

## CHARTER

(File No .. 742)

House Joint Resolution No. «7

### State of Connecticut

#### HOUSE OF REPRESENTATIVES

House of Representative s, July 9. 1909. The Committee id and Boroughs reported through Mr. Scott Plymouth. Chairman of the Committee on the part of the House. That the Resolution ought to pass.

#### RESOLUTION

Incorporating The Stony Creek Association. As Amended and in force April I, 1929.

**Section 1.** All the proprietors of real estate and all electors residing within the Emits hereinafter specified, in the locality known as Stony Creek, in the town of Branford, are constituted a body corporate by the name of The Stony Creek Association, and by that name they and their successors shall be a corporation in law, capable of suing and being sued, pleading and being impleaded in all courts of whatever nature and also of purchasing, holding and conveying any real estate, real or personal; and shall have a common seal, with the privilege of altering it at pleasure; and shall be vested with and possess the powers here- in after specified.

**Sec. 2.** The object of said association shall be to provide for the improvement of the lands in said district and for the health, comfort and convenience of persons living therein.

**Sec. 3.** The limits and territory of said association are defined and established as follows: Beginning at a point where the shore line division of the New York, New Haven, and Hartford Railroad Company crosses Jairus Creek; thence in a direct line intersecting the highway leading to Leete's Island and the tracks of the Victoria White Granite Company; thence three hundred feet north on said tracks; thence in an irregular line in a westerly direction keeping three hundred feet north of the highway, to a point on Chestnut Hill road, three hundred feet north of said highway; thence in a direct line to the north boundary of the Woods property; thence in a westerly direction along said boundary to Stony Creek river, or Pine Rock brook; thence in a southerly direction along said brook to Long Island sound; thence southerly in an irregular line along the shore line of said Long Island sound, to and including the point of land owned by the Stony Creek Oyster Company, which is at the extreme end of the western projection known as Flying Point; thence easterly in an irregular line along the shore of Long Island sound to

Jairus creek; thence northerly in an irregular line along the center of the brook known as Jairus creek to point of beginning.

**Sec. 4.** Every member of said association of the age of twenty-one years or over shall be entitled to vote at any meeting of said association, and any person of such age, being a member of said association, shall be eligible to any office provided for in the resolution incorporating said association as herein amended.

**Sec. 5.** The first meeting of sated association shall be held at such time and place as shall be appointed by the following named persons or a majority of them. F. E. Smith, W. J. Clark, T. A. Coe, F. McGinn, C. Madiera, W C.. Hinkley and F. E. Brainerd. Said meeting shall be held for the purpose of electing an executive board which shall consist of ten members of said association, who shall hold office until the first day of October, or until others shall have been chosen in their places A notice of the time and place appointed for said meeting, signed by at least five of the above named persons, shall be posted in a public place at least five days in advance of the meeting, and published at least once in a newspaper circulating in the town. Said executive board shall be elected by ballot, and the polls for such election shall be open between four o'clock p.m. and seven o'clock p.m. Annual meetings of said association shall be held on the Monday after the first Wednesday in July in each year, at such hour and place within said district as the executive board shall select. At said annual meeting the members of said association shall elect by ballot the following officers: A president, a treasurer, a tax collector, two auditors and an executive board which shall consist of ten members of said association. All of such officers shall hold office for one year from the date of their election or until others shall have been chosen in their stead. The president shall preside at all meetings of said association and of said executive board, and at all meetings of the executive board the president shall vote only when necessary to dissolve a tie. The auditors shall have authority to examine all accounts, records, documents, securities and bank books of said association and of all officers thereof. For this purpose they may take into their possession all such accounts, records, documents, securities and bank books, and shall make written report of their doings to the annual meeting of said association. Special meetings of said association may be warned and held in such manner as the by-laws shall prescribe, provided the notice shall specify the object for which such meeting is to be held. Not less than five' of the members of said association shall constitute a quorum for the transaction of business at any regular or special meeting

**Sec. 6.** Notices of the annual and all special meetings of said association shall be signed by the president or vice president or two other members of the executive board, and may be given by mail or personally. In case such notices shall be given by mail, written notice of the time and place of such meetings shall be mailed in New Haven county at least five days before the time appointed: addressed to each member of said association at his legal residence, or, if any

member shall be at such time dwelling within the limit of said district, at his residence therein. Personal notice may be given by leaving with such member a written notice of the time and place of meeting, at least three days before the time of such meeting.

