



Borough of Stonington Charter

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CHAPTER 1
INCORPORATION & POWERS

Section 1. Incorporation

All the inhabitants of the Borough of Stonington, with territorial limits as constituted by law, shall continue to be a body politic and corporate under the name of the "Borough of Stonington" hereinafter called "Borough", and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by the Borough and not inconsistent with the provisions of the Charter, the additional powers and privileges herein conferred, and all powers and privileges conferred upon boroughs under the laws of the State of Connecticut.

Section 2. Rights

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested in or inchoate in the Borough as of the effective date of this Charter are continued, and the Borough shall continue to be liable on said effective date, whether accrued or not. Nothing herein shall be construed to affect the right of the Borough to collect any assessment, charge, debt, or lien.

The Borough shall have all the powers that now or hereafter may be granted to Boroughs under the constitution and the general statutes of the State of Connecticut. It shall have all powers granted to municipalities adopting a charter under Chapter 99 of the 1958 Revision of the Connecticut General Statutes. In addition to these powers, the Borough shall have all powers fairly implied in or incident to the powers granted, and all other powers incident to the management of the property, government and affairs of the Borough, including the power to enter into contracts with the State of Connecticut or with any political subdivision thereof.

CHAPTER 2
THE BOARD OF WARDEN & BURGESSES

Section 1. The Powers of the Board

The warden and the six burgesses shall constitute the Board of Warden and Burgesses, referred to in this Charter as "The Board". Subject to the provisions, exceptions and qualifications of this Charter and the general statutes, the Board shall have the power to enact ordinances, adopt resolutions, undertake studies and investigations, provide for the administration of the Borough, determine its rules for procedure, and take all steps necessary and proper for carrying out the powers given the Borough. The Board shall act as the board of tax review. The Board shall act as purchasing agent for all supplies or services purchased by the Borough, but may delegate such decision for any items or services the cost of which may be reasonably expected to be less than one half of one percent of the authorized budget for the Borough for that year.

Section 2. **The Warden**

- a). The warden shall exercise general supervision over the administration for all departments, agencies, committees, boards, or offices appointed by the Board.
- b). The warden shall be responsible for the execution of all ordinances.
- c). The warden shall preside at all meetings of the Board. If the warden is not present at any such meeting, it may be called to order by any burgess, and the burgesses shall thereupon choose one of their number to preside over the meeting. If no agreement can be reached, the presiding officer shall be chosen by lot.
- d). The warden shall nominate the commissioners, department heads, committees and all appointive officers unless otherwise provided by a resolution of the Board. All such nominations are subject to the confirmation of the Board, but on such occasions as on all questions before the Board, the warden may vote. The warden may nominate himself for any office or commission or committee.
- e). The warden shall be recognized as the official head of the Borough for ceremonial purposes.

Section 3. **Meetings of the Board**

The Board shall meet at least once a month throughout the year at a regular time. Special meetings of the Board may be called by the warden or by any two burgesses. Board meetings shall be open to the public, except when the Board votes to go into executive session. The Board shall prescribe rules concerning its own procedure.

Section 4. **Quorum**

The Board shall conduct business only at a meeting duly called at which a quorum is present, three members constituting a quorum.

Section 5. **Compensation of Elected Officials**

Compensation of all elected officials shall be set by ordinance. Such compensation may be changed by ordinance at any time, but any change shall not take effect until after the current term of the elected official whose salary or other compensation is affected.

CHAPTER 3 **ADMINISTRATIVE OFFICERS**

Section 1. **The Clerk-Treasurer⁽¹⁾**

The clerk-treasurer shall keep the minutes of meetings of the Board, and minutes of meetings of the Borough. He shall maintain all records of the Borough, except tax records, including separate and numbered record of all ordinances which shall be available for public inspection at reasonable times. He shall be responsible for publishing

ordinances and other legal notices. He shall keep an accurate record of all receipts and expenditures. He shall prepare a draft of the budget under the direction of the Board. He shall have all duties imposed by law and customarily assigned to the clerk and to the treasurer of a borough. In his temporary absence his duties shall be assigned by the warden to one of the burgesses.

Section 2. **The Assessor**

The assessor shall perform such duties as are imposed by law and customarily performed by the assessor of a borough. He shall use the current assessment list and assessment date of the Town of Stonington.

Section 3. **The Tax-Collector**

The tax collector shall perform such duties as are imposed by law and customarily performed by the tax collector of a borough.

Section 4. **Appointive Offices**

The warden shall nominate an attorney to be the legal advisor of the Board, the officers of the Borough, and agencies, boards and commissions. The warden may nominate a health officer, engineer and other officers with such duties as may be assigned to them by the Board. All nominations shall be subject to confirmation by the Board. Any appointive officer may be removed at any time by the Board.

