

**BOROUGH OF NEWTOWN**  
**NEWTOWN, CONNECTICUT**

**CHARTER OF THE BOROUGH**

*Passed May, 1824*

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**RESOLVE INCORPORATING THE BOROUGH OF NEWTOWN  
PASSED MAY, 1824**

**SEC. 1. RESOLVED BY THIS ASSEMBLY,** That all the electors of this state, inhabitants of the town of Newtown, in the County of Fairfield, being within the following bounds, to wit: beginning at the foot of Newtown street, at the road leading to Reading, and running easterly to Queen street, so called; thence northerly through the center of Queen Street to the east and west turnpike; thence westerly on said turnpike to Carcase lane, so called; thence northerly the whole length of said lane to the road leading to Walnut Tree hill, so called; thence northerly in a direct line from said lane to the junction of Hall lane, so called; and the road leading to Hawley's bridge; thence westerly through the center of said Hall lane to the Bridgeport and Newtown turnpike; thence westerly in a direct line from said lane fifty rods from the west side of said turnpike, thence southerly in a line parallel with said turnpike and the aforesaid Newtown street to the center of the aforesaid road, leading to Reading near Daniel Beers' dwelling-house; thence easterly to the place begun at, be and the same are hereby ordained, constituted, and declared to be, from time to time forever hereafter, one body corporate and politic, in fact and in name, by the name of "The Warden, Burgesses and Freemen of the Borough of Newtown", and by that name they and their successors forever shall have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, in all suits of what nature soever; and also to purchase, hold and convey any estate, real or personal, and may have a common seal, and may change and alter the same at pleasure, and shall be freemen of said borough.

**SEC. 2.** And for the better government of said borough be it further resolved, that there shall be a meeting of said borough holden annually in the month of May, at such time and place as by the by-laws of said borough shall be directed, for the purpose of choosing all the officers of said borough; and the officers chosen at such meeting shall continue in office for and during the term of one year from said annual meeting, unless others shall be sooner chosen and qualified in their stead.

**SEC. 3.** And said borough of Newtown shall have all the powers and privileges conferred on other inland boroughs within this state, and be subject to the same restrictions and liabilities to which other inland boroughs are by law subjected. And all the officers of said borough shall be qualified in the same manner, and have the same powers, as the officers of other inland boroughs so far as the local situation thereof will permit.

**SEC. 4.** The first meeting of said borough shall be holden at the public house of Czar Keeler in said borough, on the second Monday of June, A.D. 1824, at one o'clock in the afternoon of said day, for the choice of a warden, burgesses, clerk, treasurer, and bailiff, and to transact such other business as shall be necessary, which may be from time to time adjourned; and a copy of this paragraph of this resolve, certified under the hand of the secretary of this state, and posted upon the public sign-post in said borough at least three days before said second Monday of June, shall be legal warning to the freemen of said borough to attend said first meeting; and the officers chosen at such

meeting shall continue in office until the expiration of the annual meeting in the month of May, A.D. 1825, unless others are sooner chosen and qualified in their stead; and that said borough shall at such meetings first choose a clerk of said borough, who shall be immediately sworn, and shall forthwith make a record of his being chosen and sworn, and the record thus by him made in such case shall be good and effectual in law; and such record may be made by clerks thereafter, and shall be valid, anything in this resolve notwithstanding. And said borough shall thereupon proceed to choose a warden and other officers of said borough mentioned in this paragraph of this resolve; and that Benjamin F. Shelton shall have, as the first election of the warden, burgesses, clerk, treasurer, and bailiff of said borough, the same powers and proceed in the same manner as the warden, burgesses, and bailiff of said borough are by this resolve to have and proceed in at the future elections in said borough, and shall be moderator of said meeting till a warden be chosen and qualified according to this resolve; and said borough shall at said first meeting appoint a time and place for holding the first meeting of said warden and burgesses, which meeting shall have power to adjourn from time to time; always provided, that anything in this resolve notwithstanding, the inhabitants living within the limits of said borough shall to all intents and purposes be and remain a part of the town of Newtown, entitled to all its privileges and subject to all its burdens, as if this resolve had not been passed. Provided nevertheless, that if this resolve or any provision therein contained shall be found inconvenient, or in any way inadequate, the same may be repealed, altered, or revoked, by the general assembly.

