICE RETIREMENT

CLASSIFICATION	Age and Service		Maximum of Creditable Service	Maximum Re-Rate of Agreement Benefit	
	Age	Years of Service		Age	Rate
(1) General Employees	60	30	65	70	1/60
(2) Library Employees	60	30	65	70	1/60
(3) Firemen	45	20	55	55	1/40
(4) Policemen	45	20	55	55	1/40

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(a) The maximum retirement age of fifty-five (55) shall apply only to firemen and policemen who have not attained such age as of July 1, 1971 and the maximum retirement age for firemen and policemen who attained age fifty-five (55) prior to July 1, 1971 shall continue to be age sixty (60).

(b) Notwithstanding the provisions of Subsection (a), a general employee or library employee shall have completed the minimum requirements for service retirement if the sum of his age and the number of years of his creditable service equals at least eighty-five (85) on or after the applicable date specified below:

- (i) For employees included in a collective bargaining unit represented by the Greenwich Municipal Employees Association or Local #456. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, July 1, 1972.
- (ii) For employees included in a collective bargaining unit represented by the Greenwich Public Health Nurses Unit II, Connecticut Nurses Association, July 1, 1973.
- (iii) For all other general employees and library employees, July 1, 1974.

(c) If any Member in any period of six (6) consecutive years after last becoming a Member is absent from Service more than five (5) years in the aggregate, except a Member entitled to a Vested Retirement Allowance pursuant to Section 190 (b), or if any Member becomes a Beneficiary hereunder or dies, he shall thereupon cease to be a Member.

(S.A. 408 § 3, 1945; as amended and approved 6/17/74, 11/21/83, and Ret. Bd. 10/4/01 and BET 11/19/01)

Sec. 180. Creditable Service; Determination.

(a) The Retirement Board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall more than one (1) year of service be creditable for all service in one (1) calendar year, nor shall the Board allow credit as service for any period of more than one (1) month's duration during which the employee was absent continuously without pay.

(b) When the membership of an employee holding a prior service certificate certifying to his credit for service rendered prior to January 1, 1946 ceases, his prior service certificate shall become void. Should the employee again become a member, he shall enter the Retirement System as a member not entitled to prior service credit.

(c) Creditable service at retirement shall consist of the membership service rendered by the member since he last became a member and also, if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate.

(d) Any person on leave in the armed forces of the United States who would otherwise have qualified for prior service credit shall be entitled to prior service credit if he becomes an employee within the meaning of this Article within a period of two (2) years after he has been honorably discharged, and his time in the armed forces shall be included as creditable service under this Article. Any member who has left or hereafter leaves the employment of the Town to enter the military service of the United States (such service to include service in any uniformed auxiliary of or to any

branch of such military service created or authorized as such auxiliary by the Congress of the United States) may maintain his membership during such period of military service provided:

- (1) He has not withdrawn any part or all of his accumulated deductions, or in the event he has already withdrawn any part or all of his accumulated deductions he redeposits the amount so withdrawn within such period of time and on such terms and conditions as may be provided by the Retirement Board;
- (2) Within one hundred and twenty (120) days from the time he is relieved from active duty or service he shall be actively employed by the Town; and
- (3) He shall not have previously taken any other employment.

(e) During the period of such absence in military service neither the member nor his estate shall have any right to or be entitled to any benefit other than the payment of his accumulated deductions as provided in Section 190 hereof. Any person who so maintains his membership during the period of military service shall receive full credit as membership service for the period of his absence as if he had not been absent for such period.

(S.A. 408 § 4, 1945.)

Sec. 181. Service Retirement Allowance; Amount.

- (a) (1) Upon retirement for Service, a Member, other than a Member who has elected to reduce his contributions pursuant to Section 204(g) hereof for any period of Creditable Service, shall re-

ceive a Retirement Allowance equal to the rate of benefit for his classification as defined in Section 179 multiplied by his Average Final Compensation multiplied by his number of years of Creditable Service, but not greater than two-thirds ($\frac{2}{3}$) of his Average Final Compensation. In no event shall a Member's Retirement Allowance be less than the Annuity described in Subsection (a)(2)(i) below.

- (2) The Retirement Allowance described in Subsection (a)(1) above shall consist of:
 - (i) An Annuity which shall be the Actuarial Equivalent of his Accumulated Deductions at the time of his retirement; and
 - (ii) A Pension which, when combined with the Annuity described in (i) above, shall equal the Retirement Allowance set forth in Subsection (a)(1) above.
- (3) If, upon Service retirement, the Member shall have had at least fifteen (15) years of Creditable Service, his Retirement Allowance shall not be less than Twelve Hundred Dollars (\$1,200.00) per annum. Payment of the service Retirement Allowance of Members who retired prior to January 18, 1971, shall be made as if the foregoing minimum had been in effect at date of retirement.
- (4) (i) In the case of a Member who has elected to reduce his contributions for any period of Creditable Service pursuant to Section 204(g) hereof, or in the case of a Member who has elected not to increase his rate of contribution commenc-

ing January 1, 1963 in accordance with Section 204(a) hereof, such Member shall receive the Retirement Allowance set forth in Subsection (a)(1) above reduced by the Annuity described in Subsection (a)(2)(i) above which would have existed if such Member had contributed throughout his Membership Service the full percentage of his Earnable Compensation required under Sections 204(a) and (j) hereof, but increased by an Annuity which shall be the Actuarial Equivalent of such Member's Accumulated Deductions at the time of retirement based on the actual contributions made by such Member.

- (ii) Effective for Members who commence receiving a retirement benefit on or after January 1, 2002, notwithstanding Subsection (a)(4)(i) above, in the case of a Member who has elected to reduce his contributions for any period of Creditable Service pursuant to Section 204(g) hereof, or in the case of a Member who has elected not to increase his rate of contribution commencing January 1, 1963 in accordance with Section 204(a) hereof, such Member shall receive, as a Retirement Allowance, the greater of:
 - (x) the Retirement Allowance set forth in Subsection (a)(1) above reduced by the Annuity described in Subsection (a)(2)(i) above which would have existed if such Member had

contributed throughout his Membership Service the full percentage of his Earnable Compensation required under Sections 204(a) and (j) hereof, but increased by an Annuity which shall be the Actuarial Equivalent of such Member's Accumulated Deductions at the time of retirement based on the actual contributions made by such Member;

or

- (y) two-thirds ($\frac{2}{3}$) of the Retirement Allowance set forth in Subsection (a)(1) above, plus one-third ($\frac{1}{3}$) of the Retirement Allowance set forth in Subsection (a)(1) above multiplied by a fraction the numerator of which is the actual Accumulated Deductions at the time of retirement based on the actual contributions made by such Member, and the denominator of which is the Accumulated Deductions which would have existed if such Member had contributed throughout his Membership Service the full percentage of his Earnable Compensation required under Sections 204(a) and (j) hereof.
- (5) In the case of an employee who last became a member of the System prior to January 1, 1963, the service retirement pension shall not be less than the pension which would have been payable had the provisions of

this Article in effect immediately prior to January 1, 1963 remained in effect until the member's date of retirement.

(b) Each member who retired prior to July 1, 1982, or his beneficiary, shall receive, effective July 1, 1987, an adjusted retirement allowance in accordance with the following table:

<i>Age Less than 65</i>		<i>Increase in Allowance</i>
<i>Current Maximum Monthly Benefit</i>	<i>% Increase</i>	<i>Adjusted Maximum Not to Exceed</i>
Less than \$300	20%	\$339.00
\$300 to \$499.99	13%	\$535.00
\$500 to \$999.99	7%	\$1,000.00
\$1,000 and over	None	—
<i>Age 65 and over</i>		<i>Increase in Allowance</i>
<i>Current Maximum Monthly Benefit</i>	<i>% Increase</i>	<i>Adjusted Maximum Not to Exceed</i>
Less than \$300	27%	\$360.00
\$300 to \$499.99	20%	\$565.00
\$500 to \$999.99	13%	\$1,000.00
\$1,000 and over	None	—

If such retired member has elected an optional benefit under Section 191 of the charter, the increased benefit payable to such retired member or his beneficiary from

this adjustment shall be reduced by the same percentage as such retiree's retirement allowance has been reduced by reason of his optional benefit election.

(S.A. 408 § 5, 1945; as amended and approved 3/16/1987; as amended and approved Ret. Bd. 10/4/2001 and BET 11/19/2001.)

Sec. 182. Service Retirement Allowance; Conditions.

(a) Any member in service may retire on a service retirement allowance on the first day of any calendar month not less than thirty (30) nor more than ninety (90) days subsequent to receipt by the Retirement Board of written application therefor filed by the member, or filed by the head of his department and approved by the Retirement Board; provided that at the time so specified for his retirement he shall have completed the minimum requirements for service retirement for his classification as defined in Sections 178 and 179, and notwithstanding that during such period of notification he may have separated from service.

(b) Any member in service who shall attain the maximum retirement age for his classification as defined in Sections 178 and 179 after the date the retirement system becomes operative shall be retired on the first day of the calendar month next succeeding the month in which he attains such age; provided that on recommendation of the member's department head, together with a certificate of physical fitness by a physician engaged by the Retirement Board, if that be requested by the Board, the Retirement Board may permit a member who has attained such age to continue in active service for a further period of not more

than two (2) years, and provided any member who has held office continuously by popular election since the Retirement System became operative may continue in active service while holding such office, anything in this Subsection to the contrary notwithstanding.

(c) Any employee, other than an elected official, whether or not a member of the Retirement System who shall attain the maximum retirement age for his classification shall, subject to the provisions of Subsection (b) hereof, be retired on the first day of the calendar month next succeeding the month in which he attains such age.

(S.A. 408 § 5, 1945; as amended and approved Ret. Bd. 10/4/2001 and BET 11/19/2001.)

Sec. 183. Early Service Retirement Allowance.

(a) Upon retirement for early Service a Member shall receive a Retirement Allowance commencing on the date of his early service retirement which shall consist of:

- (1) An Annuity which shall be the Actuarial Equivalent of his Accumulated Deductions at the time of his retirement; and
- (2) A Pension which is the Actuarial Equivalent of the Pension that would have been provided under the provisions of Section 181(a), commencing at the age at which the member would have completed the minimum requirements for Service retirement had he remained in Service, computed as a service retirement Pension under the provisions of Section 181 on the basis of his

Average Final Compensation and Creditable Service to the time of his early Service retirement.

(b) Conditions for early service retirement allowance. Any member in service who is classified as a general employee or a library employee may retire on an early service retirement allowance on the first day of any calendar month not less than thirty (30) nor more than ninety (90) days subsequent to receipt by the Retirement Board of written application therefor filed by the member; provided that at the time so specified for his retirement he shall have attained age sixty (60) but shall not have completed the minimum requirements for service retirement.

(S.A. 408 § 6, 1945; amended and approved 6/17/74 and Ret. Bd. 10/4/01 and BET 11-19-01.)

Sec. 184. Ordinary Disability Retirement Allowance; Amount.

(a) (1) Upon retirement for ordinary disability, a Member shall receive a service Retirement Allowance if he has completed the minimum requirements for Service retirement. Otherwise, such Member, unless he is a Member who has elected to reduce his contributions pursuant to Section 204(g) hereof for any period of Creditable Service, shall receive an ordinary disability Retirement Allowance equal to ninety percent (90%) of his rate of benefit multiplied by his Average Final Compensation for each year of his Creditable Service, but not in excess of ninety percent (90%) of two-thirds ($\frac{2}{3}$) of his Average Final Compensation, if such Retirement Allowance exceeds thirty percent (30%) of his Average

Final Compensation. Otherwise, he shall receive an ordinary disability Retirement Allowance equal to thirty percent (30%) of his Average Final Compensation, provided no such allowance shall exceed ninety percent (90%) of his rate of benefit multiplied by his Average Final Compensation for each year of Service with which he would have been credited had he remained in Service until completion of the minimum requirements for service retirement.

- (2) The ordinary disability Retirement Allowance described in Subsection (a)(1) above shall consist of:
 - (i) An Annuity which shall be the Actuarial Equivalent of his Accumulated Deductions at the time of his ordinary disability retirement; and
 - (ii) A Pension which, when combined with the Annuity described in (i) above, shall equal the ordinary disability Retirement Allowance set forth in Subsection (a)(1) above.
- (3) The minimum ordinary disability Retirement Allowance shall be One Thousand and Eighty Dollars (\$1,080.00) per annum. Henceforth, payment of the ordinary disability Retirement Allowance of Members who retired prior to January 18, 1971, shall be made as if the foregoing minimum had been in effect at date of retirement.
- (4) In the case of a Member who has elected to reduce his contributions for any period of Creditable Service pursuant to Section 204(g) hereof, or in the case of a Member who has elected not

to increase his rate of contribution commencing January 1, 1963, in accordance with Section 204(a) hereof, such Member shall receive the Retirement Allowance set forth in Subsection (a)(1) above reduced in the same manner that such Member's Retirement Allowance would have been reduced pursuant to the provisions of Subsection 181(a)(4) above.

- (5) In the case of an employee who last became a member of the system prior to January 1, 1963, the disability retirement pension shall not be less than the pension which would have been payable had the provisions of this Article in effect immediately prior to January 1, 1963 remained in effect until the member's date of retirement.

(S.A. 408 § 7, 1945, as amended and approved Ret. Bd. 10/4/2001 and BET 11/19/2001.)

Sec. 185. Ordinary Disability Retirement Allowance; Conditions.

Upon the application of a member in the service or the head of his department, any member who has twelve (12) or more years of creditable service or, in the case of a fireman who becomes disabled on or after July 1, 1972 or a policeman who becomes disabled on or after July 1, 1973, ten (10) or more years of creditable service, may be retired by the Retirement Board on an ordinary disability retirement allowance on the first day of any calendar month not less than thirty (30) nor more than ninety (90) days subsequent to the filing of such application; provided that a physician or physicians engaged by the Board for this purpose, after a medical examination of such member,

shall certify that such member is mentally or physically incapacitated for the further performance of duty that such incapacity is likely to be permanent and that such member should be retired.

(S.A. 408 § 7, 1945; as amended and approved 6/17/1974; as amended and approved Ret. Bd. 10/4/2001 and BET 11/19/2001.)

Sec. 186. Accidental Disability Retirement Allowance; Amount.

(a) Upon retirement for accidental disability, a member shall receive an accidental disability retirement allowance consisting of:

- (1) An annuity which shall be the actuarial equivalent for his accumulated deductions at the time of his retirement; and
- (2) A pension of fifty percent (50%) of his average final compensation.

(b) If the member has completed the minimum requirements for service retirement, he shall receive the greater of the allowance calculated in (a) above or a service retirement allowance.

(S.A. 408 § 8, 1945, as amended and approved 7/15/1991; as amended and approved Ret. Bd. 10/4/2001 and BET 11/19/2001.)

Sec. 187. Accidental Disability Retirement; Conditions.

(a) Upon the application of a member in service, or of the head of his department, any member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some

definite time and place, without willful negligence on his part may be retired by the Retirement Board on the first day of any calendar month subsequent to the filing of such application. The physician or physicians engaged by the Board for this purpose, after a medical examination of such member, shall certify that such member is totally incapacitated mentally or physically for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired.

(b) No beneficiary entitled to an accidental disability retirement allowance shall receive any allowance on account of ordinary disability. Any condition of impairment of health caused by hypertension or heart disease resulting in total or partial disability to a paid uniformed member of the Fire Department or the Police Department who successfully passed a physical examination on entry into such service, which examination failed to reveal any evidence of such condition, shall be presumed to have been suffered in line of duty and provided any such condition with respect to any uniformed member of the Fire Department entering into such service prior to January 1, 1939 without a physical examination shall also be presumed to have been suffered in line of duty.

(S.A. 408 § 8, 1945; as amended and approved Ret. Bd. 10/4/2001 and BET 11/19/2001.)

Sec. 188. Re-examination of Beneficiaries Retired for Disability.

(a) Once each year during the first five (5) years following retirement of a member on a disability retirement allowance, and once in every three (3) year period thereafter, the Retirement Board may, and

upon his application shall, require any disability beneficiary who has not yet attained the age of sixty (60) to undergo a medical examination by a physician or physicians designated by the Board. The examination shall be made at the place of residence of such beneficiary or such other place as may be mutually agreed upon. If any disability beneficiary who has not yet attained such age refuses to submit to such medical examination, his pension may be discontinued until his withdrawal of such refusal, and if his refusal continues for a year, all his rights in and to his pension may be revoked by the Retirement Board.

(b) If such physician or physicians reports and certifies to the Retirement Board that such disability beneficiary is engaged in or is capable of engaging in a gainful occupation paying more than the difference between his retirement allowance and his earnable compensation at retirement, and if the Retirement Board concurs in such report, the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of such earnable compensation. If his earning capacity is later changed, the amount of his pension may be further modified in like manner. The new pension shall not exceed the amount of the pension originally granted, nor shall it exceed an amount which, when added to the amount earnable by him together with his annuity, equals the amount of his earnable compensation at retirement. If a beneficiary is restored to active service at a salary less than his earnable compensation at retirement, he shall not become a member of the Retirement System at that time.

