

CHAPTER V. THE TOWN COUNCIL; ORDINANCES

Sec. 5.1 Membership and Qualifications of members.

There shall be a Town Council consisting of nine (9) members, hereinafter referred to as the Council. The Council shall be the legislative body of the Town. No member of the Council shall be a member of the governing body of any political subdivision nor shall hold any office of profit under any political subdivision of the Town. Members shall be resident electors of the Town. The Moderator of the RTM shall be an ex-officio member of the Council but shall not have the right to make motions or to vote.

Sec. 5.2 Election, Duties, Term of office and selection of Chairman; Performance of Chairman's duties in his/her absence.

Following a general election held in accordance with Section 3.3, the newly-elected Council shall meet as prescribed in Section 3.3 and shall choose one of its members to be Chairman of the Council. The Chairman shall be known as the Mayor, but will retain all of the rights of other members.

The Mayor shall preside over all meetings of the Council and shall perform such other duties consistent with the office or which may be designated by the Council. The Mayor shall be recognized as the official head of the Town for all ceremonial purposes.

During the absence of the Mayor, the duties shall be performed by a member chosen by the Council.

The Mayor's term of office shall be identical to that of the Council which chooses the Mayor, except that, by a vote of at least six (6) of the eight (8) other members of the Council, the Mayor may be removed as Chairman of the Council and another member chosen to assume the duties and responsibilities of Chairman.

Sec. 5.3 Meetings; Quorum; Ordinances and resolutions to be confined to one subject; Records.

At the first meeting of the newly-elected Council following the general town election, the Council shall fix the time and place of its regular meetings and shall provide a method for the calling of special meetings. It shall determine its own rules of procedure, which rules shall provide for citizens to address the Council. All meetings of the Council for the transaction of business shall be open to the public.

Six (6) members shall constitute a quorum, but no ordinance, resolution, or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than five (5) affirmative votes.

All ordinances and resolutions shall be confined to one subject which shall be clearly stated in the title; provided, however, that nothing herein shall prevent the enactment of an ordinance of codification.

The Council shall keep for public inspection a journal which shall be the official record of its meetings. The record so kept shall be authenticated for each meeting by the signature of the Chairman or the Town Clerk, or of both.

Sec. 5.4 Powers and Duties.

5.4.1 General.

As the legislative body of the Town, the Council shall have the powers and duties conferred by CGS on councils and selectmen, other such powers and duties as specifically provided in the Charter, and excepting those specifically assigned to the RTM under Section 4.1.2 of the Charter.

5.4.2 Agencies, Authorities, Boards, Commissions and Committees.

The Council shall have the power to create or abolish agencies, authorities, boards, commissions and committees (ABC), departments and offices and to define the powers, duties and responsibilities thereof, provided the same are not inconsistent with the Charter or pre-empted by the CGS, and to provide for the preservation of order, peace, safety and health of the Town and its inhabitants; and the Council may contract for services and the use of facilities of the state or any political subdivision thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities, in which case departments and offices created by the Charter, the functions of which are transferred under the terms of such a contract or agreement, may, by ordinance, be abolished.

5.4.3 *Regulation of Agencies, Authorities, Boards, Commissions and Committees.*

The Council is responsible for the proper function and operation of all offices, and ABC which it fills by appointment, but not their decisions.

5.4.4 *Compensation; Charges for Services.*

The Council shall fix the compensation of the Town Clerk, the Registrars of Voters, and the officers and employees of the Town.

The Council shall also approve the charges made by the Town either for services furnished by the Town or for the execution of the powers vested in the Town for its government and business.

5.4.5 *Penalty for violation of laws.*

The Council may fix the penalty for the violation of any of the ordinances made by it under the Charter.

5.4.6 *Taxing districts; Assessor.*

The Council may establish taxing districts within the limits of the Town and may change the boundaries of such taxing districts. The boundaries of any such taxing district shall be defined and clearly outlined. No establishment or change in the boundaries of any taxing district shall be made until after public notice in a newspaper having circulation in the Town shall have been given to the property owners in that portion of the Town to be affected by the proposed taxing district and a public hearing held thereon. The Council shall have the power to determine and prescribe the rate of taxation to be levied and collected in each taxing district, but such rates shall be fairly apportioned and be dependent upon the number and kind of municipal improvements or special municipal privileges furnished by the Town for each taxing district.

5.4.6.1 *Assessor.*

The Assessor of the Town shall make separate lists of the property taxable within each such taxing district in the manner and at the time prescribed by law.