**SEC. 5.** All charges and expenses that shall have been and may be incurred, in consequence of this act of incorporation, shall be borne and defrayed by said borough by taxes on the polls and ratable estate of said borough within said limits.

**RESOLVE CONFIRMING CERTAIN ACTS AND PROCEEDINGS**

**PASSED MAY, 1831**

**RESOLVED BY THIS ASSEMBLY,** that all the by-laws and other acts and proceedings of said borough since the incorporation thereof, shall have the same authority, force, and effect, as if the record of the election of the officers of said borough had been legally made, and the magistrate by whom they were respectively sworn, had been in said record particularly specified. Provided that this resolution shall not affect any case now pending.

VOLS. 1 and II – 1789 – 1836

Pages 203-205

**RESTORING CORPORATE PRIVILEGES TO THE  
BOROUGH OF NEWTOWN**

**PASSED 1848**

Upon the petition of Theophilus Nichols and others, showing to this assembly that they are electors of the town of Newtown, Fairfield county, and freemen of the borough of said Newtown, a corporation of this state, duly incorporated at the session of general assembly, A.D. 1824; that from time and after said act of incorporation, they and those within the limits of said borough exercised their corporate privileges and powers until the month of May, A.D. 1844, when by accident, they omitted to appoint their annual officers, and to the present time have thereby been deprived of all the benefits of their corporate privileges; -- praying this assembly to authorize and empower the electors of said borough to meet at the dwelling house of Salu P. Barnum, within the limits of said borough, on the last Monday of June, 1848, at two o'clock in the afternoon, for the purpose of choosing the officers of said borough as contemplated by their said act of incorporation; -- as by said petition on file dated the 10<sup>th</sup> day of May, 1848. Therefore,

BE IT RESOLVED BY THIS ASSEMBLY, that the electors of the borough of Newtown, be and they are hereby authorized and empowered to meet at the dwelling house of Salu P. Barnum, within the limits of said borough, on the last Monday of June, 1848, at two o'clock in the afternoon, for the purpose of electing the officers of said borough, as contemplated by the said act of incorporation; provided, that notice of said meeting shall be given by one of the constables of said Newtown, by putting a notice thereof in writing, upon the public post within the limits of said borough, at least five



days inclusive before the said last Monday of June, specifying the objects of said meeting.

AND BE IT FURTHER RESOLVED, that Theophilus Nichols, one of the electors of said borough, shall preside at said meeting, until a clerk and warden shall be elected and accept their appointments respectively. The officers elected at such meeting, and all the officers of said borough thereafter elected, shall hold their offices until others shall be elected in their room, and shall accept the offices to which they shall be so elected.

VOL. III – 1836 – 1856

Pages 237-238

(192.)

**AMENDING THE CHARTER OF THE BOROUGH OF NEWTOWN**

Resolved by this Assembly: **SEC. 1.** The borough of Newtown, a corporation heretofore established by the general assembly of this state, and now existing under the corporate name of the Warden, Burgesses, and Freemen of the Borough of Newtown, shall have power in legal meeting assembled to lay taxes on the polls and ratable estate within the limits thereof for all necessary purposes within the scope of its corporate powers.

**SEC. 2.** The warden and burgesses of said borough shall have power to make all necessary by-laws and ordinances relative to the mode of laying and collecting all taxes laid by the borough, and shall have power to appoint a collector of taxes, who shall give bonds with surety to the approval of said warden and burgesses, and shall hold his office for the term of one year from the time of his appointment, and until another is chosen and qualified in his stead.

**SEC. 3.** Said warden and burgesses shall have power, at the expense of said borough, to establish and maintain a fire department for the protection of the property lying within the limits of said borough from fire, and shall have power to make and enforce all needful rules and regulations for the equipment, government, and support of

such fire department.