(S.A. 408 § 9, 1945; as amended and approved Ret. Bd. 10/4/2001 and BET 11/19/2001.)

Sec. 189. Restoration of Beneficiaries to Membership.

If a disability beneficiary is restored to, or is in, active service at a compensation not less than his earnable compensation at retirement or if any other beneficiary is restored to active service, his retirement allowance shall cease. He shall again become a member of the Retirement System, and he shall contribute thereafter at his original contribution rate. Notwithstanding anything in this Article to the contrary, any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition upon his subsequent retirement he shall be credited with all his service as a member. If a beneficiary is restored to active service after the attainment of the age of fifty (50), his pension upon subsequent retirement shall not exceed the pension which he was receiving immediately prior to his last restoration to membership and the pension that he would have received on account of his service since his last restoration had he entered service at that time as a new entrant.

(S.A. 408 § 10, 1945; as amended and approved Ret. Bd. 10/4/2001 and BET 11/19/2001.)

Sec. 190. Return of Deductions; Vesting.

(a) Within sixty (60) days after the filing with the Retirement Board of a request therefor, any Member who shall have ceased to be an Employee, by resignation or discharge or for any reason other than death, shall be paid upon demand the amount of his Accumulated Deductions; provided, however, if the Member has retired and his Accumulated Deductions have

been transferred from the Annuity Savings Fund to the Accumulation Fund pursuant to Section 204(f), he shall have no right to such payment. Upon the payment of his Accumulated Deductions: (1) a Member who is not vested shall thereafter not be entitled to any Retirement Allowance hereunder unless he makes repayments in accordance with the last sentence of this Subsection and subsequently becomes vested; and (2) a Member who is vested shall thereafter be entitled to a Retirement Allowance calculated as if he had made no contributions for any period of Creditable Service pursuant to: (x) Section 181(a)(4)(i), if his Accumulated Deductions were paid to him prior to January 1, 2002, and (y) Section 181(a)(4)(ii), if his Accumulated Deductions were paid to him on or after January 1, 2002. If a Member dies and no other death benefit is payable under the Retirement System, his Accumulated Deductions shall be payable to such person, if any, he shall have nominated by written designation duly executed and filed with the Retirement Board, otherwise to his legal representative. A Member who leaves Service may be reinstated as a Member with all prior Service credit if he is rehired, the break in Service is under one year in duration or is no longer than the total prior Service of that Member with the Town up to the date of withdrawal of Accumulated Deductions and, upon six months completion of Service after rehiring, he restores to the System the amount the Accumulated Deductions would have been on the date of restoration if no withdrawal had occurred pursuant to Section 204(d).

(b) If a member classified as a general employee or a library employee terminates his service after completion of fifteen (15) years of creditable service, he

may elect to continue as a member of the System and receive a vesting retirement allowance commencing on the first day of the calendar month coincident with or next following completion of the minimum requirements for service retirement as in effect at the time his service is terminated. If a fireman terminates his service on or after July 1, 1972 or if a policeman terminates his service on or after July 1, 1973 and in either case has completed fourteen (14) years of creditable service, he may elect to continue as a member of the system and receive a vesting retirement allowance commencing on the first day of the calendar month coincident with or next following his attainment of age fifty-five (55). The vesting Retirement Allowance shall be computed as a service Retirement Allowance on the basis of: (i) The Member's Average Final Compensation and Creditable Service to the date of termination of Service; and (ii) The benefit provisions in effect on such date except where specifically set forth otherwise in the Retirement System.

(S.A. 408 § 11, 1945; as amended and approved 6/17/1974, and Ret. Bd. 10/4/2001 and BET 11/19/2001.)

Sec. 191. Optional Benefits.

Prior to or coincident with the filing of written application for retirement, any member may elect to convert the allowance otherwise payable on his account after retirement into a retirement allowance of equivalent actuarial value in accordance with one of the optional forms named below. If such member dies prior to the effective date of his retirement, the election of an optional form of allowance shall not be effective, and any return of deductions under Section 190 hereof shall be payable.

Option 1. A reduced retirement allowance payable during his life, with the provision that if he dies before he has received in payments of his annuity the amount of his accumulated deductions at the time of his retirement, the balance shall be paid to such person, if any, as he shall have nominated by written designation duly executed and filed with the Retirement Board, otherwise to his legal representatives.

Option 2. A reduced retirement allowance, payable during his life, with the provision that after his death it shall be paid during the life of and to such person as he shall have nominated by written designation duly executed and filed with the Retirement Board.

Option 3. A reduced retirement allowance payable during his life, with the provision that after his death an allowance of one-half (1/2) of the amount of his reduced allowance shall be paid during the life of and to such person as he shall have nominated by written designation duly executed and filed with the Retirement Board.

Option 4. A reduced retirement allowance payable during his life, with some other benefit payable after his death; provided that the total present value at the time of retirement of the allowance during his life and of the succeeding benefit shall be computed to be of equivalent actuarial value to the allowance which he would receive without optional modification, and provided that the benefit shall be approved by the Retirement Board.

(S.A. 408 § 12, 1945.)

Sec. 192. Accidental Death Benefits.

(a) If upon receipt of proof satisfactory to the Retirement Board of the death of a member in service, indicating that such death was the natural and prox-

imate result of an accident occurring while the member was in the actual performance of duty, the Board shall decide that death was the result of an accident in the actual performance of duty occurring at some definite time and place, and not caused by wilful negligence on the part of the member, there shall be paid a pension of one-half (1/2) of his base compensation for accidental death pension to his widow if he leaves a widow, to continue during her widowhood. If he leaves no widow, or the widow dies or remarries before his youngest child has attained the age of eighteen (18), such pension shall be paid to or for the use of his child or children under such age, if any, divided in such manner as the Board in its discretion shall determine, to continue until every such child dies or attains such age, or if he leaves no widow or child under the age of eighteen (18), then to his dependent father or mother as the Board in its discretion shall determine, to continue for life.

(b) The death of any such member caused by hypertension or heart disease is excluded as a basis for benefit to the beneficiaries of members as provided in Subsection (a) provided, however, that this exclusion shall not apply to a paid uniformed member of the Fire Department or the Police Department qualifying under the amendment to this Section and Sections 193 and 194 hereof.

(S.A. 408 § 13, 1945, adopted by the Retirement Board on 3/20/57.)

Sec. 193. Death Benefits Prior to Retirement of Firemen and Policemen.

Upon receipt of proof satisfactory to the Retirement Board of the death of a fireman or policeman in service

prior to retirement from causes not entitling his beneficiaries to accidental death benefits, an annual pension of one-quarter (1/4) of his annual compensation at the time of death would be paid to his widow during her widowhood.

(S.A. 408 § 13, 1945.)

Sec. 194. Death Benefits After Retirement of Firemen and Policemen.

Upon receipt of proof satisfactory to the Retirement Board of the death of a fireman or policeman after retirement under the provisions of Sections 181, 182, 184, 185, 186 and 187 hereof, there shall be paid an annual pension of one-quarter (1/4) of his annual rate of compensation in effect at the time of retirement to his widow if he leaves a widow, to continue only during her widowhood, provided that no option under the provisions of Section 191 hereof is in effect with respect to such member.

(S.A. 408 § 13, 1945.)

Sec. 195. Compensation Benefits Offset.

Any amounts paid or payable by the Town under the provisions of any workmen's compensation law or policy, or under the provisions of any similar law or policy, whether federal, state or other similar law or policy, to a member or to the dependents of a member on account of disability or otherwise, shall be offset against any benefits payable out of funds provided by the Town under the provisions of this Article on account of the same disability or otherwise, in such manner as the Retirement Board shall determine.

(S.A. 408 § 14, 1945.)

Sec. 196. Administration of System.

The general administration and the responsibility for the proper operation of the Retirement System and for making effective the provisions of this Article are vested in a Retirement Board which shall be organized immediately after three (3) of the members of the Board provided for in Section 197 have qualified and taken the oath of office.

(S.A. 408 § 15, 1945.)

Sec. 197. Retirement Board; Composition; Terms; Liability.

(a) The Retirement Board shall consist of five (5) members, as follows:

- (1) The Comptroller of the Town, ex officio;
- (2) Two (2) citizens of the Town not eligible for membership in the System and not officials of the Town or persons employed by the Town, to be appointed by a committee composed of the First Selectman, the moderator of the Representative Town Meeting and the chairman of the Board of Estimate and Taxation, one (1) to serve for a term of two (2) years and one (1) to serve for a term of four (4) years; thereafter all terms shall be for four (4) years;
- (3) Two (2) members of the Retirement System to be elected by the membership of the System under such rules and regulations as may be adopted by the Retirement Board to govern such election, to serve for a term of four (4) years; provided the term of office of the first two (2)

members of the Board so elected shall be determined by lot, one (1) to expire in three (3) years and one (1) to expire in five (5) years;

(b) The members of the Retirement Board shall use ordinary care and reasonable diligence in the performance of their duties under this Article, but no member of the Board shall be personally liable by virtue of any contract, agreement, bond or other instrument made or executed by him or in his behalf as a member of the Board, nor for any mistake of judgment made in good faith, nor for any loss, unless resulting from his own gross negligence or wilful misconduct. No member of the Board shall be liable for any neglect, omission or wrongdoing of the agents or counsel of the Board provided reasonable care shall have been exercised in their selection.

(S.A. 408 § 15, 1945; as amended by RTM, 1/17/66.)

Sec. 198. Retirement Board; Vacancy; Compensation; Oath.

(a) If a vacancy occurs in the office of an appointed or elected member of the Retirement Board, the vacancy shall be filled for the unexpired portion of the term in the same manner as the office was previously filled.

(b) The members of the Retirement Board shall serve without compensation, but they shall be reimbursed from the expense fund for any expense that they may incur from service on the Board.

(c) Each member of the Board shall within ten (10) days after his appointment or election take an oath of office.

(S.A. 408 § 15, 1945.)

Sec. 199. Retirement Board; Procedures.

(a) Each member shall be entitled to one (1) vote in the Retirement Board. Three (3) concurring votes shall be necessary for a decision at any meeting of the Retirement Board. Three (3) members shall constitute a quorum of the Board.

(b) Subject to the limitations of this Article, the Retirement Board shall, from time to time, establish such rules and regulations for the administration of the Retirement System as may be necessary.

(c) The Retirement Board shall elect from its membership a chairman and shall appoint a secretary who may or may not be a member of the Board. The Retirement Board may employ such actuarial, medical, clerical and special services as may be required.

(d) The Retirement Board shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the System.

(e) The Retirement Board shall keep a record of all its proceedings which shall be open to public inspection. It shall submit to the Board of Estimate and Taxation annually a report showing the fiscal transaction of, and the payments from the Retirement System for the preceding year, the amount of accumulated cash and a list of securities of the System, and the last balance sheet showing the financial condition of the System by means of an actuarial valuation of its assets and liabilities.

(S.A. 408 § 15, 1945.)

Sec. 200. Legal advisor.

The Town Attorney shall be the legal advisor of the Retirement Board.
(S.A. 408 § 15, 1945.)

Sec. 201. Medical Examinations.

The Retirement Board shall arrange for the necessary physician or physicians to make and pass upon all medical examinations required under the provisions of this Article. Such physician or physicians shall investigate all essential statements and certificates by and in behalf of a member in connection with an application for disability retirement and shall report in writing to the Retirement Board their conclusions and recommendations upon all matters referred to them.
(S.A. 408 § 15, 1945.)

Sec. 202. Actuary; Duties; Investigations; Valuation.

(a) The Retirement Board shall designate an actuary, who shall be the technical adviser of the Board in matters regarding the adequacy of the reserves created by the provisions of this Article and who shall perform such other duties as are required in connection therewith.

(b) Within three (3) years after January 1, 1946, and at least once in each five (5) year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the System and, taking into account the results of such investigation the Retirement Board shall adopt for the System such

mortality, service and other tables as shall be deemed necessary, and shall certify the rates of contribution payable under the provisions of this Article.

(c) On the basis of such tables as the Retirement Board shall, from time to time, adopt, the actuary shall make an annual valuation of the assets and liabilities of the reserve funds of the Retirement System created by this Article.

(S.A. 408 § 15, 1945.)

Sec. 203. Method of Financing.

All of the assets of the Retirement System shall be credited, according to the purpose for which they are held, among the three (3) funds set out in this Article, namely, the "Annuity Savings Fund," the "Accumulation Fund" and the "Expense Fund."

(S.A. 408 § 16, 1945.)

Sec. 204. Annuity Savings Fund; Operational Procedure.

(a) The Annuity Savings Fund shall be the fund in which shall be accumulated the deductions from the compensation of members. Upon the basis of such tables as the Retirement Board shall adopt and regular interest, the actuary of the Retirement System shall determine for each member the percentage of earnable compensation for his classification which, when deducted from each payment of his prospective compensation earnable prior to the date on which he will complete the minimum requirements for service retirement, and accumulated at regular interest until that date, is computed to provide at that time an annuity equal, in the case of a member classified as a

general employee or library employee, to one-third (1/3) of his service retirement allowance on account of membership service and, in the case of a member classified as a fireman or policeman, to one-fourth (1/4) of a service retirement allowance on account of his membership service. Such percentage of compensation shall be computed, in the case of a general employee or library employee, on the basis of the minimum requirements for service retirement specified in Subsection 179(a) without regard to the provisions of Subsection 179(b) and, in the case of a fireman or policeman, on the basis of a rate of benefit of one fiftieth (1/50) and minimum requirements for service retirement of attainment of age fifty-five (55) or attainment of age fifty (50) and completion of twenty-five (25) years of creditable service. Such percentage of compensation shall be computed to remain constant. In the case of a general employee or library employee who became a member prior to January 1, 1963 or a fireman or policeman who became a member prior to July 1, 1968, such percentage shall be computed on the basis of his age at the time he became a member, and the percentage so determined shall be applicable to such general employees and library employees on and after January 1, 1963 and to such firemen and policemen on and after July 1, 1968. Anything herein to the contrary notwithstanding, should such percentage of earnable compensation applicable to such a member be greater than

the rate at which he was required to contribute immediately prior to January 1, 1968, the member may elect to continue at such previous rate of contribution, subject to the provisions of Sections 181(a)(4) and 184(a)(4). The Town shall withhold such percentage of the earnable compensation due on each pay day to members of the Retirement System so determined. The various amounts so withheld shall be transferred immediately thereafter to the Retirement System and credited to the accounts of the respective members so contributing, and shall be paid into and become a part of the Annuity Savings Fund. The percentage so computed for a member classified as a general employee or library employee of the age of sixty-four (64) shall be applicable to those of the age of sixty-four (64) or over when becoming members. The percentage so computed for a member classified as a fireman or policeman of the age of fifty-four (54) shall be applicable to those of the age of fifty-four (54) or over when becoming members.

(b) In determining the amount earnable by a member in a payroll period, the Retirement Board may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if any employee was not a member on the first day of the payroll period and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one-tenth ($\frac{1}{10}$) of one percent (1%) of the annual compensation upon the basis of which such deduction is to be made. No deduction shall be made from the compensation of any member if he has

completed the minimum requirements for service retirement and has completed forty (40) years of membership service, in the case of a member classified as a general employee or library employee, or thirty-three and one-third ($33\frac{1}{3}$) years of membership service, in the case of a member classified as a fireman or policeman.

(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member will be reduced thereby. Every member shall be deemed to consent and agree to the deductions provided for herein and shall receipt for his full salary or compensation, and the payment of his full salary or compensation less the deductions provided for hereunder shall be considered a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under the Retirement System.

(d) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the Retirement Board, any member may redeposit in the Annuity Savings Fund by a single payment or by an increased rate of contribution an amount equal to the total amount which he previously withdrew therefrom, as provided in this Article, or any part thereof, or any member may deposit therein by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity which, together with his prospective retirement allowance, will provide for him a total retirement allowance not to exceed one-half ($\frac{1}{2}$) of his

salary upon completion of the minimum requirements for service retirement. Such additional amounts so deposited shall be treated as a part of his accumulated deductions, except in the event of his retirement when they shall be treated as excess contributions returnable to the member in cash or to provide an excess annuity of equivalent actuarial value.

(e) The accumulated deductions of a member withdrawn by him or paid to his designated beneficiary or legal representatives in event of his death, shall be paid from the Annuity Savings Fund.

(f) Upon the retirement of a member his accumulated deductions shall be transferred from the Annuity Savings Fund to the Accumulation Fund.

(g) (1) Notwithstanding anything herein to the contrary, any member classified as a general employee or library employee may, at any time after an agreement extending coverage under the Social Security Act with respect to his service as a member has been entered into as provided in Section 218 of such Act, elect to reduce his contributions by the amount of his tax under the Federal Insurance Contributions Act as from time to time in effect by filing written notice of such election with the Retirement Board at least thirty (30) days prior to the date such reduction is to become effective. In addition, any member may elect, within thirty (30) days after such agreement extending coverage under the Social Security Act becomes effective, to have withdrawn from his account in the Annuity Savings Fund an amount sufficient to pay his tax under the Federal Insurance

Contributions Act from January 1, 1955 or his date of membership, if later, to the date the agreement becomes effective. In the event a member does not make such election, he may alternatively elect to make payment of such retroactive tax in a lump sum. If neither election is made, as a condition of continued employment, deductions equivalent to such retroactive tax shall be made from the compensation of such member in six (6) equal monthly installments beginning thirty (30) days after the effective date of the agreement.