Section 5. **Commissioners⁽²⁾**

At the effective date of this Charter, there shall be established the following offices:

- a) Fire Commissioner, with supervision and control of the Fire Department, fire prevention and protection, and with the responsibilities of safety coordinator.
- b) Parks, Trees, & Rights-of-way Commissioner, with supervision and control of planting, preservation, care and removal of trees, plantings, and lawns in parks, public places, and public grounds, and, in conjunction with the sidewalk Commissioner, on sidewalks, and with supervision and control of sea walls and stone walls on public property, and with supervision of public rights-of-way and easements.
- c) Police Commissioner, with supervision and control of Special Duty police officers in the Borough, and to act as liaison with the Police Department.
- d) Public Affairs Commissioner, to inform Borough residents as to the issues before the Board and to apprise the Borough residents and the Board about Town and regional programs, policies, and developments.
- e) Public Buildings Commissioner, with supervision and control of public buildings.

f) Sanitation Commissioner, with supervision and control of collection of garbage, trash, recyclable materials, litter, and such other items as he may deem appropriate, and to act as liaison with the water company and the sewer authority.

g) Sidewalk Commissioner, with supervision and control of the sidewalks and, in conjunction with the Street Commissioner, of the curbs.

h) Street Commissioner, with supervision and control of the streets and, in conjunction with the Sidewalk Commissioner, of the curbs.

i) Street Lighting Commissioner, with supervision and control of the lighting of streets, public buildings, parks, and other public grounds.

Any of the foregoing offices may be abolished by the Board or the duties of any may be enlarged, modified or restricted or diminished by the Board. Additional offices may be created by the Board from time to time.

Section 6. Duties of Commissioners

Each commissioner shall be responsible to the Board for the general supervision of his office and department. Each commissioner shall prepare a budget request for his office each year.

Section 7. Appointment of Commissioners

The warden shall nominate the commissioners listed in Section 5 of this chapter. All nominations are subject to the confirmation of the Board. Each commissioner shall serve in the office to which nominated and confirmed from the first meeting following an election of Borough officers until one week after the next Borough election, provided, however, that the Board may remove a commissioner from his office at any time. The warden shall nominate only burgesses and himself to the positions of commissioner.

Section 8. Fire Department

At the effective date of this charter there shall be established a fire department composed of as many volunteer companies as may be determined by ordinance. The members of the volunteer fire companies shall choose their own offices, but the choice of fire chief shall be subject to the confirmation of the Board. If the Board rejects the name of anyone so chosen by the members of the companies, the companies shall submit another name for confirmation, within 30 days after such rejection. If no name is submitted to the Board, then the warden shall appoint a fire chief subject to the confirmation of the Board. The fire chief shall be responsible for the efficiency, discipline and good conduct of the department, and for the care and custody of its property. He may make rules and regulations governing the operation of the department.

Section 9. Registrar of Voters

The Board shall employ the registrars of voters for that voting district of the Town of Stonington which includes the Borough as registrars for the Borough. Such registrars

shall serve a two year term commencing on the first Monday in January, 1961. Their compensation and duties shall be determined by the Board in accordance with state law. If a registrar of such voting district of the Town is unwilling to take office at the compensation offered, or if the office becomes vacant for any reason, the Board shall appoint as registrar an elector as defined in Chapter 4. The two registrars shall not be members of the same political party. The registrars of the Borough shall be the judges of qualifications for voting at the Borough meetings.

CHAPTER 4

ELECTIONS

Section 1. **Borough Elections**

On the first Monday in May, 1969, and biennially on that day thereafter, there shall be elected in the Borough a warden, six burgesses, a clerk-treasurer, an assessor, and a tax collector. The term of office for each elected official shall commence one week from the date of election.

Section 2. **Eligibility to Vote in Borough Elections**

At any regular or special Borough election, any person may vote who is then qualified to vote in Town of Stonington elections and who either:

- a). resides within the Borough as of the date of such election, or
- b). at the effective date of this Charter resided within the Town, but outside the Borough and was then on the Registrar's voting list for the Borough. The term "Electors" as used in this Charter shall mean those eligible to vote under this section.

Section 3. **Eligibility to Hold Borough Office**

Those eligible to hold Borough elective office shall be electors who reside in the Borough. If any elected officer moves his residence during his term of office from the Borough to a location within the Town of Stonington but outside the Borough, he shall continue to hold his elected office until the completion of his term when and thereafter he shall not be eligible for re-election while he resides outside of the Borough. If any elected officer moves his residence from the Town of Stonington, he shall thereupon cease to hold office. There shall be no requirement that appointive officers of the Borough be electors thereof.