**Sec. 7** The executive board shall hold its first regular meeting in each year on the evening of the annual meeting as provided in section five of this act, after the result of such election shall have been determined and no special notice thereof to the members of the executive board shall be required. Said executive board shall at this meeting or any adjournment thereof elect by ballot from its members, a vice president, treasurer and clerk of said association who shall hold office for one year from the date of the annual meeting, or until their successors shall be elected, and such officers shall also be vice president, treasurer and clerk of said executive board. The offices of treasurer, tax collector and auditor shall not be held by the same person. The duties of said officers shall be defined in the by-laws of said association. The president or clerk of said executive board shall, on the signed written request of four members of said executive board, call a meeting of said board. Notice of such meeting shall be given by leaving with or at the usual place of, abode of each member of said executive board a written notice, signed by the president and clerk, specifying the time and place of such meeting, or by sending such notice by mail, at least twenty-four hours before such meeting. A majority of said executive board shall constitute a quorum at any meeting thereof.

**Sec. 8.** The executive board shall have the care, custody and management of all funds and property of said association, and, when assembled according to law, shall have power to make regulations for the management and control of such property and its transfer and conveyance; to make regulations concerning the time and place of meeting of said executive board and of said association, so far as they are not inconsistent with any of the special provisions of the charter of said association or of this act; to regulate the method of assessment and collection of taxes for association purposes and to prescribe the duties and compensation of all officers and employees of said association. The president, vice president and treasurer shall serve without compensation, except that they shall receive their actual expenses.

**Sec. 9.** Said executive board shall possess power, when legally assembled, to pass, amend or repeal by-laws, regulations and ordinances to accomplish the objects specified in section two of this act, and particularly for the purposes of assisting the fire department and for the fire apparatus, and for the establishment of wells and cisterns and waterworks for fire or domestic use, and to make rules for their preservation and safe-keeping, to regulate the erection of all lamp posts, telegraph, telephone and electric light poles and the wires and fixtures thereof; to provide for the public lighting and watering of the streets and the improvement of docking facilities; to regulate the planting, removal, protection and preservation of trees in the streets; to keep the streets in all public places within the limits of said association quiet from all un-

due noise, and to prohibit the crying of newspapers and other wares on Sunday or at any unusual hours upon the streets of said association; to regulate and prohibit the running of animals at large in said district; to prevent and summarily abate every kind of nuisance and public annoyance; to regulate the use and construction of cesspools, drains, sewers and privies, and the place and method of discharge of same; to regulate the use of the pigpens and the deposit of rubbish within the limits of said association; to compel the removal from any place on said association of all nuisances injurious to health or offensive or annoying to the public, at the expense of the owner of the premises where such nuisance exists; to prevent and regulate the removal of any offensive manure, swill, night-soil or other substance upon the streets of said association; to prevent and regulate the carrying on within said association limits of any business prejudicial to the public health or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity thereof; to regulate the naming of the public streets and to establish building lines; and said executive board may also prescribe fines and penalties for violation of any of such by-laws, ordinances or regulations, not exceeding ten dollars for anyone offense, and the penalties may be recovered, in any proper action brought for that purpose in the name of The Stony Creek Association before any court having jurisdiction, for the use and benefit of said association; and the violation of any of the said by-laws or ordinances imposing a fine shall be a misdemeanor, and may be prosecuted by any grand juror or prosecuting attorney of the Town of Branford as in other criminal cases.

**Sec. 10.** The executive board shall have control of all sidewalks, crosswalks and footpaths in the streets of said association, but not of the construction and repairs of the highway. It is also empowered to lay out sidewalks, establish their grade and curb lines and building lines; to designate what streets shall have sidewalks constructed thereon; to pass ordinances requiring the building of sidewalks and the proper care of the same, regarding the removal of ice; snow, rubbish, ash heaps, piles of lumber and other obstructions and incumbrances. Whenever the executive board shall layout and construct any sidewalk on any street, the adjoining property, or the owners thereof, shall be assessed for one-half the cost of the same; and; in case any adjoining property, or the owners thereof, shall refuse to pay such assessment, it shall be and remain a lien or real incumbrance on such property in favor of said association, and the payment thereof may be enforced by said association in a civil. action in the name of the treasurer of said association, or by foreclosure, or by any other proper remedy; provided such lien shall be good for a longer period than sixty days after such assessment or lien shall be made unless a certificate in writing, made and signed by the president or treasurer or said association, describing the premises, the amount claimed as a lien, the date of the ordinance requiring the sidewalk to be built, the date of the completion of the sidewalk by said association, and the date of the assessment thereof shall be lodged with the town clerk of Branford. Whenever the executive board shall require, by ordinance, that any sidewalk shall be

cleared of ice and snow, and the owners of adjoining property shall fail to clear the same Within the time and in the manner required by such ordinance, the executive board or other proper officer or authority shall cause such snow or ice to be removed, and the cost of such removal, and such fine as the executive board may impose, shall be and remain a lien upon the adjoining property, and may be collected in the same manner as is provided herein for neglect to build a sidewalk.