- (2) Effective January 1, 2002, the following rules shall apply with respect to the ability of a Member to reduce the amount of his contributions under Subsection (g)(1) above.
 - A. New Hires. Any person who becomes an Employee on or after January 1, 2002 must make his election to reduce contributions pursuant to (g)(1) above within thirty (30) days of his date of hire. If an election is not received by the Town during this period of time, the Employee will be required to make such contributions throughout the period(s) of his Creditable Service.
 - B. Current Employees. Any Employee who is a Member as of January 1, 2002 may make a one time election to either reduce contributions pursuant to (g)(1) above or to revoke a prior election to reduce contributions. A notice of election rights shall be provided to such Employees as soon as practicable thereafter, and such election must be received by

the Town by an announced due date (which shall be no later than the 60th day after such notice has been provided.) If an election is not received by the Town by such due date, his existing treatment shall remain in effect throughout the remaining period(s) of his Creditable Service.

(h) Effective January 1, 2002, a Member who elected to reduce his contributions during the Member's period of Creditable Service pursuant to Subsection (g) above may elect, at the time of retirement, to make a one-time make-up contribution. Such make-up contribution shall be funded a by a direct transfer of an eligible rollover distribution from the Savings Plan for Employees of the Town of Greenwich into the Annuity Savings Fund of the Retirement System in an amount not in excess of the amount computed to be sufficient, when added to the Member's actual Accumulated Deductions, if any, to equal the maximum amount of Accumulated Deductions that would exist if mandatory contributions had been made during his entire period of Creditable Service. Such make-up contributions shall be treated as Accumulated Deductions in the Annuity Savings Fund, and shall immediately be transferred to the Accumulation Fund pursuant to Section 204(f).

(i) The Town shall pick up the Employee contributions required of Members. For non-collectively bargained Members, the pick up will be effective for all compensation earned after December 31, 1991. For collectively bargained Members, the pick up will be effective as directed in the applicable collective bargaining unit agreement. The contributions so picked-up

shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code. Employee contributions picked-up pursuant to this provision shall be treated for all other purposes, in the same manner and to the same extent, as Employee contributions made prior to the effective date of this paragraph.

(j) Notwithstanding any provision of the Retirement System to the contrary, effective January 1, 1995, certain Members identified by the Town shall not have a percentage of Earnable Compensation deducted from each payment of his prospective compensation as set forth in Subsection (a) above. (S.A. 408 § 16, 1945; as amended and approved 6/17/1974, and Ret. Bd. 10/4/2001 and BET 11/19/2001.)

Sec. 205. Accumulation Fund; Operational Procedure.

(a) The Accumulation Fund shall be the fund in which shall be accumulated all reserves and payments contributed by the Town for the payment of all pensions and other benefits payable from contributions by the Town, and from which shall be paid all annuities, pensions and benefits in lieu thereof. Should a beneficiary be restored to membership, his annuity reserve shall be transferred from the Accumulation Fund to the Annuity Savings Fund, and credited to his individual account therein.

(b) There shall be paid by the Town annually into the Accumulation Fund on account of each member, a certain percentage of the earnable compensation of such member, to be known as the "normal contribution rate" of the Town for membership service, and an

additional percentage of his earnable compensation to be known as the "accrued liability contribution rate" of the Town for prior service.

(c) Computation of normal contribution of the Town for membership service. During the period over which the accrued liability contribution is payable, on the basis of regular interest and of such mortality and other tables as shall be adopted by the Retirement Board, the actuary engaged by the Board to make each valuation required by this Article, immediately after making such valuation, shall determine the uniform and constant percentage of the earnable compensation of the average new entrant, which if contributed on the basis of compensation of such new entrant throughout his entire period of active service would be sufficient to provide for the payment of any pension payable on his account. The rate percent so determined shall be known as the "normal contribution" rate. Until the accrued liability has been liquidated the normal percentage contribution rate of the Town for membership service shall be determined as described above. After the accrued liability has been liquidated, the normal contribution rate of the Town shall be determined by actuarial calculation as the rate percent of the earnable compensation of all members, which is required as a contribution by the Town in order to provide the part of the cost of all benefits for which the Town is responsible. It shall be determined by the means of the following formula: At the time of each annual actuarial valuation the actuary shall first compute the present value of the prospective benefits payable from the Accumulation Fund to active members and beneficiaries on the valuation date. He shall then deduct therefrom the assets to the credit of the Accumulation

Fund on the valuation date. The remainder represents the present value of future contributions on account of employees who are then members or beneficiaries, to be contributed by the Town in the future in order to keep the Fund in balance. The actuary shall then determine what percentage of the future earnable compensation of all members, if contributed by the Town, will be sufficient to produce such contributions required of the Town. To determine such percentage, he shall divide the present value of the future contributions to be made by the Town by one percent (1%) of the prospective future compensation of all members, as computed on the basis of the mortality and service tables adopted by the Retirement Board, and regular interest, and the resulting rate shall be the normal contribution rate payable by the Town for membership service.

(d) Computation of accrued liability contribution of the Town. Immediately succeeding the valuation as of December 31, 1962, the actuary engaged by the Retirement Board shall compute the rate percent of the total annual earnable compensation of all members which is equivalent to four percent (4%) of the amount of the total liabilities of the Accumulation Fund in excess of the funds in hand in the Accumulation Fund, which is not dischargeable by the aforesaid normal contributions made on account of such members during the remainder of their active service. The rate percent so determined shall be known as the "accrued liability contribution" rate of the Town.

(e) Contributions by the Town after the valuation as of December 31, 1962. The total amount payable in each year by the Town to the Accumulation Fund shall

not be less than the amount obtained by applying the sum of the rates percent known as the normal contribution rate and the accrued liability contribution rate to the total compensation earnable by all members during the preceding year, provided that the amount of each annual accrued liability contribution after December 31, 1964, shall be at least equal to the preceding annual accrued liability contribution, and that the aggregate payment by the Town shall be sufficient, when combined with the amount in the Accumulation Fund, to provide the annuities, pensions and other benefits payable from the Fund during the year then current.

(f) Discontinuance of accrued liability contributions by the Town. The accrued liability contribution shall be discontinued as soon as the accumulated reserves in the Accumulation Fund shall equal the then present value, as actuarially computed and approved by the Retirement Board, of the total liability of the fund less the then present value, computed on the basis of the normal contribution rate of the Town for future service then in force, of the prospective normal contributions to be received on account of persons who are at that time members.

(g) Accounting procedure. All interests and dividends earned on the funds of the Retirement System shall be credited to the Accumulation Fund. Annually the Retirement Board shall transfer, from the Accumulation Fund to the Annuity Savings Fund an amount sufficient to allow regular interest on the balances of the members' accounts.

(h) Regular interest shall mean interest at such percent rate compounded annually as shall be determined by the Retirement Board from time to time for

use in all actuarial calculations required in connection with the operation of the Retirement System. A rate of three and one-half percent (3 1/2%) shall be regular interest until changed by the Retirement Board with the approval of the Board of Estimate and Taxation.

(i) All annuities, pensions, and benefits in lieu thereof shall be paid from the Accumulation Fund.
(S.A. 408 § 16, 1945.)

Sec. 206. Expense Fund.

The Expense Fund shall be the fund to which shall be credited all money appropriated by the Town to pay the administration expenses of the Retirement System, and from which shall be paid all the expenses necessary in connection with the administration and operation of the System except that such expenses may be paid or deducted wholly or partially from investment earnings or the corpus of the Accumulation Fund when and to the extent authorized by the Board of Estimate and Taxation upon the recommendation of the Retirement Board.
(S.A. 408 § 16, 1945; as amended by RTM, 1/19/1988.)

Sec. 207. Appropriations.

On or before December 1 in each year, the Retirement Board shall certify to the Board of Estimate and Taxation the amount of the appropriation necessary to pay to the various funds of the Retirement System the amounts payable by the Town as enumerated in this Article for the year beginning on July 1 of the succeeding year. With respect to administration expenses, the Retirement Board shall specify which expenses, if any, it recommends be paid from appropriations to be

credited to the Expense Fund and which expenses, if any, it recommends be paid from investment earnings or from the corpus of the Accumulation Fund. The items of appropriation, if any, providing such amount for the System, shall be included in the appropriations submitted to the Representative Town Meeting, and appropriations to the Systems of such amounts shall be made.

(S.A. 408 § 16, 1945; as amended by RTM, 1/19/1988.)

Sec. 208. Management of Funds; Rules and Regulations.

(a) The members of the Retirement Board shall be the trustees of the several Funds created by this Article. The Retirement Board shall be authorized to make arrangements with any bank or trust company for the deposit and safekeeping of securities, and, with it or others, for advice in connection with the investment of the funds of the Retirement System, in which case the Retirement Board itself shall invest and reinvest the Funds of the System; or the Retirement Board may deliver all, or a part, of the Funds and securities of the Retirement System to a corporation trustee, designated by the Board of Estimate and Taxation for the purpose of safeguarding, investing and reinvesting such Funds and securities, until they are needed for the purpose of the Retirement System, all under an agreement which shall be approved by the Board of Estimate and Taxation and the Town Attorney. All investments of the Funds of the Retirement System shall be made in accordance with, and subject to, the limitations of the General Statutes relating to the investment of Trust Funds held by trustees, and the Retirement Board or the corporation trustee, as

the case may be, may invest funds of the Retirement System in any securities, or other property, which they may select with the care of a prudent investor to an amount not exceeding sixty percent (60%) of the total Funds of the Retirement System. The remainder of said funds shall be invested in accordance with and subject to limitations of the General Statutes relating to the investment of Funds of savings banks or of life insurance companies, whichever of such two alternative limitations may from time to time be approved by resolution of the Board of Estimate and Taxation upon recommendation of the Retirement Board.

(b) The Treasurer of the Town shall be custodian of the several Funds. The books and accounts of the Retirement System shall be kept by the Comptroller and audited by the Town auditors. All payments from the Funds shall be made by checks issued by the Comptroller and signed by the Treasurer upon vouchers signed by two (2) persons designated by the Retirement Board. A duly attested copy of a resolution of the Retirement Board designating such persons and bearing upon its face specimen signatures of such persons shall be filed with the Comptroller and Treasurer as their authority for making payments upon such vouchers. No voucher shall be drawn unless it shall have been previously authorized by resolution of the Retirement Board.

(c) The funds of the Retirement System deposited in any one (1) bank or trust company shall not exceed ten percent (10%) of the paid-up capital and surplus of such bank or trust company.

(d) Except as otherwise provided herein, no member and no employee of the Retirement Board shall have any direct interest in the gains or profits of any

investments made by the Board, nor shall any member of the Board receive any pay or emolument for his services as such member. No member or employee of the Retirement Board shall, directly or indirectly, for himself or as an agent, in any manner use any of the securities or other assets of the Retirement System, except to make such current and necessary payments as are authorized by the Board; nor shall any member or employee of the Board become an endorser or surety or in any manner an obligor for monies loaned by or borrowed from the System.

(e) Notwithstanding anything in this Article to the contrary, if the Retirement Board shall be of the opinion that any benefit prescribed in this Article can be provided with equal security to the members, through the purchase thereof from any insurance company or companies approved by the Board of Estimate and Taxation, the Retirement Board, with the approval of the Board of Estimate and Taxation and of the Representative Town Meeting, is authorized to provide for the payment of such benefits through the purchase thereof from such company or companies and to make payment therefor from the funds which would be available for the provision of such benefits directly under this Article.

(S.A. 408 § 17, 1945, as amended and approved 1/19/1982; 11/17/1986.)

Sec. 209. Exemption of Funds from Taxation and Execution.

The pensions, annuities and retirement allowances and the accumulated deductions and the cash and securities in the funds created by this Article are exempted from any state, county or municipal tax of

this State, and shall not be subject to execution or attachment by trustee process or otherwise, in law or in equity, or under any process, and shall be non-assignable, except as specifically provided in this Article.

(S.A. 408 § 18, 1945.)

Sec. 210. Protection against fraud.

Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of this Retirement System in any attempt to defraud such System, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned for not more than six (6) months, or be both so fined and imprisoned. If any change or error in the records results in any member or beneficiary receiving from the Retirement System more or less than he would have been entitled to receive had the records been correct, the Retirement Board may correct such error, and as far as practicable, adjust the payments in such manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

(S.A. 408 § 19, 1945.)

Sec. 211. Limitations.

(a) No other provisions of any law which provides wholly or partly at the expense of the Town for pensions or other benefits for employees of the Town, their widows or other dependents, shall apply to members or beneficiaries of the Retirement System established under this Article, their widows or other dependents, except members or the beneficiaries of members

classified as general employees or library employees covered by the provisions of the Social Security Act. Notwithstanding the foregoing, a widow in receipt of a pension or other benefit provided wholly or partly at the expense of the Town on account of her deceased husband's participation in any other pension or benefit system may be or become an employee of the Town in a position covered by this Retirement System and participate as a member herein on account of service rendered to the Town by her in such position.

(b) If any section or part of any section of this Article is declared to be unconstitutional, the remainder of the Article shall not thereby be invalidated.

(c) All provisions of any special act inconsistent with the provisions of this Article are repealed to the extent of such inconsistency.
(S.A. 408 § 20, 1945.)

Sec. 212. Termination of System.

The Retirement System may be terminated at any time by majority vote of two (2) successive annual budget Representative Town Meetings, the notice for which shall be mailed at least ten (10) days before each meeting, and shall contain a warning that such termination will be proposed. In the event of the termination of the System for any cause, each member and beneficiary shall be entitled to the reserve held on his account as the result of all previous contributions made by him and by the Town. In such event the reserves to which members become entitled upon such termination shall be payable in cash or in the form of immediate or deferred annuities, as the Retirement Board, in its discretion, shall determine. In such event,

further if the reserve held on account of any beneficiary is inadequate to continue his full retirement allowance, he shall nevertheless be entitled to have his retirement allowance continued in full, and the additional amounts required to pay such allowance in full shall be paid by the Town.
(S.A. 408 § 20, 1945.)

Sec. 213. Amendment of System.

The membership, benefit, contribution, allowance and procedural provisions of this Article, and of the Retirement System, except as provided in Sections 178(d), 197(a)(2) and 208(e) hereof, may be amended at any time by the Retirement Board, upon the approval of the Board of Estimate and Taxation. No such amendment shall reduce the accrued benefit of any member, for which contributions were previously accumulated, without his consent. No such amendment shall discontinue or reduce the retirement allowance of any person in receipt thereof, without his consent.
(S.A. 408 § 20, 1945.)

Sec. 214. Deduction of Federal or State Pension.

Subject to the provisions of Section 195 hereof, the Retirement Board may, and upon the direction of the Board of Estimate and Taxation shall deduct from any pension payable under this Article all or part of the actuarial equivalent of any amount paid or payable to or on account of any member under the provisions of any present or future law, pension or benefit scheme of the federal government, any state government or any political subdivision thereof, to the extent that such amount has not been provided by contributions of the member under this System or by taxes or contribu-

tions paid directly by the member or deducted from his compensation. If any amount designated to be paid or payable to or on account of any member under any such present or future law, pension or governmental benefit scheme fails to be paid or be payable for any reason outside the control of the Town, the actuarial equivalent of such amount nevertheless may be deducted as above provided.

(S.A. 408 § 20, 1945.)

Sec. 215. Discharge of Employees.

Neither the establishment nor existence of the Retirement System shall be held to be or construed as a contract or consideration for employment, or interfere with the right of the Town to discharge any employee.

(S.A. 408 § 20, 1945.)

Sec. 216. Coverage Under Federal Social Security System.

Services of individuals in positions covered under the Retirement System of the Town need not be excluded in determining coverage under the Federal Social Security System.

(S.A. 408 § 21, 1945.)

ARTICLE 15. SELECTMEN.

Sec. 217. First Selectman; powers and duties.

(a) All administrative functions relative to police, fire, highways, sewers and other public works, building inspection, parks, recreation, law, human resources, parking services, fleet management, information technology and purchasing for such purposes,

shall be divided, under the supervision and control of the First Selectman, among administrative departments which shall include the Department of Police, Fire, Public Works, Parks and Recreation, Law, Human Resources, Parking Services, and Fleet Management. The First Selectman shall have the supervision and control, and shall be responsible for the administration, of all the affairs of the Town in respect to such departments, and may fix and determine the internal organization of such departments, the number and kinds of offices and positions, the methods of procedure and, subject to appropriation as otherwise provided by law, the rates of compensation.