Section 4. **Dual Office Holding**

No person shall hold more than one office of the Borough at the same time.

Section 5. **Tie in Election**

When, as a result of any Borough election, it is necessary to break a tie, the moderator of the election shall summon the candidates who are tied to meet in a public place on the second day following the election, at which time the winner or winners between or among the tied candidates shall be determined by lot. If any candidate so tied withdraws, the remaining candidate shall be deemed elected.

Section 6. **Vacancies in Elective Office**

a). If the warden ceases to serve during the first year of the term for which he was elected at a regular Borough election, the Board shall call a special election to fill the unexpired term. The election shall be held not less than thirty nor more than sixty days after the vacancy occurs. Party designations shall not appear on the ballot in such special election. Any person eligible for office, including one holding at the time any other elective Borough office, shall be placed on the ballot if he files with the clerk-treasurer a petition signed by a number of electors equal to at least five percent of the number of persons voting for the office of warden at the last Borough election. Such petition must be so filed not less than ten days prior to the date of the special election. The provisions of Section 7 of this chapter shall not be applicable to such special election.

b). If the warden ceases to serve when less than one year remains of his term of office, the burgesses shall, by majority vote, fill the vacancy.

c). If a vacancy occurs in any elective office other than warden, the Board shall, by majority vote, fill the vacancy.

d). If the Board, in choosing a replacement for an elected official, shall be deadlocked, the deadlock shall be resolved by lot.

Section 7. **Nominations for Elective Office**

Nominations for elective office shall be made in the manner provided by the general statutes. In addition thereto, any person eligible for office under this chapter may be nominated for elective office of the Borough, and entitled to have his name appear on the voting machines in a line or lines marked independent, provided that he files with the clerk-treasurer a petition signed by a number of electors equal to at least five percent of the number of persons voting for the office of warden at the last election. Such petition must be filed not less than thirty nor more than sixty days prior to the day of the Borough election. No person nominated by a political party may also file for elective office as an Independent.

Section 8. **Recall of Elective Officials**

If a petition, signed by a number of electors equal to two thirds of the number of persons who voted for the office of warden at the last regular Borough election, be presented to the warden, requesting that any person holding elective office in the Borough be removed from such office, the warden shall call a special election as to such removal within thirty days. If at such election at least two thirds of the persons voting approve

such removal, the official shall be removed from office and the office declared vacant.

CHAPTER 5 PASSAGE OF ORDINANCES

Section 1. **Passage by Board**

An ordinance may be passed at any regular or special meeting of the Board. Promptly after passage, said ordinance shall be published once in a newspaper having general circulation in the Borough. If, at the end of fifteen days following such publication, no petition as outlined in Section 2 of this chapter has been received by the Clerk-Treasurer, such ordinance shall become effective at that time, or at the date specified in the ordinance, if any.

Section 2. **Borough Meeting by Petition**

If, within fifteen days after publication of an ordinance passed by the Board, a petition, signed by twenty or more voters as defined in Section 1 of Chapter 6, be presented to the clerk-treasurer, the clerk-treasurer shall check the petition for authenticity of the signatures and promptly advise the Warden. The Warden, upon receipt of the valid petition, shall call a special Borough meeting, to be held within fifteen days, and such ordinance shall not be effective pending such meeting. If, at such meeting, the ordinance be approved by a majority of the voters present and voting, the ordinance shall become effective at that time, or at the date specified in the ordinance, if any. If the ordinance be not so approved it shall not become effective. Such ordinance may be amended, consistent with its purpose, at such meeting. If so amended, the warden may adjourn the meeting for one week, to consider the amended ordinance.

Section 3. **Petition Initiating Ordinance**

If a petition, signed by fifty or more voters containing an ordinance and requesting that it be passed, be presented to the clerk-treasurer, the clerk-treasurer shall check the authenticity of the signatures to the petition and notify the warden. The warden shall present the valid petition to the Board for action within 30 days after its receipt. If the Board passes the ordinance, it shall become effective subject to the provisions of Sections 1 and 2 of this chapter. If the Board does not pass such ordinance it shall nevertheless publish said proposed ordinance and call a special Borough meeting to be held within 20 days after the meeting of the Board for the purpose of acting upon the proposed ordinance in the manner provided in Section 2 of this chapter.

Section 4. **Existing Ordinances**

All ordinances in effect on the effective date of this Charter shall continue in effect for one year thereafter, unless previously repealed. All such ordinances shall expire at the end of one year from the effective date of this Charter, unless repassed in accordance with the provisions of this Charter.