5.4.7 *Coordination of Services.*

The Council shall be empowered to enter into negotiations and execute agreements and contracts with subdivisions of the Town or other existing agencies or adjoining towns, with a view to more efficient management of townwide services.

5.4.8 *Removal; Term of office; Vacancies.*

The Council may remove any appointed officer, or ABC member, for cause by at least seven (7) affirmative votes of its members, but only after the charges against such member have been presented to him/her in writing and after he/she shall have been given a reasonable opportunity to be heard in his/her own defense. With the above exceptions, all appointed officers, and ABC members, shall serve until their successors have been appointed and qualified. Such vacancies as may occur in appointive offices shall be filled by appointment by the official or body normally responsible for regular appointments to the office.

5.4.9 *Delegation of Authority.*

The Council may provide by resolution for the exercise by the Town Manager or some other town officer, ABC, or employee of any administrative power assigned to the Council by the Charter, CGS or in any other way.

5.4.10 *Road Acceptance.*

The Council shall have the power and authority to accept all roads and open spaces as town property if said roads and open spaces are included in a property subdivision which subdivision has been approved by the Planning Commission.

Sec. 5.5 Ordinances; Classes; Public Hearing, Publication and Date Effective.

The Council shall have the power to enact, amend or repeal ordinances not inconsistent with the Charter or pre-empted by the CGS.

5.5.1 *Recognized Codes made part of an Ordinance.*

The Council is authorized, in adopting ordinances, to incorporate any nationally recognized code, rules and regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state, or any portion thereof, by reference thereto in such ordinance; provided, upon adoption of any such ordinance

wherein any such code, rules and regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such code, rules and regulations in the office of the Town Clerk for examination by the public.

5.5.2 *Classes of Ordinances.*

There shall be three (3) classes of ordinances. They are bonding ordinances, emergency ordinances and legislative ordinances.

5.5.2.1 *Bonding ordinances.*

The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by CGS, subject to the limitation of the Charter. The issuance of bonds and notes shall be authorized by bonding ordinance.

5.5.2.2 *Emergency ordinances.*

The Council shall have the power to declare the enactment of emergency ordinances on the grounds of urgent public need for the preservation of public health, safety or property. The facts showing such an urgent need shall be specifically stated in the measure itself.

5.5.2.3 *Legislative ordinances.*

All other laws of general application regarding the public health, safety and welfare for citizens of Groton and all other laws not considered bonding or emergency ordinances, shall be deemed legislative ordinances.

5.5.3 *Public Hearing, Notice and Publication.*

For all bonding and legislative ordinances, a public hearing shall be held prior to enactment by the Council. Notice of the public hearing shall be given at least five (5) days in advance by publication of the proposed ordinance, or a summary thereof prepared by the Town Attorney, with the date, time and place of the hearing, in a daily newspaper having a circulation within the Town. The full text of the ordinance shall be available in the Town Clerk's office at least five (5) days prior to the public hearing. The Town Clerk shall provide a copy of such notice to each member of the RTM on or before the date of publication. No notice or hearing shall be required for emergency ordinances.

5.5.4 *Recording.*

Every ordinance, after passage, shall be given a serial number and shall be recorded by the Town Clerk in a book to be kept for that purpose, which shall be properly indexed.

5.5.5 *Ordinances.*

5.5.5.1 *Bonding ordinances.*

If any bond issue or issuance of notes, except notes in anticipation of taxes to be paid or other revenue to be received within the fiscal year in which issued, shall exceed when authorized, the sum of seven hundred fifty thousand dollars (\$750,000) or which shall, when added to all other bond issues or issuances of notes previously authorized in the same fiscal year, bring the total of such bond issues or issuances of notes authorized for that fiscal year to a sum in excess of seven hundred fifty thousand dollars (\$750,000), said bond issue or issuance of notes shall be approved first by the Council, then by the RTM, and then by a referendum vote at any regular town, state, or special election or a referendum called for that purpose. If such bond issue or issuance of notes is less than said amount, a bonding ordinance may be adopted upon vote of the Council and then the RTM.

5.5.5.2 *Emergency ordinances.*

No ordinance shall be passed as an emergency measure except by the affirmative votes of not less than six (6) members of the Council. No emergency ordinance or resolution shall be adopted granting, amending, renewing or extending any public utility franchise or other special privilege or permitting the leasing or sale of any real property of the Town or regulating or fixing rates to be charged for public utility service or creating bonds.