(b) First Selectman and board of selectmen. The First Selectman shall be the chief executive officer of the town and the town agent and shall devote his full time to the duties of his office. The two selectmen other than the First Selectman who are elected as provided in this act shall, together with the First Selectman, constitute the board of selectmen. The First Selectman shall chair the board of selectmen. The First Selectman shall hold at least one meeting each month with the other selectmen for the purpose of keeping them generally informed of the business of the town. Upon five days' written notice to the First Selectman, either of the two selectmen may place an item on the agenda of a meeting, which item shall be germane to the duties and responsibilities of the board of selectmen. Minutes of such meetings shall be taken and made available for public inspection. The First Selectman shall designate one of the other selectmen to act in his place and stead during his absence. Such Selectman when so acting shall have all of the powers and duties of the First Selectman.

(c) Compensation of First Selectman and selectmen. The First Selectman shall be paid a salary appropriate for the chief executive officer and town agent, and the other two selectmen shall be paid salaries commensurate with their duties and responsibilities, but the salary of each of the two selectmen shall be not less than ten percent (10%) of the salary of the First Selectman, subject to the approval of appropriations by the Representative Town Meeting pursuant to Section 23 of the Charter. Provision for such salaries shall be included in the budget report submitted annually by the First Selectman to the board of estimate and taxation.

(S.A. 444 § 23, 1939; as amended by S.A. 71 § 1, 1955; RTM, 4/27/1970; RTM, 3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)(RTM, 1/21/1985.)(Board of Selectmen 9/17/1997; RTM 3/13/1995; RTM, 4/10/2006; RTM, 6/12/2006.)

Sec. 217B. Department of Human Resources; Director of Human Resources.

(a) There shall be a Department of Human Resources under the direction of a Director of Human Resources who shall be experienced in managing human resources functions necessary for the effective administration of employment functions and administration of the Town benefits program.

- (i) Subject to Section 223, the Director of Human Resources shall develop and implement personnel policies, procedures, rules and regulations for Town employees.
- (ii) Except for managerial, confidential, certified and instructional staff of the Board of Educa-

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tion, the Director of Human Resources shall administer all employment functions within the Town as an aide to the Town's appointing authorities. The Director of Human Resources and the Board of Education shall determine which Board of Education positions are managerial. The employment functions of the Director of Human Resources shall exclude the negotiation and administration of collective bargaining agreements and shall include, without limitation, the following functions:

- a. Recruitment;
- b. Employment eligibility determinations, testing and assessment;
- c. Administration of classification processes;
- d. Administration of the hiring process and procedures;
- e. Implementation of terms and conditions of employment as may be established from time to time through the collective bargaining process;
- f. Administration of employee performance review plans and recommendation of modifications to employee performance review plans or procedures;
- g. Administration of employee discipline and separation in accordance with collective bargaining agreements and Town personnel policies;
- h. Development of personnel training, employee development and retention processes;

- i. Maintenance of personnel records and documents;
 - j. Compliance review as to all applicable laws in the area of personnel.
- (iii) The Board of Education shall be responsible for administration of all employment functions for managerial, confidential, certified and instructional staff of the Board of Education.
- (iv) Except for the Town's Retirement System, the Director of Human Resources shall administer the Town's benefits program and related budgets for all active and retired Town employees.
- (b) The Director of Human Resources shall be appointed and may be removed by the Board of Selectmen upon recommendations of the First Selectman as provided in Section 218.
- (c) Nothing contained in this section shall affect the powers of the Board of Estimate and Taxation under this Charter to administer the financial affairs and budget of the Town of Greenwich.
- (d) For the purposes of this section, "appointing authorities" shall include the First Selectman, the Board of Estimate and Taxation, the Board of Health, the Board of Social Services, the Planning and Zoning Commission, the Board of Education, the Retirement Board, the Conservation Commission, the Board of Nathaniel Witherell, the Boards of the Greenwich Library and the Perrot Memorial Libraries, the Inland Wetlands and Watercourses Agency, the Commission on Aging, the head of Town departments.
(RTM, 6/12/2006.)

Sec. 218. Appointments; removals.

(a) The Board of Selectmen may, subject to the provisions of this Article, on the recommendation of the First Selectman, the provisions of Sections 226, 230, and 233 of the Charter notwithstanding, appoint and remove all heads of departments which are under the supervision and control of the First Selectman. The head of each department shall appoint and may remove subordinates in such department, except that any deputy department head so appointed shall be subject to the prior approval of the Board of Selectmen. All appointments and promotions to offices and employment in the administrative service of the Town under the supervision and control of the First Selectman and all measures for the control and regulation of employment therein shall be on the basis of merit and fitness.

(b) Any officer or employee appointed or employed in any such department under the provisions of this Article shall not hold office or employment for any definite term and may be removed from his office or employment whenever, in the judgment of the appointing authority, the public interest so requires, provided all provisions of law concerning the removal of members of the Police Department and of paid members of the Fire Department, including the chiefs of such departments, shall remain in full force and effect. (S.A. 444 § 24, 1939; as amended by S.A. 71 § 2, 1955; RTM, 3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)(RTM, 1/21/1985.)

Sec. 219. Failure of Representative Town Meeting to appoint.

In the event the Representative Town Meeting shall fail to elect or appoint any officer or the entire mem-

bership of any board, after nomination by the Selectmen as provided in this Article, further nominations shall be submitted within a reasonable time by the Selectmen and pending the election of any such entire board or boards, the members thereof elected, if a majority, shall have all the rights, privileges and duties and shall act with full authority as though the full board had been elected.

(S.A. 444 § 39, 1939.)

Sec. 220. Salaries and compensation.

All officers and employees of the Town shall receive such salaries or other compensation as may be provided by law, or by ordinances and resolutions adopted in the same manner as provided by law for other expenditures of the Town.

(S.A. 444 § 10, 1939.)

Sec. 221. Divisions and offices.

The work of each department shall be distributed among such divisions or offices as may be established by the boards or officers having the direction and control of such departments, except as otherwise provided by this Article.

(S.A. 444 § 11, 1939.)

Sec. 222. Heads of offices and divisions.

Each office or division of any department shall be headed by an officer who shall have the direction and control of its affairs, subject to the direction and control of the head of the department and responsible to him or, in the case of the Finance Department, the Board of Estimate and Taxation.

(S.A. 444 § 12, 1939.)

Sec. 223. Administrative regulations.

(a) The First Selectman, the Board of Estimate and Taxation, the Board of Health, the Board of Social Services, and the Board of Education may prescribe such general rules and regulations as they may, respectively, deem necessary or expedient for the conduct of the departments and staff under their respective direction and control, not inconsistent with this Article or Town personnel policies, and except as otherwise provided by law.

(b) The head of each department may likewise prescribe such rules and regulations as he may deem necessary or expedient for the proper conduct of the department and for making effective the provisions of law not inconsistent with Town personnel policies or the general rules and regulations prescribed by such boards.

(S.A. 444 § 13, 1939.)(Char. Rev. 11/4/1975, eff. 1/1/1978; RTM, 6/12/2006.)

Sec. 224. Reports required.

(a) All boards appointed by the Representative Town Meeting, and all elective officers except Constables, shall prepare and submit to the Representative Town Meeting an annual report of the operations of their several departments and offices. Such reports shall be compiled and published under the supervision of the Board of Estimate and Taxation.

(b) The head of each department shall make to the board having the direction and control of such department an annual report of the operations thereof and may, at any time, be required to make any special reports concerning such department.

(S.A. 444 § 14, 1939.)

Sec. 225. Bonds required.

The Town Treasurer, Comptroller, Tax Collector, Commissioner of Public Works, Commissioner of Social Services, and all other persons receiving or disbursing the Town's funds shall, except as otherwise provided by special enactment, each give to the Town, upon assuming office and before receiving any Town funds, a bond with a surety company of good standing as a surety thereon, approved as to their respective amounts and as to the respective sureties thereon by the Board of Estimate and Taxation, conditioned for the faithful discharge of the duties of the office of the official giving such bond. The Tax Collector shall give such bond before he receives any tax warrant. The premiums on such bonds shall be paid by the Town Treasurer upon order of the Selectmen.

(S.A. 347 § 9, 1921; as amended by S.A. 71 § 3, 1955; RTM, 3/12/1972.)

Sec. 226. Office of Purchasing; procedure.

(a) There shall be an Office of Purchasing under the Purchasing Agent, who shall be appointed and removed by the Selectmen. With the exception of the services of officers and employees of the Town and professional services, all purchases shall be made and all services shall be secured through the Purchasing Agent and by such means and under such procedures as will, so far as practicable, insure competition and the lowest costs consistent with equal quality of goods and services.

(b) The provisions hereof shall not apply to such purchases and services as may be excluded from the operation hereof by written direction of the Board of Education to the Purchasing Agent and Comptroller. (S.A. 444 § 36, 1939; as amended by S.A. 71 § 4, 1955; RTM, 3/13/1972.)

Sec. 227. Personal interest disclosure.*

No purchase shall be made nor shall services, other than the services as officers and employees of the Town, be secured from any officer or employee of the Town, or from any partnership or corporation of which such officer or employee is a partner or officer, unless such relationship and the fact that such purchase is contemplated shall be made known in writing to the board or officer making such purchase, and notice thereof posted, for at least five (5) days before such purchase be made, in the office of the board or officer making such purchase. (S.A. 444 § 37, 1939.)

Sec. 228. Contracts in triplicate.

All written contracts entered into by any party with the Town shall be made in triplicate. One (1) copy of such contracts shall be filed in the Office of the Comptroller. (S.A. 347 § 11, 1921.)

Sec. 229. Police Department; Commission.

(a) The Town shall maintain a Police Department for the Town, which shall be under the supervision and control of the First Selectman.

***Cross reference**—As to conflicts of interest, see Sections 2-8 and 2-9 of this Code.

(b) The Board of Selectmen may make rules and regulations for the Police Department and for the discipline of the members of the police force.

(S.A. 194 § 14, 1931; as amended by S.A. 435, 1937; S.A. 71 § 6, 1955.)

(Char. Rev. 11/4/1975, eff. 1/1/1978.)

Sec. 230. Police Department personnel.

(a) The Board of Selectmen may make an appointment to fill any vacancy in the office of the Chief of Police whenever it may occur. The Chief of Police may, subject to the approval of the First Selectman appoint members of the police force together with the officers thereof and fill any vacancies occurring therein, and promote or demote any member of the force, except that appointment of a deputy shall be subject to the prior approval of the Board of Selectman.

(b) Each member of the Police Department and any officer thereof shall have power to serve warrants alleging the commission of any criminal offense and to arrest for crime within the limits of the Town.

(c) The First Selectman may, after hearing, fine, suspend or expel any member of the Department who is found inefficient, not qualified for his duties, guilty of insubordination or breach of discipline or of the rules and regulations of the Department or conduct unbecoming an officer thereof. Any such members and officers who shall be removed may appeal from the decision of the First Selectman to the Court of Common Pleas.

(d) No person shall be appointed a member of the Police Department unless he is of good moral character and habits and has not attained the thirty-first (31)

anniversary of his birth and has passed such mental and physical examination as may be required by the First Selectman.

(S.A. 194 §14, 1931; as amended by S.A. 435, 1937; S.A. 71 §6, 1955; RTM 3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)

Sec. 231. Police Department; appointments of special officers.

The Board of Selectmen may appoint or employ such number of Special Police Officers as they may deem necessary to preserve the public peace within the limits of the Town. Such Special Police Officers, during the time for which they shall be appointed, shall have all the powers which constables by law have to serve criminal process and make arrests for crime, and may be paid for their services by the Town.

(S.A. 350, 1907; as amended by S.A. 71§7. 1955.)(Char. Rev. 11/4/1975, eff. 1/1/1978)

Sec. 232. Police Department appropriations.

Appropriations shall be made for the Police Department in the same manner as for the other departments of the Town and commitments against such appropriations shall be signed by the First Selectman.

(S.A. 194§14, 1931; as amended by S.A. 71§6, 1955; RTM, 3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978)

Sec. 233. Fire Department; supervision.

(a) The Town shall maintain a Fire Department for the Town, which shall be under the supervision and control of the First Selectman. The Board of Selectmen may make rules and regulations for the Fire Department and for the discipline of the members thereof.

(b) The Board of Selectmen may make an appointment to fill any vacancy in the office of Fire Chief whenever it may occur. The Fire Chief, subject to the approval of the First Selectman, may appoint paid members of the Fire Department together with the paid officers thereof and fill vacancies occurring therein, and promote or demote any paid member of the Department, except that the appointment of a deputy shall be subject to the prior approval of the Board of Selectmen.

(c) The First Selectman may, after hearing, fine, suspend or expel any paid member of the Department who is found inefficient, not qualified for his duties, guilty of insubordination or breach of discipline or of the rules and regulations of the Department or conduct unbecoming a member thereof. Any such member who is removed may appeal from the Selectmen to the Court of Common Pleas.

(d) Appropriations shall be made for the Fire Department in the same manner as for the other departments of the Town and commitments against such appropriations shall be signed by the First Selectman. (S.A. 194§13, 1931; as amended by S.A. 71§5, 1955; RTM, 3/13/1972.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)

Sec. 234. Special Fire Police; appointment.

(a) The Board of Selectmen may also appoint such Special Fire Police as they may deem necessary to act in conjunction with the Fire Department and under the general supervision of the Fire Chief and also to act as Special Police whenever their services may be required. The Board of Selectmen shall make such

rules and regulations as may be necessary for the government, control and maintenance of the Special Fire Police.

(b) Any provision of the General Statutes to the contrary notwithstanding, the Board of Selectmen may appoint as such Special Fire Police any non-resident of the State who is a member of the Banksville Independent Fire-Police Company, Incorporated. (S.A. 194§13, 1931; as amended by S.A. 71 §5, 1955; S.A. 106, 1955.)(Char. Rev. 11/4/1975, eff. 1/1/1978)

Sec. 235. Law Department.

(a) The head of the Law Department shall be the Town Attorney, who shall be an attorney at law, admitted to practice in all courts of the State, and who shall have practiced law in the State for at least five (5) years. He shall be the legal adviser of, and attorney and counsel for, the Town government and all departments and officers thereof, in matters relating to the Town's interests or their official powers and duties, and shall provide through the office organization all legal services required. The Town Attorney shall be charged with the prosecution of all legal actions for the collection of taxes and other debts and charges due the Town and for the enforcement of any forfeiture or penalty or any other right or claim of the Town or the restraint of any wrong or injury thereto. He shall, on request, prepare all ordinances, resolutions, contracts, bonds and other instruments in writing in which the Town is concerned.

(b) No other Town official or other agent of the Town shall obligate the Town for legal services. No payment for legal services shall be made except through the Law Department from the appropriations therefor. (S.A. 444§35, 1939; as amended by RTM, 4/16/1974.)

Sec. 236. Traffic Authority; Town property.

The Board of Selectmen shall have the same authority with respect to the control of traffic and parking on any property owned by the Town or leased to it as it has with respect to the control of traffic and parking on the public highways in the Town. In the case of property exclusively under the control of any board or commission which is not subject to the administrative control of the First Selectman, such authority shall only be exercised with the consent of such board or commission.

(S.A. 406 §1, 1953.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)

Sec. 237. Traffic Authority; private property.

The Board of Selectmen may, with the consent of the owner or owners, exercise authority over traffic and parking with respect to any property owned by the Housing Authority of the Town or by any other person.

(S.A. 406 §2, 1953.)(Char. Rev. 11/4/1975, eff. 1/1/1978.)

Sec. 238. Traffic Authority; penalties.

The Board of Selectmen, acting as the Police Commission, shall have authority by ordinance to provide that any person, firm or corporation violating any ordinance or by-law, or any rule or regulation adopted

pursuant thereto, relating to traffic or parking in the Town, shall be fined such amount as may be specified therein, not exceeding One Hundred Dollars (\$100.00). In any case involving a vehicle parked in violation of any such prohibition or restriction of parking, a police officer or such other official sworn to perform such duties by the Board of Selectmen shall serve upon the operator of vehicle, by delivering to him personally, or by attaching to such vehicle, a notice of parking violation directing such operator to pay the fine authorized by ordinance, by-law, rule or regulation within such time as may be specified in such notice. When any person receives such notice, he may comply therewith and pay to the Town, at the Department of Parking Services, such sum as may be specified in such notice, and that no summons or warrant for arrest shall be issued for any such violation prior to the expiration of such period, nor thereafter, if such operator has complied with such notice and paid the sum within the period.

(S.A. 406 § 3, 1953; RTM, 4/10/2006; RTM, 6/12/2006.)

ARTICLE 16. SEWERS.

Sec. 239. Definitions.