**Sec. 11.** Said executive board, before establishing any building line, shall cause notice thereof, and of the time set for the hearing thereon, to be signed and served, in the manner prescribed for notices of meeting of said association, upon all owners of lands to be affected by said proposed building line. Said board, after hearing may determine the benefits and damages due to each of such owners by reason of the establishment of such building line, and, in case the damages shall exceed the benefits, such excess of damages shall be paid by said association. If the benefits shall be found to exceed the damages, such excess of benefits over damages shall be paid by the owner of such land to said association. The amount of such excess shall be a lien in favor of said association upon the land affected by said order, from the time of the determination of said amount and the service of notice thereof on said owners in the manner hereinbefore required.

**Sec 12.** Any person that may be aggrieved by any order of the executive board making any assessment of benefits or damages, or requiring the construction of any sidewalks, curb or gutter, or the payment of any part of the expense thereof, may appeal therefrom in the manner prescribed in sections 475, 476, 477 and 478 of the general statutes, revision of 1918, and with like effect.

**Sec. 13.** Said executive board may appoint police officers, to act within the limits of said association, who shall have all the powers of constables in said district for the purpose of making arrests for violation of law or of the regulations and by-laws of said association, and said executive board may fix the compensation of such police officers.

**Sec. 14.** Said executive board shall establish a public signpost within the limits of said The Stony Creek Association, and may make, establish and adopt forms of orders and notices to be used under this act.

**Sec. 15.** No by-law or ordinance shall take effect or be enforced until the same has been posted at least three days on the public signpost of said association; nor shall any by-law or ordinance take effect until fifteen days after its passage. A certificate of the clerk of the said association of the due posting of any by-law or ordinance shall be prima facie evidence of such posting.

**Sec. 16.** Said executive board shall not, within any one year, incur any pecuniary liability exceeding in amount of five mills on the dollar of the assessed value of the real estate within

said The Stony Creek Association, as shall appear, by the assessment list hereinafter provided for, provided nothing herein shall be construed to prevent said executive board from expending or contracting to expend any funds or unexpended balances which may have accumulated from previous years.

**Sec. 17.** The clerk of said board shall, on or before the first day of June of each year, prepare an assessment list according to the town assessment list. Where any piece of land so assessed on the list of the Town of Branford shall be partly within and partly without said district, said clerk shall assess such part within the district in the proportion which the part within the district bears to the whole tract so assessed, using his best judgment as to such value. Said clerk shall, on or before the fifth day of June, report such list to the executive board, which shall revise such list, and if said board shall find that in any particular It does not correspond with the last assessment list of the Town of Branford, or if said board shall find that there are any errors in the proportional valuation of such parts of any piece of property as are partly within and partly without the territory of said The Stony Creek Association, said board shall correct the same, and said list, when so revised and corrected, shall be adopted by said executive board, and shall then be and constitute the assessment list for said The Stony Creek Association: such list so revised and completed shall be recorded by the clerk in the books of the association on or before the fifth day of July, and such assessment list shall be open to inspection by any member of the association.

**Sec. 18.** Any person claiming to be aggrieved by any such proportional valuation by said board may appeal to the superior court in the manner provided in the general statutes for appeals from boards of relief.

**Sec. 19.** The executive board, on or before the fifteenth day of July, annually, may lay a tax, for the purposes herein before specified, of not exceeding five mills on the dollar of the total value of such real estate as shown by the assessment list herein before provided for, and shall appoint a collector to collect such tax, and rate bills shall be made out and signed by said board and warrants may be issued for the collection of money due on such rate bills, pursuant to the provisions of section 1278 of the general statutes as amended, revision of 1918.

**Sec. 20.** Written notice of the rate of such tax and of the amount apportioned to each member of the association shall be sent by the clerk of the executive board within ten days from the laying of such tax, and such tax shall be due and payable within thirty days of the sending of such notice, and, if such tax shall not be paid when due, it shall bear interest at the rate of nine per centum per annum from the date when it shall be payable. The collector shall have all the powers of collectors of town taxes, and shall be accountable to the executive board in the same manner as town collectors are accountable to the selectmen, and shall, on or before the fifth day of every month, pay to the treasurer all monies collected by him previous to the first

day of that month, as taxes and interest thereon, and shall, at the same time, deliver to said treasurer a complete list of the names of all persons from whom such moneys were collected, stating therein the amount of principal and interest paid by each person named in such list and the time of such payment, Each such tax shall be a lien upon the property upon which it shall be laid for one year from the time the same shall be payable and may be collected by suit in the name of the association or by foreclosure of such lien. Such lien may be continued by certificate to be recorded in the land records of the Town of Branford, pursuant to the provisions of the general statutes relating to the continuance of tax liens.

**Sec. 21.** The executive board may, by a three-quarter vote of those present at any meeting, abate the taxes assessed as afore said upon any such person or persons as are poor and indigent and unable to pay the same, causing a proper entry to be made on its records.