5.5.5.3 *Legislative ordinances.*

A legislative ordinance shall be adopted, subject to the powers of veto and referendum hereunder, upon a vote of the Council.

5.5.5.4 *Veto.*

The RTM, upon a two-thirds vote of the total membership, shall have the power to reject any legislative ordinance passed by the Council, except for an ordinance of consolidation as defined in Section 2.6. Such veto shall be filed with the Town Clerk not more than forty-five (45) days after the enactment of such ordinance by the Council, be recorded in the ordinance book, and Notice of Veto shall be published.

5.5.5.5 *Referendum.*

Upon a petition of not less than five (5) percent of the electors of the Town, filed with the Town Clerk not more than thirty (30) days after enactment of the ordinance, asking that the ordinance be submitted to the electors of

the Town at its next regular election or special election, it shall be so submitted. Such ordinance shall remain effective unless a majority of the electors voting on such ordinance vote against such ordinance; and that the number of electors voting against such ordinance is equal to at least fifteen (15%) percent of the electors listed on the last registry list. This section shall not apply to any ordinance for which a referendum right exists under any other provision of the Charter.

5.5.6 *Notice.*

5.5.6.1 *Time.*

Notice of the adoption of a bonding ordinance shall be published in a daily newspaper having a circulation within the Town within ten (10) days of adoption by the RTM. Notice of the adoption of emergency and legislative ordinances shall be similarly published within ten (10) days of adoption by the Council. The Town Clerk shall provide the members of the RTM with notice of the adoption of any emergency and legislative ordinance by the Council within five (5) days of adoption.

5.5.6.2 *Content.*

Said notice shall include the title, serial number and complete text of the ordinance, except that if so directed by the Council, a description of the ordinance prepared by the Town Attorney may be substituted for the complete text.

5.5.7 *Effective date.*

5.5.7.1 *Bonding ordinances.*

Bonding ordinances requiring approval by referendum shall be deemed approved upon adoption by referendum. Bonding ordinances not requiring a referendum shall be deemed approved upon adoption by the RTM.

5.5.7.2 *Emergency ordinances.*

Emergency ordinances, unless a later date is specified, shall become effective upon publication. Any emergency ordinance shall expire no later than six (6) months after enactment, unless adopted as a legislative ordinance in accordance with the Charter.

5.5.7.3 *Legislative ordinances.*

Legislative ordinances, unless a later date is specified, shall become effective forty-five (45) days after enactment by the Council unless vetoed by the RTM.

Sec. 5.6 Investigation.

The Council shall have the power to investigate any and all departments, offices and agencies of the Town, and for such purposes shall have the power to issue subpoenas and subpoenas duces tecum. At the request of the Council, any judge of the Superior Court may issue a *capias* for the appearance of witnesses and the production of records.

Sec. 5.7 Relative to Administrative Services.

Neither the Council nor any of its members shall direct or request the appointment of any person to an office or employment or direct or request the removal of any person from any office or employment which office or employment, by the provisions of the Charter, the Town Manager or any of his/her appointees are empowered to fill by appointment; provided the Town Manager may seek advice from the Council regarding appointment. The Council and its members shall deal officially with the town staff solely through the Town Manager. A properly constituted meeting of the Council, which the Town Manager has been invited to attend, may call before it any employee or officer for the purpose of investigation. The Council and its members shall not give orders to any of the subordinates of the Town Manager either publicly or privately. Nothing contained herein shall prohibit any member of the Council or RTM from exercising rights under the Freedom of Information Act (FOIA) as held by general citizens.

Sec. 5.8 Official Bonds.

The Town Manager, Town Clerk, Director of Finance, Treasurer, Tax Collector, Director of Public Works, Building Official, and such other officers and employees as may be required to do so by the Council or the CGS shall, before entering on their respective official duties, execute to the Town in the form prescribed by the Council and approved by the Town Attorney a surety company bond in a penal sum to be fixed by the Council conditioned upon honesty and the faithful performance of such duties. Nothing herein shall be construed to prevent the Council, if it deems it to be in the best interests of the Town, from prescribing a name schedule bond, schedule position bond or blanket bond, or from prescribing which departments, offices, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

Sec. 5.9 Salaries.

Salaries of all directors and other employees of the classified or unclassified service of the Town, except those of the Board of Education (BOE), shall be determined by the Council, in conformity with a systematic pay plan for the positions involved, upon recommendation of the Town Manager, provided nothing herein shall be construed to limit the power of the BOE to fix the compensation of employees of the school system.