- (a) As used in this Article:
 - (1) *Commissioner* shall mean the Commissioner of Public Works of the Town;
 - (2) *Construction* shall include reconstruction, improvement, enlargement or extension of a sewer facility;

- (3) *Person* shall include companies, corporations, public or private, societies, associations and the Town;
- (4) *Repair* shall mean ordinary repairs and minor improvements that do not require the major reconstruction of a sewer or sewerage system;
- (5) *Sewage Disposal Plant* shall mean land, buildings, tidal basin, tide gates, treatment plants, disposal works necessary for the treatment and disposal of the sewage of the Town;
- (6) *Sewer* shall mean a public sewer owned by the Town, and shall include lateral, sub-main or branch, main, intercepting, relief, outfall, flushing ventilating or overflow sewer, inverted siphon, force main, manhole, lamp hole, branch inlet, inlet connection, flush tank, pump, ejector, lift and other appliances appurtenant to such public sewer;
- (7) *Sewer District* shall mean the total of those areas, whether or not contiguous, comprising all real properties in the Town:
 - (A) Connected to a sewer;
 - (B) Abutting a sewer;
 - (C) Abutting a street having a sewer;
 - (D) In which a portion of a sewer is located; or
 - (E) Otherwise accessible to a sewer in the judgment of the Commissioner with due consideration to the cost of connection, engineering feasibility and relative benefit to the property;

- (8) *Sewerage System* shall mean a public sewerage system owned by the Town, and shall include public sewers, pumping plants, tidal basins and tide gates, and all other sewerage works necessary for the collection of sewage appurtenant to such public sewerage system;
- (9) *Town* shall mean the Town of Greenwich;
- (10) *Trunk Sewer* shall mean a main section of the sewerage system which conveys sewage from individual drainage basins to the disposal plant or treatment facilities; included in this definition are gravity sewers, force mains, and pumping stations which serve the stated purpose; the limits or limitations of trunk sewers shall be determined by the Commissioner.

(b) Any officer, board, body or commission referred to in this Article shall mean and refer to the respective officer, board, body or commission of the Town.
(S.A. 292, 1949; as amended by RTM, 6/27/60.)

Sec. 240. Sewer District; costs; maintenance.

- (a) There is one (1) sewer district for the Town.
- (b) The cost of construction of sewers and sewerage systems of the Town shall be assessed against the real property benefited to the extent of and in accordance with the provisions of Section 246(a) hereof.
- (c) The cost of construction of sewage disposal plants and trunk sewers of the Town shall be taxed against property in the Sewer District upon the basis of the assessed valuation of the land and improvements thereon to the extent of, and in accordance with the provisions of Section 246(b) hereof.

(d) All sewers, sewerage systems, sewage disposal plants and trunk sewers now existing or which may be constructed or acquired in the future, shall be considered for the purposes of the cost of maintenance and operation thereof as being located in one (1) sewer district and the cost of maintenance and operation thereof shall be taxed against the property in the sewer district upon the basis of the assessed valuation of the land and improvements thereon in accordance with the provisions of Section 266 hereof. (S.A. 292, 1949.)

Sec. 241. Division of Sewers.

There shall be a Division of Sewers in the Department of Public Works. The division shall be headed by a superintendent, who shall be experienced in the supervision of sewerage works and sewer maintenance. He shall have charge, under the direction of the Commissioner, of the construction, operation, maintenance and repair of all sewers, sewerage systems, sewage disposal plants and trunk sewers. (S.A. 292, 1949.)

Sec. 242. Construction of sewers and sewerage facilities.

The Town, either separately or jointly by agreement with one (1) or more municipalities in the State of Connecticut, may own, and/or acquire by gift, grant, purchase or condemnation, lands, buildings, easements and other property, including private or public sewers, sewerage systems, sewer disposal plants and trunk sewers, and may construct and equip the foregoing sewer facilities. (S.A. 292, 1949.)

Sec. 243. Appropriations for sewers and sewerage facilities.

The Town may make appropriations for, and provide out of the general fund and through borrowing, funds to pay the cost of the construction of the sewers, sewerage systems, sewage disposal plants and trunk sewers of the Town, whether or not the total amount of such cost, or only a part thereof may be raised by assessments, taxes or other charges against the property benefited thereby.

(S.A. 292, 1949.)

Sec. 244. Initiation of sewer construction.

If, in the judgment of the Commissioner, the welfare, necessity or convenience of the inhabitants of the Town, or any part thereof, requires the construction of a sewer or sewerage system, or the Board of Health determines that the public health so requires, or a majority of the property owners in the area affected, as determined by the Commissioner whose determination shall be final, shall petition the Commissioner for such construction, or if, in the judgment of the Commissioner, the welfare, necessity or convenience of the inhabitants of the Town, or any part thereof, requires the construction or reconstruction of sewage disposal plants or trunk sewers, he shall apply to the Board of Estimate and Taxation for an appropriation, to be approved by the Representative Town Meeting, for all or any part of the cost thereof, including preliminary expenses; provided, if the amount of such appropriation is not in excess of Five Thousand Dollars (\$5,000.00) the Board of Estimate and Taxation may make such appropriation without the approval of the Representative Town Meeting.

(S.A. 292, 1949.)

Sec. 245. Notice of hearing.

The Board of Estimate and Taxation shall hold a public hearing to consider an appropriation for the construction of such sewer or sewerage system, sewage disposal plant or trunk sewer. Notice of such hearing describing generally the location of such sewer, sewerage system, sewage disposal plant or trunk sewer shall be given at least ten (10) days before the hearing by publishing a copy thereof in a newspaper having circulation in the Town.

(S.A. 292, 1949.)

Sec. 246. Appropriations for sewers and facilities; approval procedure.

(a) If the Board of Estimate and Taxation, by the affirmative vote of seven (7) of its members, approves an appropriation for the construction of a sewer or sewerage system, excluding sewage disposal plants and trunk sewers, the Board shall, by a majority vote of those present constituting a quorum, determine:

- (1) The area presently benefited by such construction and the portion of the cost thereof which shall be reimbursed to the Town by the assessment of benefits against the property within such area of present benefit;
- (2) The area to be benefited in the future by such construction and the portion of the cost thereof which shall be reimbursed to the Town by the assessment of benefits against the property within such area of future benefit; and
- (3) Such part, if any, of the cost of such construction which shall be contributed by the Town out of the general fund of the Town.

(b) If the Board of Estimate and Taxation, by the affirmative vote of seven (7) of its members, approves an appropriation for the construction of a sewage disposal plant and/or a trunk sewer, it shall determine:

- (1) The portion of cost thereof which shall be reimbursed to the Town by the levying of a tax against the property in the sewer district upon the basis of the assessed valuation of the land and improvements thereon; and
- (2) The portion of cost thereof which shall be contributed out of the general fund of the Town.

(c) Determinations in respect to the portion of the cost which shall be reimbursed to the Town and the portion of the cost to be contributed out of the general fund may be revised from time to time in the same manner in which the original determinations are made herein.

(d) No appropriation or allotment of in excess of Five Thousand Dollars (\$5,000.00) shall become effective until it and the determinations of the Board of Estimate and Taxation shall be approved by the Representative Town Meeting. In respect to all appropriations for the construction of the sewers and sewerage systems of the Town, the Representative Town Meeting shall have the power to increase, but may not decrease, the portion of cost to be reimbursed, and any such increase shall increase the parts to be assessed against areas of present and future benefit in the proportion which such parts bear to each other. In respect to all appropriations for the construction, of a sewage disposal plant or trunk sewers, the Representative Town Meeting shall have power to increase but may not decrease the part of cost to be reimbursed.

(e) The Board of Estimate and Taxation shall have power from time to time, subject to the approval of the Representative Town Meeting in any case in which its approval was required for the original appropriation or allotment, to determine areas of present and future benefit resulting from the construction of any sewer or sewerage system pursuant to the provisions of any prior act, and additional areas of benefit resulting from the construction of any sewer or sewerage system pursuant to the provisions of this Article or any prior act, and the part of the cost of construction thereof which shall be assessed against the property within such areas of benefit.

(f) The Board of Estimate and Taxation shall also have power, subject as aforesaid, to exclude from any area of benefit any part or all of the properties within the limits thereof, and upon such exclusion the Comptroller shall cancel any unpaid assessments on property thus excluded.

(S.A. 292, 1949; as amended by RTM, 10/14/57.)

Sec. 247. Filing maps, specifications and plans; changes.

Areas of benefit from the construction of the sewers and sewerage systems of the Town shall be shown on maps which shall indicate thereon the separately owned lots or parcels of land within each area of benefit and designate by numbers such lots or parcels. Upon approval of each such map in the manner above provided, the Comptroller shall forthwith file the same in the office of the Town Clerk, together with a list to be entitled "Potential Sewer Benefits" designating the owners of such lots or parcels on the last completed grand list next preceding the filing of any such map.

The Town Clerk shall receive such lists and the maps for filing even though the same may not comply with the provisions of the General Statutes for such filing. No error or omission in the preparation or filing of such maps or lists shall affect the validity of any sewer assessment.

(S.A. 333 § 1, 1955; as amended by RTM, 5/11/59; RTM 6/27/60.)

Sec. 248. Condemnation of property; hearing.

(a) Whenever the Commissioner shall deem it necessary to take any land, building, easement and other property for the construction of any sewer, sewerage system, sewage disposal plant or trunk sewer which has been approved and authorized as herein provided, and he shall be unable to obtain the same by purchase at a price considered to be reasonable by the Commissioner and the Board of Estimate and Taxation, he shall apply to the Condemnation Commission for the condemnation of such land, building, easement and other property required for such purpose, and for an assessment of damages. The Condemnation Commission shall thereafter notify all persons claiming interests in such property of a hearing on such proposed taking. Notice shall be given to such persons at least fourteen (14) days before such hearing, leaving copies of such notice with such persons or at their usual places of abode in the Town, if they reside therein, or if they do not reside in the Town, by registered mail addressed to their last-known addresses, and by publication in a newspaper having circulation in the Town at least fourteen (14) days before such hearing.

(b) At such hearing the Condemnation Commission shall determine whether or not such taking is necessary, and, upon finding that it is necessary, shall

determine and assess damages resulting from such taking. The Condemnation Commission shall file in the office of the Town Clerk a certificate as to its determination of such necessity of taking, the damages resulting therefrom, and its assessment therefor. The Condemnation Commission within ten (10) days after the filing of said certificate, shall give notice of such determination of necessity and of such assessment, and the amount thereof, by mailing a notice thereof to each of such persons claiming interests in such property, addressed to him at his last-known post office address, and by publishing a notice of such filing in a newspaper having circulation in the Town.

(c) Upon the filing of such certificate, title to such land, building, easement and other property shall vest in the Town, and such sewer, sewerage system, sewage disposal plant or trunk sewer may thereupon be constructed through or upon such land or other property so taken or through which an easement is so taken. After the filing of such certificate, the Town shall pay to the persons interested in such property the amount of damages as assessed upon acceptance thereof. (S.A. 292, 1949.)

Sec. 249. Acceptance of bids.

Except for such construction as will be done by the Town, the Commissioner shall advertise for proposals for the construction of such sewer, sewerage system, sewage disposal plant or trunk sewer under one (1) or more contracts, and upon such terms and conditions as the Commissioner may determine. Such advertisement shall be published once in each of two (2) successive weeks in a newspaper having circulation in the Town. The Commissioner shall determine which, if

any, such proposals shall be accepted; provided the proposal of the lowest responsible bidder shall be accepted, unless the Commissioner, and the Board of Estimate and Taxation by a two-thirds (2/3) vote of the whole Board, shall determine that it is for the public interest that a bid other than that of the lowest responsible bidder shall be accepted.

(S.A. 292, 1949.)

Sec. 250. Contracts in triplicate; bond.

(a) Each contract shall be executed in triplicate, one (1) copy of which shall be held by the contractor, another by the Commissioner, and the third shall be filed in the office of the Comptroller.

(b) The Town shall require a sufficient bond from the contractor to secure the faithful performance of the contract. Such bond shall be of a responsible surety company authorized to do business in the State of Connecticut, and shall be approved by the Commissioner.

(S.A. 292, 1949.)

Sec. 251. Employment of assistants.

(a) The Commissioner may employ a supervising engineer and superintendent to supervise and inspect the construction of any sewer, sewerage system, sewage disposal plant or trunk sewer, and also such inspectors and additional engineers as may be necessary, and, subject to the approval of the Board of Estimate and Taxation, may fix the compensation of such persons.

(b) The Town Attorney may employ, and, subject to the approval of the Board of Estimate and Taxation, may fix the compensation of an attorney to assist the Town Attorney in all proceedings and in preparing all documents relating to the construction of such sewer, sewerage system, sewage disposal plant or trunk sewer and in advising the appropriate Town officials with respect thereto.

(S.A. 292, 1949.)

Sec. 252. Private sewer construction.

No private sewer, sewer connection or sewerage system shall be constructed in the Town, except in accordance with plans and specifications approved by the Commissioner. Such private sewer, sewer connection or sewerage system shall not be used until a certificate of final approval as to construction has been issued by the Commissioner. The Commissioner may require a certificate, signed by a registered professional engineer, experienced in the construction of sewers or sewerage systems, stating that such construction has been done under his supervision and according to such plans and specifications so approved by the Commissioner. The Commissioner may employ, and the Town shall compensate, such inspectors as may be necessary to insure that all such construction is properly done. Such cost shall be paid by the person by whom such construction has been undertaken, and the Commissioner may require a bond with sufficient surety to insure the payment of such costs.

(S.A. 292, 1949.)

Sec. 253. Issuance of notes and bonds.

The cost of the construction of a sewer, sewerage system, sewage disposal plant or trunk sewer shall in

the first instance be paid by the Town. Upon approval by the Representative Town Meeting of an appropriation for the construction of a sewer, sewerage system, sewage disposal plant or trunk sewer the Comptroller, with the approval of seven (7) members of the Board of Estimate and Taxation and two-thirds (2/3) of the members in attendance at a Representative Town Meeting at which a quorum is present, may, subject to the provisions and within the limitations of the General Statutes providing for and regulating the issuance of such bonds, issue notes or bonds in an amount not exceeding the amount of such appropriation, any other provision of the special acts to the contrary notwithstanding. Such notes or bonds shall be general obligations of the Town and shall be called sewer notes or sewer bonds, given by and in the name of the Town and signed by the chairman of the Board of Estimate and Taxation and by the Treasurer and countersigned by the Comptroller. Additional notes or bonds may be issued in the discretion of the Board and the Representative Town Meeting to provide for the amount of any deficit which may be found in the proceeds of the notes or bonds herein authorized to meet the cost of construction, which additional notes or bonds shall be subject to the same conditions as the notes or bonds first issued.

(S.A. 292, 1949.)

Sec. 254. Bonds; issuance method.

The Board of Estimate and Taxation shall determine the form and detail of such notes or bonds, the rate of interest thereon, which shall not be more than six percent (6%) per annum, and the dates of payment of the interest, and the time or times, not more than

twenty (20) years from their date, at which they may mature. The Board shall arrange for their issuance and sale, and do all other acts in connection therewith which may be necessary and not inconsistent with this Article.

(S.A. 292, 1949.)

Sec. 255. Certification of cost of construction.

(a) The Commissioner shall advise the Comptroller when such sewer, sewerage system, sewage disposal plant and trunk sewer has been completed. The Comptroller shall thereupon compute and ascertain separately the total cost of construction of the sewer and sewerage system, and the total cost of construction of the sewage disposal plant and trunk sewer. In such total cost shall be included the cost of the acquisition of land, buildings, easements and other property, awards for damages resulting from such construction, all sums paid by the Town to surveyors, engineers, architects, inspectors, attorneys and other persons in connection therewith, the cost of any work done by the Town, the interest on notes or bonds issued by the Town, or on funds advanced by the Town at a rate not to exceed six percent (6%) per annum to pay the expense of such construction computed to the time at which the first installment of the tax, or assessment within an area of present benefit becomes due.

(b) The Comptroller shall certify to the Condemnation Commission the total cost of the sewers and sewerage systems and shall certify to the Board of Estimate and Taxation the total cost of sewage disposal plants and trunk sewers, and the part of such cost as has been determined in respect to sewers and sewerage systems which shall be assessed against

property within each area of benefit, whether present or future, and in respect to sewage disposal plants and trunk sewers that part which shall be taxed against the property in the sewer district upon the basis of the assessed valuation of the land and improvements thereon.

(S.A. 333 § 2, 1955; as amended by RTM, 10/14/57.)

Sec. 256. Apportionment of benefits.

(a) All or such part of the cost of the construction of such sewer or sewerage system, which is to be assessed against the property within an area of benefit, shall be apportioned by the Condemnation Commission against the property in the proportion, as nearly as may be, to the benefit which each lot or parcel derives therefrom. In determining such apportionment the Condemnation Commission, among other factors, may consider whether such benefits are direct or remote, the present and prospective use of the land and the improvements thereon, the increase in the value of the property benefited by such construction, the frontage, size and shape of such property, the valuation of the land in the last-completed grand list of the Town, and the valuation of any buildings or improvements on such land as set forth in the list, and the amount of sewer assessments previously levied on such lot or parcel reduced by the proportionate amount of reasonable depreciation of the improvement for which said sewer assessments were levied.

(b) The Condemnation Commission shall file in the office of the Town Clerk a map showing the separately owned lots or parcels of land specially benefited, and designating by numbers the several lots or parcels of land thus benefited. The Commission shall also file in

the office of the Town Clerk its proposed apportionment and assessment of benefits which shall describe by reference to the map or otherwise each lot or parcel of land specially benefited, designate the owner thereof and the benefit to be apportioned thereto. The Town Clerk shall receive the map for filing even though the same may not comply with the requirements of the General Statutes for such filing.
(S.A. 333 § 3, 1955.)