Section 5. **Expiration of Ordinances**

In January 1971 and each January thereafter, at a regular or special meeting of the Board, the clerk-treasurer shall bring to the attention of the Board each ordinance passed during the year which ended ten years prior to the last December 31. Each such ordinance may be repassed in accordance with the provisions of this Chapter. If any such ordinance is not repassed by the next December 31, it shall then automatically expire and become of no effect.

CHAPTER 6 **BOROUGH MEETINGS**

Section 1. **Eligibility to Vote**

At any duly called Borough meeting, those entitled to vote on any matter shall be the following, who shall be called "voters": a). Electors, as defined in Chapter 4. b). Any citizen of the age of eighteen years or more who, jointly or severally, is liable to the Borough for taxes assessed against him on an assessment of not less than one thousand dollars on the last completed grand list of the Town of Stonington, or who would be so liable if not entitled to an exemption under the general statutes of the State of Connecticut.

Section 2. **Annual Borough and Budget Meeting⁽³⁾**

The Annual Borough and Budget Meeting shall be held during the third week of April in each year at a time and place to be determined by the Board. At this meeting, or any adjournment thereof, the voters shall consider and act upon the budget for the next fiscal year. Other matters may be brought before said meeting as may be determined by the Board and which have been given proper notice.

CHAPTER 7

FISCAL

Section 1. **Fiscal Year and Collection of Taxes**

The fiscal year and the date or dates for collection of taxes shall be set by ordinance.

Section 2. **Budget⁽⁴⁾**

a). Not less than two weeks before the date of the Annual Borough and Budget Meeting, the Board shall hold a public hearing for the purpose of preparing a budget. At this hearing the Board shall compare in each case current budgeted figures and recommendations for the next fiscal year.

b). The budget to be presented at the Annual Borough and Budget Meeting shall show:
I) receipts, itemized by sources; II) expenditures, segregated by departments and

offices; III) the grand list, and IV) a proposed tax rate in mills. At least five days prior to the Annual Borough and Budget meeting the Board shall cause to be published in a newspaper having a circulation in the Borough a summary of the budget, and copies of the budget shall be available at the Borough Hall.

c). Upon the adoption of the budget the Board shall establish a tax rate in mills.

Section 3. **Expenditures and Accounting**

a). No purchase shall be made by any department, office or agency of the Borough except under such rules and regulations as may be established by the Board.

b). Checks shall be drawn by the clerk-treasurer, and shall be valid only when countersigned by the warden. In the absence or inability to act of either the clerk-treasurer or the warden, or both, checks shall be valid when signed by a majority of the Board.

c). The Board shall prescribe the time at which and the manner in which persons receiving money on account of the Borough shall pay the same to the clerk-treasurer.

d). The several departments, offices and agencies of the Borough shall not involve the Borough in any obligation to spend money in excess of the amount appropriated therefor in the budget until the matter has been approved by the Board. When any department, office or agency shall desire to secure a transfer of funds in its appropriation from funds set apart for one specific purpose to another, before incurring any expenditure thereof, such department, office or agency shall make application to the Board, such transfer may be made, but not otherwise.

e). Additional appropriations over and above the total budget may be made from time to time by the Board. Such appropriation, if over one half of one percent of the budget for the current fiscal year, shall be made in form of an ordinance, and shall be subject to a petition for a special Borough meeting to consider it in the manner provided in Section 2 of Chapter 5 of this Charter. But if the Board shall declare, by unanimous vote, that such appropriation is for the purpose of meeting an emergency threatening lives, health or property, such appropriation may be made by unanimous resolution of the Board, without appeal.

f). Additional appropriations may also be made by ordinance initiated by a petition signed by fifty or more voters, as provided in Section 3 of Chapter 5 of this Charter.

g). At the special Borough meeting called to consider any additional appropriation made in the form of an ordinance, such appropriation may be amended or reduced, but not increased.

h). Within the last three months of the fiscal year only, the Board may by resolution transfer any unencumbered appropriation, balance or portion thereof, from one department, office or agency to another. No transfer shall be made from any appropriation for debt services, or other statutory charges.

CHAPTER 8
MISCELLANEOUS

Section 1. **Effective Date**⁽⁵⁾

This charter shall become effective upon approval by the electors of the Borough at a regular or special election, in accordance with the general statutes of the State of Connecticut.

Section 2. **Amendment of Charter**

This Charter may be amended from time to time in the manner provided by the general statutes of the State of Connecticut.

NOTES:

1. *Revised by public vote at regular election May 2, 1977, revision effective January 1, 1978*
2. *Revised June 3, 1987, August 5, 1992, May 12, 1997*
3. *Revised by public vote at regular election May 2, 1977, revision effective January 1, 1978*
4. *Revised by public vote at regular election May 2, 1977, revision effective January 1, 1978*
5. *Charter accepted by public vote at regular election July 25, 1960.*