Sec. 257. Notice of hearing.

After making and filing such map and apportionment, the Condemnation Commission shall serve on each property owner a notice of the completion and filing thereof. Such notice shall state the time and place when and where a hearing to consider and review such apportionment will be held, and shall be given at least thirty (30) days before the hearing by mailing a copy thereof to each of such property owners, addressed to him at his last-known post office address, and by publishing a copy thereof in a newspaper having circulation in the Town. The Condemnation Commission shall meet, at the time and place specified, to hear objections to such apportionment and may modify and correct the same. Upon completion of the apportionment the Condemnation Commission shall file the same in the office of the Town Clerk. The apportionment shall refer to the map upon which the same is based.
(S.A. 292, 1949.)

Sec. 258. Assessment of benefits.

The Condemnation Commission shall assess against each lot or parcel of land within an area of benefit the

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amount of the benefits apportioned to each such lot or parcel. Such assessments shall be set forth in an assessment list which shall be known as the "Sewer Assessment List" for such sewer or sewerage system which shall describe by reference to the map or otherwise each lot or parcel of land specially benefited, the owner thereof and the benefits apportioned and assessed thereto. The Commission shall file said list

in the office of the Town Clerk, and within ten (10) days after such filing, shall give notice of such assessment, and the amount thereof, by mailing a notice thereof to each owner, addressed to him at his last-known post office address, and by publishing a notice of such filing in a newspaper having circulation in the Town.

(S.A. 292, 1949.)

Sec. 259. Appeal from assessment.

(a) Any person aggrieved by the assessment of damages or benefits under the provisions of this Article shall have the right to appeal to the Superior Court for Fairfield County. Such appeal shall not be valid unless brought within thirty (30) days after the filing of the assessment of damages or benefits as provided in this Article. The appeal shall be taken by a notice stating the grounds thereof served on the Town in the manner provided by law for service of process in civil actions.

(b) The Court may hear such appeal and approve or disapprove such assessments. If the assessments are disapproved the Court may increase or decrease such assessment or may appoint three (3) disinterested persons to appraise the damages or benefits to such property and make a report of their doings to the Court. The damages or benefits determined in such report may be confirmed by the Court or may be increased or decreased by the Court.

(c) Such appeal, during the pendency thereof, shall stay further proceedings for the collection of the particular assessment upon which the appeal is predicated, but shall not stay any other proceedings in

relation to such project. All appeals with respect to the assessment of damages or benefits may be consolidated and costs taxed in the discretion of the Court. (S.A. 292, 1949; as amended by RTM, 9/26/1988.)

Sec. 260. Payment of assessment and taxes.

(a) The benefits apportioned and assessed as provided in the pertinent provisions of this Article, or in any other General or Special Act relating to sewer assessments in the Town shall be payable in one (1) sum on the first day of the first month following the expiration of forty-five (45) days after the filing of the sewer assessment list or in approximately equal successive annual installments commencing on the first payment date with interest at a rate not to exceed six percent (6%) per annum on the unpaid balance of the assessment, except that the first installment of any assessment against property in an area of future benefit which neither abuts nor is connected with a sewer shall become due on and bear interest from the first day of the first month following the expiration of one (1) month after the completion of an abutting sewer or connection with a sewer. Such rate of interest, and the number of installments, which shall not exceed twenty (20), shall be determined by the Board of Estimate and Taxation. Overdue assessments and installments thereof shall bear the same rate of interest as overdue Town taxes. The entire unpaid balance of any assessment may be paid at any time with the accrued interest to the date of payment. If two (2) successive annual installments are in default, the entire balance, at the option of the Board of Estimate and Taxation, shall forthwith become due and payable with interest.

(b) Whenever a determination has been made to recover a portion of the cost of construction of sewage disposal plants and trunk sewers by the laying and levying of taxes against the properties within the sewer district, the Board of Estimate and Taxation shall determine the annual tax necessary to recover that portion of the cost of the sewage disposal plants and trunk sewers over a period of time not to exceed twenty (20) years. On or before January 31 preceding the due date of each annual tax, the Assessor shall present to the Board of Estimate and Taxation a statement showing the total assessed valuation upon the grand list last completed of the real estate including land and buildings within the sewer district. The Board, by the affirmative vote of seven (7) of its members, shall on or before May 25 determine the tax rate which shall be laid thereon to pay for the portion of the cost of such project to be recovered in the following year, together with interest accruing during the year on the unpaid balance of indebtedness incurred to pay such part of the cost of such project as is to be recovered by taxation of properties within the Sewer District, and levy taxes at a uniform rate upon such properties.

(c) The chairman and clerk of the Board shall forthwith file a certificate of the laying and levying of such taxes in the office of the Town Clerk. Such taxes shall become due in two (2) equal installments with the Town taxes, shall bear the same rate of interest as unpaid town taxes, and shall be a lien upon such properties, including any buildings and improvements thereon, from the date of the last-completed grand list, provided that no lien shall continue to exist for more than one (1) year from the date that the tax becomes

due and payable unless continued in the manner provided by law for the continuance of real property tax liens. Such lien shall take precedence over all other liens and encumbrances excepting existing taxes or assessments.

(S.A. 333 § 7, 1955; as amended by RTM, 1/8/1962; RTM, 6/27/1966; RTM, 3/10/1969; RTM, 3/11/1974; RTM, 4/10/2006.)

Sec. 261. Construction of facilities for public buildings.

Whenever the Town shall own or construct a public building which requires sewer facilities and there is no sewer in the portions of the highways which abut upon the land upon which such building is located, the Town may construct a sewer from such building through the highways and private lands to the sewer then existing, which is most accessible thereto. The cost of such sewer shall, with the approval of the Board of Estimate and Taxation, be paid by the Town from the available funds for the construction of such building, if sufficient therefor, as an appurtenance thereof, or from funds which may, upon the request of the department operating or constructing such building, be appropriated therefor by the Town.

(S.A. 292, 1949.)

Sec. 262. Improvement and extension of sewer facilities.

The Town may improve, enlarge, reconstruct and extend the sewers, sewerage systems, sewage disposal plant and trunk sewers.

(S.A. 292, 1949.)

Sec. 263. Sewer Improvement Fund; operation.

(a) A separate fund to be called the "Sewer Improvement Fund" shall be established and maintained by the Town to account for:

- (1) All amounts appropriated by the Town for the construction of the sewer, sewerage systems, sewage disposal plant or trunk sewers of the Town;
- (2) All amounts collected as sewer assessments and taxes for the cost of construction, including interest, and connection charges;
- (3) All fees, charges or other amounts collected by the Town in connection with the construction of sewers, sewerage systems, sewage disposal plant or trunk sewers, which the Board of Estimate and Taxation shall determine should be so separately accounted for;
- (4) The proceeds of all notes and bonds issued under this Article; and,
- (5) All interest received on moneys in this fund.

(b) The amounts so received shall be used:

(1) For the construction of the sewer, sewerage systems, sewage disposal plant or trunk sewers;

(2) To reimburse the Town for any amounts advanced from the general fund for such purposes to the extent of funds not contributed by the Town for such purposes, or,

(3) To pay the principal of and interest on any notes and bonds issued pursuant to the provisions of this Article.

(c) All connection charges and additional assessments provided for in Sections 271, 272, 273 and 274 shall, when collected, be applied to reimburse the Town for any amounts advanced from the general fund for the construction of the sewer, sewerage system, sewage disposal plant or trunk sewers with respect to which each connection charge and additional assessment is made, to the extent of funds not contributed by the Town for such purposes, and the balance thereof shall be used for the reconstruction, enlargement and improvement of existing sewers, sewerage systems, sewage disposal plant and trunk sewers, and shall not be used for the extension thereof nor for the construction of new sewers, sewerage systems, sewage disposal plant or trunk sewers.

(d) Appropriations made for the construction of the sewer, sewerage system, sewage disposal plant or trunk sewer in the Sewer Improvement Fund shall continue in force until the project for which the appropriation is made is certified as complete by the Commissioner. At that time the unencumbered balance of any such appropriation shall be returned to the unappropriated surplus of the Sewer Improvement Fund.

(e) The unappropriated surplus in the Sewer Improvement Fund shall be retained in the Fund and shall not be transferred to any other fund.
(S.A. 292, 1949.)

Sec. 264. Operation, maintenance and repair of facilities.

The Town may maintain, operate and repair the sewers, sewerage systems, sewage disposal plant and trunk sewers of the Town.
(S.A. 292, 1949.)

Sec. 265. Annual appropriations for operation repair and maintenance.

On or before December 1 in each year the Commissioner shall present to the Board of Estimate and Taxation an estimate of the amount of money which will be required for the operation, maintenance and repair of the sewers, sewerage systems, sewage disposal plant and trunk sewers for the ensuing fiscal year. Appropriations shall be made therefor in the same manner as is provided for appropriations to other departments of the Town.

(RTM 5/8/1961; as amended by RTM 1/8/1962.)

Sec. 266. Taxes for maintenance, operation and repair.

(a) On or before January 31 of each year the Assessor shall present to the Board of Estimate and Taxation a statement showing the total assessed valuation upon the grand list then last completed of the properties within the Sewer District. The Board shall, on or before May 25, determine the tax rate which shall be laid upon such properties to meet the appropriations provided for in Section 265. The Board, by the affirmative vote of seven (7) of its members, shall determine the rate of such taxation and shall lay and levy taxes at a uniform rate upon such properties. The chairman and clerk of the Board shall forthwith file a certificate of the laying and levying of such taxes in the office of the Town Clerk.

(b) The taxes shall become due in two (2) equal installments with the Town taxes, shall bear the same rate of interest as unpaid Town taxes, and shall be a lien from the date of the last-completed grand list,

provided that no lien shall continue to exist for more than one (1) year from the date that the tax becomes due and payable unless continued in the manner provided by law for the continuance of real property tax liens. Such lien shall take precedence over all other liens and encumbrances excepting existing taxes or assessments.

(RTM 1/8/1962; as amended by RTM 3/11/1974.)

Sec. 267. Additional appropriations.

Additional appropriations may be made if the amount appropriated pursuant to Section 265 hereof shall be insufficient to pay the cost of the operation, maintenance and repair of the sewers, sewerage systems, sewage disposal plant and trunk sewers for the fiscal year. If such appropriations shall be made after the laying of the sewer tax, the amount of such appropriations shall be included in and made a part of the next sewer tax levy.

(S.A. 292, 1949.)

Sec. 268. Sewer Maintenance Fund.

A separate fund, to be called the "Sewer Maintenance Fund" shall be established and maintained by the Town to account for all moneys appropriated by the Town for the operation, maintenance and repair of such sewers, sewerage systems, sewage disposal plant or trunk sewers, permit fees and such other fees or charges collected by the Town as the Board of Estimate and Taxation shall determine should be so separately accounted for. The moneys so accounted for shall be used for the operation, maintenance and repair of the sewers, sewerage systems, sewage disposal plant or trunk sewers, and for no other purpose. Any unappro-

priated surplus in the Sewer Maintenance Fund shall be retained in the Fund and shall not be transferred to any other Town fund.

(S.A. 292, 1949.)

Sec. 269. Connections; Commissioner's powers.

(a) The Commissioner, if in his judgment it will be in the interests of the town, or any part thereof, may compel property owners to connect with the sewers or sewerage systems.

(b) If the Commissioner shall notify any property owner to connect his property with the sewer or sewerage system, and such owner shall fail to make such connection within sixty (60) days after such notice, the Commissioner may make such connection or cause the same to be made and shall notify the owner of the cost thereof and the amount of the connection charge, if any, due. If the owner shall fail to pay the cost within thirty (30) days after such notification, the Commissioner shall forthwith file in the office of the Town Clerk a certificate thereof and thereupon such amounts shall constitute a lien upon the land benefited by such connection and shall have the same priority and may be collected in the manner provided for in this Article for the collection of assessment.

(c) The Commissioner may establish a uniform permit fee for any connection which is made with any sewer or sewerage system to compensate the Town for its expenses arising out of the inspection and supervision of such connection. Such fees shall be paid into the Sewer Maintenance Fund.

(S.A. 292, 1949; as amended by RTM 6/10/1991.)

Sec. 269a. Connections.

(a) Definitions: As used in this section the following terms have the following meanings:

"*Planned Sewered Area*" — Those areas of the Town which were designed to be included within the capacity of the sewer plant, which areas include areas already sewered, areas which may require sewerage and areas for which growth is planned, which growth may require sewerage, all as shown on that certain map known as the 1989 Sewer Boundary Map dated November 1, 1989; Revision 3, November 20, 1990 on file in the office of the Commissioner.

"*Non-Sewered Area*" — Those areas of the Town planned not to be included within the present capacity of the sewer plant as presently designed, in which areas, because of larger lot zones and/or soil types, it is planned that sewerage disposal will be on site and not a burden on the sewer plant or the waters of Long Island Sound, all as shown on said aforesaid map.

(b) Purpose. This section recognizes that the preservation of the waters of Long Island Sound are paramount to the best interests of the people of the Town and State and that the directing of unplanned for sewerage to the sewer plant and thus ultimately into the Sound is not the solution under present technology, the capacity of sewer plants being limited and planned capacity should be protected to avoid any possible present or future threat to the quality of the waters of the Sound, and that planned on-site disposal in the Non-Sewered Area best serves these interests.

(c) Connections — findings: In the event that any owner of land shall desire to in any way connect into any sewer or sewerage system in the Planned Sewered

Area, such owner may petition the Commissioner for a connection permit. The Commissioner shall have the authority to allow such land owner to connect with such sewer. In accordance with the purpose set forth in this subsection, the Commissioner shall establish guidelines for sewer connections, which guidelines shall be submitted to the Board of Selectmen for review prior to adoption by the Commissioner.

(d) If the property to be served by the connection lies within the unplanned for Non-Sewered Area, in which connections are disfavored as not being in the best interests of the public health, safety and welfare, then the Commissioner shall have authority to allow such land owner to connect with such sewer only if the Commissioner can make an affirmative finding in writing as to each of the following factors:

1. That the zoning enforcement officer has determined that all existing and planned structures on the property to be serviced through the connection are in conformity with the zoning regulations.
2. That the Director of Health has determined that on-site sewerage disposal cannot be provided.
3. That permitting the connection would not contravene any law, rule, regulation, condition or policy of the Connecticut Department of Environmental Protection or of any agreement between the Town and said Department, particularly concerning any new construction in whole or part, upon a floodplain, flood hazard area, wetland area, beach, dune or other environmentally sensitive area.

4. That the present, future or cumulative effect of the connection will not adversely affect the sewer plant's planned capacity for future growth or shorten its useful life.
5. That the present, future or cumulative effect of the connection will not expose the sewer plant to overload or adversely threaten the quality of the waters of the Sound.
6. That the Planning and Zoning Commission or its designee has determined affirmatively in writing that the present, future or cumulative effect of permitting the connection will not adversely affect the Town Plan of Conservation and Development or other Town planning or development plans.
7. That permitting the connection will not adversely affect the sewerage system, the Town's efforts to decrease infiltration and inflow or burden maintenance.

(RTM 6/10/1991; RTM 10/28/1996.)

Sec. 270. Connection to sewer or sewerage systems.

The Commissioner shall have power, if in his judgment it will be for the best interests of the Town, to connect any sewer, trunk sewer or sewerage system with any other sewer, trunk sewer or sewerage system whether owned or operated privately or by the Town. (S.A. 292, 1949.)

Sec. 271. Connection charges; bonding; exceptions.

(a) At the time of any connection to a sewerage system the Commissioner shall collect a plant connection charge of Seventy-Five Dollars (\$75.00) for each

family unit or equivalent thereof served or to be served by each such connection until the beginning of the first year of repayment of the cost of plant and sewer construction approved on November 28, 1960. From and after the beginning of the first year of repayment of such cost, such plant connection charge shall be in accordance with the following schedule:

Plant Connection Charge Per Family Unit or Equivalent Thereof

<i>Year of Connection (Yr. of Repayment)</i>		<i>Year of Connection (Yr. of Repayment)</i>	
1	\$ 75	14	\$175
2	75	15	175
3	75	16	165
4	100	17	165
5	100	18	165
6	125	19	165
7	140	20	165
8	140	21	150
9	140	22	150
10	140	23	125
11	175	24	125
12	175	25	100
13	175	Thereafter	100

(b) If there shall be bonding for further plant and/or trunk sewer work, the schedule of plant connection charges above set forth shall be increased from and after the beginning of the first year of repayment of the cost of such additional bonding by the amount of Ten Dollars (\$10) for each One Million Dollars (\$1,000,000) of bonds or major part thereof issued, provided, however, that in no event shall the connection charge exceed the sum of Two Hundred Dollars (\$200).

(c) Until the beginning of the first year of repayment as hereinbefore set forth, such connection charge shall not be collected in the case of any property:

- (1) Shown on a map entitled "East Porchester Assessment Map Sewer District No. 9," dated June 22, 1918, and filed in the office of the Town Clerk as Map 71C in container #27, provided an assessment for the expense of construction of the disposal works and sewers in Byram was laid against such property by certification of the Sewer Commissioners, dated December 27, 1918 and filed in the office of the Town Clerk on December 27, 1918, or
- (2) Shown on a map entitled "Key Map for Assessment Sheets Sewer District 3 and a Portion of Sewer District 4, Cos Cob," including 9 sheets attached thereto, dated December 30, 1930 and filed in the office of the Town Clerk on April 23, 1931 as Map 123C in container #44, provided an assessment for the expense of construction of the disposal works and sewers in Cos Cob was laid against such property by certification of the Sewer Commissioners, dated July 28, 1932 and filed in the office of the Town Clerk on July 28, 1932, or
- (3) Shown on a map entitled "Key Maps for Assessment Sheets for Sewer District #1, Sound Beach," including 19 sheets attached thereto, dated July 29, 1929 and filed in the office of the Town Clerk on April 3, 1930 as Map 49C in container #17, provided an assessment for the expense of construction of the disposal works and sewers at Old Greenwich was laid against such property

by certification of the Sewer Commissioners, dated September 29, 1930 and filed in the office of the Town Clerk on September 30, 1930.

Provided, however, that in the case of any improved property with respect to which the Town has been reimbursed under Section 246 (b)(1) for the property's portion of the cost of a sewage disposal plant or trunk sewer no connection charge shall be collected. (RTM, 5/8/61.)

Sec. 272. Additional assessments.

In the event that any property at any time derives a material increase in benefits due to an increase in the use of a sewer or sewerage system or as a result of a connection of any sewer or sewerage system with any other sewer or sewerage system, the Condemnation Commission shall make an additional assessment against such property so served or benefited in an amount which shall reflect the value of the increase in benefits to such property resulting from such increased use. In other respects the provisions of this Article relative to the assessment of benefits by the Condemnation Commission in the case of the construction of sewers and sewerage systems, and with respect to the collection and payment thereof, shall apply to additional assessments under this Section.

(S.A. 292, 1949.)

Sec. 273. Apportionment of assessment for divided land.

If title to a portion of any lot or parcel of land subject to the lien of a sewer assessment shall change, the Assessor, on the request of either party to the transfer,

shall apportion the assessment or the balance thereof and interest, if any, between the several portions of such lot or parcel. Each portion shall thereafter be subject only to the amount so apportioned against it with interest, if any.

(S.A. 292, 1949.)

Sec. 274. Lien upon land and improvements.

A sewer assessment made under the provisions of this Article shall be a lien upon the land and improvements upon which it is made with interest until paid. Such lien shall take effect upon the filing of the assessment list in the office of the Town Clerk and shall take precedence over all other liens or encumbrances, except existing taxes or assessments. The Town Clerk shall index or cause to be indexed in the general indices of the land records of the Town all assessments appearing on assessment lists, but the failure to index shall not invalidate such liens. Such lien may be enforced in the manner provided by law for the enforcement of liens for Town taxes.

(S.A. 292, 1949.)

Sec. 275. Collection of assessments and taxes.

The Town shall have the same authority in the collection of sewer assessments and taxes as it has in the collection of Town taxes, except that any assessment against property in an area of future benefit which neither abuts nor is connected with a sewer at the time of assessment may only be collected when the same becomes due by foreclosure of the lien therefor.

(S.A. 292, 1949.)

Sec. 276. Property subject to sewer assessments and taxes.

All property owned by the town, by the State of Connecticut, or by any political subdivision thereof, or by the United States and all property owned by charitable and non-profit organizations, associations or corporations which is exempt from real property taxes shall be liable for sewer assessments, taxes for the cost of construction of sewage disposal plants and trunk sewers and sewer maintenance taxes as herein provided for against other property.

(S.A. 292, 1949; as amended by RTM, 12/13/82.)

Sec. 277. Discharge of substances into sewers prohibited; industrial wastes.*

No industrial or other wastes, which in the judgment of the Commissioner are detrimental to the sewers or sewerage systems, and no roof, surface, ground or drain water, or oil or gasoline, shall be discharged into any sewer of the Town. Any person who connects any pipe or drain for roof, surface, ground or drain water with any sewer of the Town or who discharges any such industrial or other wastes, water, or oil or gasoline into any such sewer shall be fined not more than One Hundred Dollars (\$100.00).

(S.A. 292, 1949.)

Sec. 278. Correction of violations.

The Commissioner may appoint such deputies as he deems expedient to make inspections and to determine whether or not such industrial or other wastes, water,

***Cross reference**—As to regulations governing industrial pollution generally, see Chapter 10, Article 3.

oil or gasoline is being discharged into the sewers of the Town. The Commissioner or his deputies may enter all places within the Town where there is just cause to suspect any violation of this Article to exist. If any such violation shall be found to exist, the Commissioner shall order the owner of the property where such violation exists to discontinue such discharge into the sewers within such time as he may deem reasonable for the carrying out of such order, and if such owner shall fail to disconnect such pipes or drains or to discontinue the discharge of such substance into the sewers and to provide for its discharge otherwise than into the sewers, within such time as the Commissioner shall limit and direct, the Commissioner may correct such violation or cause the same to be corrected and shall notify the owner of the cost thereof. If the owner shall fail to pay such cost within thirty (30) days after such notification, the Commissioner shall forthwith file in the office of the Town Clerk a certificate of such cost. Thereupon such cost shall constitute a lien upon the land with reference to which such expenses have been incurred, shall have the same priority and may be collected in the manner provided for in this Article for the collection of assessments.

(S.A. 292, 1949.)

Sec. 279. Willful injury to sewer; penalty.

If any person or persons willfully, wantonly, or maliciously, destroys or injures any property, being a part of or used in connection with any sewer, sewerage system, sewage disposal plant or trunk sewer of the Town, such person or persons shall be liable to the Town in treble damages therefor, and shall be guilty of

a misdemeanor, and shall be fined not more than One Hundred Dollars, (\$100.00) or imprisoned not more than thirty (30) days, or both.

(S.A. 292, 1949.)

Sec. 280. Special charges; rules.

(a) Upon the recommendation of the Commissioner, the Representative Town Meeting shall have power to provide for a special charge for other than normal use of the sewer, sewerage system, sewage disposal plant and trunk sewer as determined by the Commissioner, and to make, alter and repeal rules and regulations, not inconsistent with the laws of this State or of the United States, which are necessary in order to carry out the provisions of this Article, and may prescribe and fix penalties and fines for the violation of any such rules or regulations.

(b) The violation of any such rule or regulation shall be a misdemeanor, and may be prosecuted as such before any court having jurisdiction of the offense and shall be punishable by fine of not more than One Hundred Dollars (\$100.00). Any special charges which are made pursuant to the provisions of this Section shall be paid into the Sewer Improvement Fund.

(S.A. 292, 1949.)

Sec. 281. Correction of irregularities in assessments or taxes; waiver.

(a) Any error or mistake in the designation of an owner of property assessed or taxed pursuant to the provisions of this Article or any prior act, or in the description of such property, or any clerical or other error in any of the proceedings, shall not invalidate the

assessment or tax, with respect to other properties. An owner who can show to the satisfaction of the Condemnation Commission that he has been prejudiced because of an error or mistake in the designation of owner or in the description of such property, or because of a clerical or other error in any of the proceedings, shall have the right to a hearing before the Condemnation Commission, and upon the request for such hearing, the Condemnation Commission shall hold a hearing after such notice thereof as it shall deem appropriate.

(b) No error or mistake in the designation of an owner or property assessed or taxed pursuant to the provisions of this Article or any prior act, or in the description of such property, and no clerical or other error in any of the proceedings shall invalidate any notes or bonds issued pursuant to the provisions of this Article or any prior act. In case any assessment or tax shall be or become void or shall fail or have failed for want of jurisdiction or for any irregularity in the assessment or levy thereof, the Town shall have power, and it shall be its duty, to cause the same to be re-assessed in a proper manner.

(c) Any of the provisions of this Article may be waived in writing by the affected property owner.
(S.A. 292, 1949.)

Sec. 282. Disposition of cash surpluses.

All surpluses remaining to the credit of any sewer district as formerly constituted shall be disposed of as follows: An amount which will approximate one-third (1/3) of the appropriations for operation and maintenance only for each district for the year in which this

Article becomes effective shall be transferred to the Sewer Maintenance Fund to provide for the operation and maintenance of the sewers and sewerage systems from January 1 to May 1 of the year following that in which this Article becomes effective. The remainder of the unappropriated surplus of each district shall be credited to the Sewer Improvement Fund, and shall be used for the improvement, reconstruction and enlargement of the sewers and sewerage system in such district as formerly constituted.

(S.A. 292, 1949.)

Sec. 282a. Severability.

If any word, clause, section or provision of this Article is found to be invalid, such finding shall not affect the validity of any such other part, provided that such other part may be given effect without reference to the invalid part or parts.

(RTM 6/10/1991.)

Sec. 283. Prior authorization unaffected.

Nothing in this Article shall be construed to affect the power and authority of the Town, by its proper officials and agents, to continue and to complete any sewers, sewerage systems, sewage disposal plant or trunk line sewers heretofore authorized or instituted pursuant to the authority contained in any General or Special Act applicable to the Town, and to assess or tax benefits derived therefrom in accordance with the provisions of this Article, nor shall this Article be construed as prohibiting the issuance of notes or bonds heretofore authorized by the Town, nor shall this Article be construed as affecting any assessment or tax heretofore laid or levied by the Town.

(S.A. 292, 1949.)

Sec. 284. Inconsistencies.

(a) Any provision of any General or Special Act of this State which is inconsistent with the provisions of this Article shall not be applicable to the Town or to assessments or taxes laid or levied pursuant to the provisions of this Article.

(b) Words singular in form shall include the plural. (S.A. 292, 1949.)

Sec. 285. Existing laws and ordinances.

All General and Special Acts applicable to the Town and all ordinances of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Article. The powers of the Town under this Article are in addition to and not in lieu of any authority which it may now or hereafter have under the General Statutes. (S.A. 333 §11, 1955.)

Sec. 286. Amendment relating to sewer taxes.

Upon the recommendation of the Board of Estimate and Taxation, the Representative Town Meeting may amend the provisions of this Article with respect to the method for determining the sewer maintenance tax rate, by providing that the amount of sewer maintenance taxes to be levied against property served by the sewers, sewerage systems, sewage disposal plant or trunk sewers shall be determined in accordance with the use made of such sewers or sewerage system by such property, and may amend the provisions of this Article with respect to the exemption of certain property from sewer maintenance taxes. (S.A. 292, 1949.)

ARTICLE 17. TAXATION**Sec. 287. Power to levy taxes.**

The Board of Estimate and Taxation, in legal meeting convened, shall have power to levy and lay taxes on the polls and ratable estate within the limits of the Town. All the provisions of law as to Town taxes, except as herein otherwise provided, shall be applicable to taxes levied and laid by the Board, in the same way as if such taxes were laid by the Town in Representative Town Meeting assembled.

(S.A. 347 § 16, 1921; as amended by S.A. 261 § 1, 1931.)

Sec. 288. Determination of tax rate; certification.

After the fixing of appropriations and on or before May 25 in each year, the Board of Estimate and Taxation shall determine the tax rate which shall be laid upon the assessment list then last completed. The rate shall yield in cash taxes sufficient with the other estimated revenue receipts of the Town to meet the appropriations of the Town for the succeeding fiscal year. The Board shall levy and lay a tax at such rate on such list, as the tax for the Town for the succeeding fiscal year. The chairman and clerk of the Board shall forthwith file a certificate of the levying and laying of such tax with the Town Clerk, who shall record such certificate in the Town Meeting record book.

(S.A. 347 § 16, 1921; as amended by S.A. 261 § 1, 1931; S.A. 441, 1945; RTM, 1/8/1962.)

Sec. 289. Failure of Board to determine and levy taxes.

If the Board of Estimate and Taxation shall fail to determine the tax rate of the Town as provided in

Section 288 hereof as the same has been or may be amended, or shall fail duly to levy and lay a tax on the assessment list of the Town as completed, as the tax for such Town for the ensuing fiscal year, or if the chairman and clerk of the Board shall fail to file a certificate of the levying and laying of such tax with the Town Clerk, the State Tax Commissioner, as soon as may be, shall determine the tax rate of the Town for the ensuing fiscal year and shall levy and lay a tax at such rate upon the assessment list of the Town then last completed. Such rate shall yield taxes sufficient with the other estimated income of the Town to meet the appropriations of the town for the ensuing fiscal year and the Tax Commissioner shall file a certificate of the levying and laying of such tax with the Town Clerk, who shall record such certificate in the Representative Town Meeting record book. Such tax shall become due and payable in all respects as though such tax rate had been determined, levied and laid and such certificate has been filed by the Board of Estimate and Taxation in accordance with the provisions of Section 288 hereof as the same has been or may be amended. (S.A. 415 § 3, 1939; as amended by RTM, 1/8/1962.)

Sec. 290. Extension of time; State Tax Commissioner.

Anything in this Article to the contrary notwithstanding, the State Tax Commissioner may extend the time for the Board of Estimate and Taxation to act under the provisions of Section 288 as the same has been or may be amended. Such extensions shall not be for more than five (5) days in any one case. At the expiration of such respective extensions, if any, the provisions of this Article with respect to any act to be

performed, or to any failure to act, by the Board of Estimate and Taxation or the Representative Town Meeting, shall apply.

(S.A. 415 § 4, 1939.)

Sec. 291. Failure to fix tax rate.

In case of the failure of the Board of Estimate and Taxation and of the chairman and clerk of the board and of the Representative Town Meeting duly to act in accordance with the provisions of Section 288 as the same has been or may be amended, and with the provisions of this Article and the State Tax Commissioner shall fail to act in accordance with the provisions of Section 290 so that the tax rate for the Town for the ensuing fiscal year is not fixed on or before June 15 in any year, the tax rate for the Town for the ensuing fiscal year shall be the same as the tax rate for the preceding fiscal year, namely the same as the rate for the current fiscal year, in all respects as though the tax rate had been duly determined by the Board of Estimate and Taxation in accordance with the provisions of Section 288 as the same has been or may be amended. In such event, the chairman and clerk of the Board of Estimate and Taxation or the moderator and clerk of the Representative Town Meeting or the Comptroller of the Town shall file a certificate of the levying and laying of a tax at such rate with the Town Clerk, who shall record such certificate in the Representative Town Meeting record book. Such tax shall become due and payable as provided in Section 288 as amended. (S.A. 415 § 5, 1939; as amended by RTM, 1/8/1962.)

Sec. 292. Assessment office; Assessor.

The head of the Assessment Office shall be the Assessor who shall be responsible to the Board of

Estimate and Taxation and subject to its policy control. The Assessor shall have all the powers and perform all the duties conferred and imposed by law upon assessors.

(S.A. 444, § 21, 1939; as amended by RTM, 5/11/1992.)

Sec. 293. Assessor; appointment; term; vacancy.

(a) The Assessor shall have the qualifications of a certified Connecticut municipal assessor, or the equivalent thereof, and possess the skills and experience appropriate to carry out the duties of Assessor as shown by evaluation or examination.

(b) The Board of Estimate and Taxation shall appoint the Assessor for a two-year term and fix the compensation. The Assessor serves at the will of the Board of Estimate and Taxation. In case of a vacancy in the office of Assessor, the Board of Estimate and Taxation may appoint an Assessor for the remainder of the unexpired term. When the appointment of an Acting Assessor is deemed necessary by the Board or when any Assessor, in the opinion of the Board, is unable to discharge the duties of the office, the Board may appoint a qualified person as Acting Assessor until replaced by the Board, at such compensation as said Board may fix. The Acting Assessor shall perform all the duties and may exercise all of the powers of the office of Assessor.

(S.A. 98, 1919 and S.A. 235 § 1, 1947; as amended by RTM, 5/11/1992.*)

***Editor's note**—Section 4 of this amendment also provided that "upon the appointment of an Assessor as aforesaid, the term of any other Assessor then in office shall terminate."

Sec. 294. Assessment of tax on business establishments.*

The property of any trading, mercantile, manufacturing or mechanical business, in the Town shall be assessed and valued in all respects as provided by the General Statutes provided the average amount of goods kept on hand for sale during the year, or any portion of the year when the business has not been carried on for a year previous to October 1 shall be the rule of assessment and taxation in the Town.

(S.A. 347 § 26, 1921; as amended by S.A. 261 § 3, 1931; RTM, 1/8/1962.)

Sec. 295. Board of Tax Review; meetings.

The Board of Tax Review in the Town shall meet on the first business day of February annually, and may adjourn from time to time to a day not later than the last business day of February, on or before which day the Board shall complete the duties imposed upon it. The Board shall give notice of its meetings as prescribed by law.

(S.A. 347 § 31, 1921; as amended by RTM, 1/8/1962.)

Sec. 296. Time for appeal.

No appeal from the doings of the Assessor in the Town or application for deduction of amount of indebtedness from the list of any debtor shall be heard or entertained by the Board of Tax Review unless referred to it at its meeting held on the first business day of February, or at some adjourned meeting held within twenty (20) days thereafter.

(S.A. 347 § 32, 1921; as amended by RTM, 1/8/1962.)

***Cross reference**—State law reference: As to assessments and valuation, see C.G.S. § 12-58.

Sec. 297. Tax Collector's Office; Tax Collector.

(a) The head of the Tax Collector's Office shall be the Tax Collector, who shall collect and receive all monies due the Town in payment of taxes and special assessments. Such Collector shall perform all the duties and may exercise all the powers which by law are imposed upon or vested in the Tax Collector of the Town, subject to the policy control of the Board of Estimate and Taxation, except as otherwise provided in this Article.

(b) The Tax Collector shall have all the powers and duties conferred or imposed by law with respect to the collection of sewer assessments. With the approval of the State Tax Commissioner, posting of payments to the rate bills may be omitted by the Tax Collector. (S.A. 444 § 22, 1939; as amended by S.A. 356 § 2, 1941.)

Sec. 298. Tax Collector; duties; salary.

(a) The Tax Collector shall, at such times as may be directed by the Board of Estimate and Taxation and at least once a week, pay to the Treasurer, all monies collected by him as taxes and interest thereon. He shall, at the same time deliver to the Treasurer a complete list of the names of all persons from whom such monies were collected, stating therein the amount of principal and interest paid by each person named on such list and the time of such payments.

(b) The Board of Estimate and Taxation shall prescribe the form and methods which shall be employed in keeping the books and records of the Tax Collector and in making payments by the Tax Collector to the Treasurer. The Board shall fix the Tax Collector's salary and the expenses of his office. (S.A. 347 § 8, 1921; as amended by S.A. 356 § 3, 1941.)

Sec. 299. Tax on real and personal property; due date.

The chairman and clerk of the Board of Estimate and Taxation shall forthwith file a certificate of the levying and laying of a tax on real property with the Town Clerk, who shall record such certificate in the Town Meeting record book. Such tax shall become due and payable when on personal property against a person who is assessed on personal property only, on the next succeeding July 1 and, the tax provided for in Section 288 shall, except as above provided (when it is on personal property) and except as hereinafter provided, be payable in two (2) equal installments, one-half (1/2) of such tax on the next succeeding July 1 and one-half (1/2), or the remainder thereof, on the next succeeding January 1, but any person may pay the total amount of the tax for which he is liable at the time when the first installment shall be payable. (S.A. 347 § 16, 1921; as amended by S.A. 261 § 1, 1931; S.A. 332, 1951; RTM, 1/8/62.)

Sec. 300. Personal property tax; due date.

No personal property tax levied by the Town shall be payable in installments, but the entire tax shall be due on July 1 following the levy. If the tax is not paid in full on or before August 1 thereafter, the tax or the unpaid balance thereof shall thereupon become delinquent and interest shall accrue thereon from July 1. (S.A. 289 § 1, 1943; as amended by RTM, 1/8/62.)

ARTICLE 18. TOWN CLERK.**Sec. 301. Town Clerk; salary.**

The Town Clerk shall receive such compensation for the performance of his duties as the Board of Estimate

and Taxation of the Town may fix, subject to the approval of the Representative Town Meeting. Such salary shall be in lieu of all fees and other compensation.

(S.A. 216 § 1, 1947.)

Sec. 302. Fees to be deposited with Treasurer.

The fees or compensation now or hereafter provided by the General Statutes to be paid to town clerks shall be collected by the Town Clerk. All monies collected by the Town Clerk, in accordance with the laws or the ordinances of the Town, shall be deposited with the Treasurer on the first day of each month. At the time of making each such deposit, the Town Clerk shall file with the Treasurer a full statement of such receipts so deposited. The Town Clerk shall also keep a record of the receipts of his office, in book form, showing the name of each person from whom money is received, the amount of such payment and for what it was received.

(S.A. 216 § 2, 1947.)

Sec. 303. Assistant Town Clerk; salary.

The Assistant Town Clerk shall receive such salary as shall be fixed by the Board of Estimate and Taxation in lieu of all fees and other compensation.

(S.A. 216 § 3, 1947.)

Sec. 304. Additional compensation prohibited.

Neither the Town Clerk nor Assistant Town Clerk shall receive any additional compensation for acting as registrar or assistant registrar of births, marriages and deaths of the Town.

(S.A. 216 § 4, 1947.)

Sec. 305. Clerical assistants; salaries.

The Town Clerk may appoint, with the approval of the Board of Estimate and Taxation, such additional clerical assistants as the Board of Estimate and Taxation may, by vote, prescribe and allow. The salaries of such clerical assistants shall be such as provided by vote of the Board of Estimate and Taxation. All such salaries shall be paid by the Town in the same manner as the salaries of other employees.

(S.A. 216 § 5, 1947.)

ARTICLE 19. MISCELLANEOUS**Division 1. Officers of Boards and Commissions.****Sec. 306. Appointment of officers and members; vacancy; replacement.**

(a) All officers and the members of all boards, commissions, agencies, committees or like authorities heretofore or hereafter appointed by the Selectmen, the Board of Estimate and Taxation or the Representative Town Meeting shall continue in office until their successors shall be appointed and shall have qualified.

(b) Whenever appointment is by the Representative Town Meeting on nomination of the Selectmen or First Selectman, such nomination shall be made and submitted to the Town Clerk as Clerk of the Representative Town Meeting at least three (3) months prior to the commencement of the term for which the appointment is to be made. Upon the failure of the Selectmen or First Selectman to nominate and submit a nomina-

tion within four (4) months after the commencement of the term for which the appointment is to be made, the Moderator of the Representative Town Meeting shall give notice of such failure to the Selectmen or First Selectman and if the Selectmen or First Selectman shall not nominate and submit a nomination within four (4) months following such notice, said appointment may be filled by nomination and appointment by the Representative Town Meeting. Should the Representative Town Meeting reject any nomination made by the Selectmen or First Selectman, a further nomination for the specific office or position shall be made and submitted within three (3) months following the date of any such rejection and upon failure of the Selectmen or First Selectman to nominate and submit within the aforesaid time period, said appointment may be filled by nomination and appointment by the Representative Town Meeting.

(S.A. 607 § 6, 1951; as amended by RTM, 6/10/85.)

Division 2. Harbor Regulations.*

Sec. 307. Harbor regulations; areas.

Within that area bounded on the east by so much of the line separating the Town of Greenwich from the Town of Stamford as lies north of the forty-first parallel of latitude; on the south by a line running from the intersection of the Town line with the forty-first parallel westerly to Flat Neck Point, thence southwesterly

***Cross reference**—As to harbor regulations, see Chapter 7 of this Code.

State law reference—As to power of Town to regulate harbor, see C.G.S. § 15-136(a).

through lighted bell buoy No. 1 east of Little Captains Island, thence southwesterly to red nun buoy No. 2 immediately southwesterly of Great Captains Island, and thence to the State line on a line running northwesterly through black can buoy No. 1 on Manursing Reef at the entrance to Port Chester Harbor; on the west by the line between New York and Connecticut, and on the north by the shore line of the Town of Greenwich, the Selectmen of the Town shall have authority to regulate the anchoring and mooring of all vessels, boats and craft and to designate those places or mooring grounds within the area hereinbefore described in which vessels, boats and craft may be moored or anchored, and to make such orders that all such vessels, boats and craft when so moored or anchored shall not interfere with the free use of channels and other navigable waters included within said area. The Selectmen may make such other reasonable rules, regulations or orders respecting the use of the waters by all vessels, boats and craft, the method of their mooring or anchoring and the reasonable sufficiency of their mooring and anchoring gear as may be necessary to protect persons and all other vessels, boats and craft in such waters and other property thereon. The Selectmen shall also have authority to fix speed limits for the operation all vessels, boats and craft within said area.

(S.A. 288, 1949; as amended by S.A. 93 § 1, 1955.)

Sec. 308. Publication of regulations.

The designations of places or mooring grounds, such orders, rules and regulations and such speed limits, when determined or fixed, shall be published at least once in a newspaper having a circulation in the Town

and shall be filed in the offices of the Selectmen and of the Town Clerk they shall become effective ten (10) days after such publication and filing.

(S.A. 288, 1949; as amended by S.A. 93, 1955.)

Sec. 309. Penalty for violation.

Any person who shall disobey any such designations of places or mooring grounds, or such orders, rules or regulations or such speed limits, when determined or fixed as provided in Sections 307 and 308 shall be fined not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.) for each offense.

(S.A. 288, 1949; as amended by S.A. 93, 1955.)

Sec. 310. Enforcement of regulations.

Any police or peace officer of the Town shall have authority to enforce the provisions of this Article. The Court of Common Pleas of the State of Connecticut shall have cognizance of all violations of this Article.

(S.A. 288, 1949; as amended by S.A. 93, 1955.)

Sec. 311. Superintendent of Marine and Facility Operations reports.

The Superintendent of Marine and Facility Operations, Department of Parks and Recreation of the harbors of Greenwich, and his deputies, if any, shall, from time to time, advise the Selectmen with respect to the matters hereinbefore described or provided for and shall, upon the request of the Selectmen, confer with the Selectmen. He shall make such reports to the Selectmen as they shall from time to time require with respect to any matter or matters hereinbefore referred to.

(S.A. 288, 1949; as amended by S.A. 93, 1955.)

Division 3. Language.**Sec. 312. Use of Male Gender Language in Charter.**

It is the intent of this Charter to reflect the equal role of men and women in the Town government. The use of the male gender in the wording of the Charter does not reflect any preference for or discrimination against either sex.

(RTM, 1/21/85.)

ARTICLE 20. FLEET DEPARTMENT.**Sec. 313. Department of Fleet Management: Fleet Manager authority, duties.**

There shall be a Department of Fleet Management which shall be headed by a Fleet Manager who shall be experienced in matters of vehicle and equipment maintenance, safety, repair and replacement. The Fleet Manager shall have charge, under the direction and control of the First Selectman, of the maintenance, repair, licensing and replacement of all Town vehicles, mobile motorized equipment, including generators, pumps and compressors, and such other Town equipment as may be directed by the Selectmen. The Fleet Manager shall provide for a preventive maintenance program for all such Town vehicles and equipment to promote safety, effectiveness and economy of use, and shall control fuel and parts inventories. The Fleet Manager shall provide technical support and work in consultation with department heads and the Purchasing Agent to prepare recommendations and specifica-

tions for all such Town vehicles and equipment to be procured or replaced and shall inspect and approve such newly purchased vehicles and equipment. (RTM 3/13/95; ratified by Board of Selectmen 9/17/1997.)

APPENDIX. CONSOLIDATION ACT.*

Sec. A-1. Consolidation with Borough of Greenwich.

On and after January 1, 1932, the existence of the Borough of Greenwich shall, except for the purposes hereinafter set forth, cease and terminate and all political and legal rights of the Borough, and all property, property rights and chooses in action of any kind belonging to the Borough, shall pass to and be vested in the Town of Greenwich.

Sec. A-2. Borough Tax District; liability.

So much of the territory of the Town of Greenwich as constitutes the Borough of Greenwich shall, on and after January 1, 1932, constitute the Borough Tax District of the Town of Greenwich. All debts and obligations of the Borough shall continue to be a charge upon the inhabitants and property within the Borough Tax District of the Town. All inhabitants and property within the District shall, in addition to the Town Tax, be liable to taxation to pay the liabilities of all kinds against the Borough of Greenwich existing on January 1, 1932, with interest which may accrue thereon. The Selectmen are authorized in the name of the Town of Greenwich to defend any action pending

*Special Act 194 of 1931.

against the borough on January 1, 1932, or thereafter instituted for any claim against the Borough, and any judgment in such action shall be an obligation of the Borough Tax District.

Sec. A-3. Borough Sinking Fund; assessment; due date.

(a) On or before September 15 in each year, the Treasurer of the Town shall present to the Board of Estimate and Taxation estimates of the amount of money which will be required for the succeeding calendar years for payments on account of the principal of the Borough indebtedness and interest thereon. Appropriations shall be made, in the same manner as by law provided for the other departments of the Town, to a sinking fund to be created for the payment of the indebtedness. The appropriations to the Sinking Fund shall be of sufficient amount to provide for all payments of principal and interest due during the succeeding calendar year, and may be made in an amount in addition thereto, for any or all payments due in years following the succeeding calendar year.

(b) On or before November 25 in each year, the Board of Assessors shall submit to the Board of Estimate and Taxation a statement showing the total assessed valuation upon the grand list last completed of all the taxable property situated in the Borough Tax District. The Board of Estimate and Taxation shall, on or before November 25 in each year, until the sinking fund shall, with the estimated income thereof, be sufficient to provide for the payment of the entire remaining Borough indebtedness, determine the tax rate to be laid upon the assessment list of such property so presented which may be necessary to

provide for such appropriations. The Board shall lay a tax at such rate upon the assessment list of such property as the tax for the District for the succeeding calendar year. The chairman and clerk of the Board shall forthwith file a certificate of the laying of such tax with the Town Clerk who shall record the certificate in the Town Meeting record book.

(c) Such tax shall become due at the same time and in the same manner as the Town tax for the Town becomes due and all provisions of the Statutes as to Town taxes, except as herein otherwise provided, shall apply to taxes laid pursuant to the provisions of this Section.

Sec. A-4. Exercise of powers and duties.

On and after January 1, 1932, the rights, powers, duties and jurisdiction of all Town officers, agents, boards, commissions and other authorities shall be exercised throughout the entire Town, inclusive of the Borough Tax District.

Sec. A-5. Continuation of building lines.

All ordinances, by-laws, orders and regulations of the Borough of Greenwich relating to building lines existing on January 1, 1932, shall continue in effect until amended or repealed by the Planning Commission of the Town of Greenwich, which shall have power to enforce, amend or repeal the same in the manner prescribed in the General Statutes. All other ordinances, by-laws, orders and regulations of the Borough of Greenwich existing on January 1, 1932, shall continue in effect until amended or repealed by the

Selectmen of the Town of Greenwich, who shall have power to enforce, amend or repeal the same in the manner prescribed in the General Statutes.

Sec. A-6. Severability.

If any Section or part of a Section of this Article shall be held to be invalid or unconstitutional, it shall not invalidate or impair the validity or effect of any other Section, or part of a Section, unless it shall clearly appear that such other Section or part of a Section is dependent for its operation upon the Section or part of a Section so held invalid or unconstitutional.

Sec. A-7. Addition to sewer districts.

On and after January 1, 1932, the territory within the limits of the Borough Tax District shall be added to District 4 as described in an act concerning sewer districts in the Town of Greenwich, approved August 8, 1911, and thereafter District 4 as described in the act and the territory in the Borough Tax District shall be one (1) sewer district known as District 4. All the land therein shall be subject to all the provisions of the act and amendments thereof. All the provisions of the act and amendments thereof shall be applicable in the same way to the land as if the land was originally a part of District 4.

Sec. A-8. Transfer of sewer authority.

On and after January 1, 1932 all the powers of the warden and members of the Board of Burgesses of the Borough of Greenwich, who, with the Sewer Commission of the Town of Greenwich, constitute the joint sewer commission as described in an act authorizing

the Town and Borough of Greenwich to construct sewage disposal works, approved May 6, 1915, as amended shall be transferred to and vested in the Sewer Commission of the Town of Greenwich, which shall have and exercise all the powers conferred by the act and any amendments thereof.

Sec. A-9. Appraisal of real property.

The real property owned by the Borough on January 1, 1932, and which becomes vested in the Town, shall be appraised by a board of appraisers consisting of the warden of the Borough, the First Selectman of the Town and a third person to be selected by them. The sum so determined by the Board as the fair value of the property shall be applied by the Town to the credit of the Borough Tax District.

Sec. A-10. Repeal of Borough Charter.

The Charter of the Borough of Greenwich approved June 29, 1893, and all amendments thereto, and Sections 4 and 5 of an act concerning Assessors of the Town of Greenwich, approved May 10, 1915, shall be repealed as of January 1, 1932, except as hereinafter provided.

Sec. A-11 Validation Act

**Special Act 75-53, approved
June 19, 1975 is hereby incorporated
in the Charter, as follows**

**"AN ACT VALIDATING CERTAIN ACTIONS UN-
DER THE**

GREENWICH HOME RULE CHARTER

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. All actions of the town of Greenwich pursuant to and in the exercise of the powers granted to said town by number 377 of the special acts of 1955, as amended by number 28 of the special acts of 1965, are validated, and the same shall be and remain in effect as of the date of each such action, the provisions of chapter 99 of the general statutes to the contrary notwithstanding.

Section 2. The actions of any and all boards, commissions, departments, agencies and offices established or changed by said town in the exercise of its powers under said special act or under the provisions of any other general statute or special act are validated, and the same shall be and remain in effect as of the date of each such action.

Section 3. All of the provisions of said special act, and all of the powers and authority granted to the town of Greenwich therein, are hereby ratified, confirmed and approved, and all of the same shall be and

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remain in full force and effect, the provisions of chapter 99 of the general statutes to the contrary notwithstanding."