Approved May 3, 1883.

VOL. IX – 1881 – 1884

Pages 852-853

**AMENDING THE CHARTER OF THE BOROUGH OF NEWTOWN**

RESOLVED BY THIS ASSEMBLY: That the territorial limits of the body politic and corporate existing under the name of The Warden, Burgesses and Freemen of the Borough of Newtown shall hereafter be as follows: Beginning at the railroad crossing on the Berkshire division of the New York, New Haven, and Hartford railroad first southerly from the residence of the Misses Mary J. and Margaret F. Houlihan; thence following the highway called Hall land S. 73° W. 73 rods crossing the Hanover road; thence S. 72° W. 48 rods; thence S. 62° W. 21 rods to the highway leading to Brookfield; thence following said highway, N. 18° W. 31 rods to old highway near the residence of Mrs. Martin Hourigan; thence, following said old highway, N. 89° W. 33 rods; thence S. 51° W. 9 rods; thence N. 61° W. 12 rods; thence S. 86° W. 9 rods; thence S. 66° W. 16 rods; thence S. 74° W. 8 rods; thence N. 68° W. 6 rods; thence S 66° W. 25 rods; thence N. 85° W. 21 rods; thence S. 62° W. 13 rods; thence S 38° W. 9 rods; thence S. 54° W. 8 rods; thence S. 30° W. 9 rods to a point forty-six rods from the Danbury road near the residence of Marcus Camp thence through the fields in the rear of the residences of Marcus Camp, Frank J. Narramore, Adelia Nichols, and Robert W. and Albert W. Peck, Junior, N. 59° W. 121 rods to line of J. Albert Blackman; thence, crossing the Danbury road, S. 30° W. 105-1/2 rods to Taunton lake, at a point in the division line between Robert W. and Albert W. Peck, Junior, and Miss Julia E. DeVires; thence along the easterly shore of said Taunton lake S. 62° E. 6 rods; thence S. 38° E. 17 rods; thence S. 62° E. 54 rods; thence S. 9° E. 9 rods; thence S. 4° W. 19 rods; thence S. 14° E. 8 rods;

thence S. 26° E. 8 rods; thence S. 42° E. 11 rods to the pumping station of the Newtown Water Company; thence S. 50° E. 11 rods; thence S. 31° E. 30 rods; thence, leaving the shore of Taunton lake, S 29° E. 196 rods to a bridge over the brook on the highway first easterly from the residence of Mamert Woicheowski; thence, following said highway, S 85° E. 14 rods; thence S. 52° E. 42 rods; thence S. 86° E. 63-1/4 rods to Bethel road; thence, following said Bethel road, N. 35° E. 59 rods to road leading to Palestine; thence following said Palestine Road, S. 5° W. 21 rods to the brook first below the residence of Mrs. Philo Clark; thence, following down said brook, S 79° E. 19 rods; thence N. 80° E. 20 rods; thence N. 84° E. 12 rods; thence S. 82° E. 14 rods; thence S. 85° E. 9 rods; thence N. 32° E. 5 rods; thence S. 87° E. 8 rods; thence S. 20° E. 5 rods; thence S. 33° E. 21 rods; thence S. 57° E. 14 rods; thence S. 50° E. 9 rods; thence S. 89° E. 5 rods; thence S. 44° E. 17 rods; thence S. 21° E. 7 rods; thence S. 42° E. 5 rods to the bridge first below the Newtown village cemetery; thence, along the highway by the said cemetery, N. 60° E. 10 rods; thence N. 26° E. 27 rods; thence N. 19° E. 27 rods; thence, following the highway to South Center district; N 70° E. 7-3/4 rods; thence S. 18° E. 19 rods; thence, following the highway towards the residence of Herman H. Peck N. 82° E. 42 rods; thence N. 57° E. 7 rods to the Bridgeport road; thence N. 32° E. 5 rods; thence, following the highway by the residence of Allison P. Smith, N. 66° E. 27 rods; thence N. 85° E. 31 rods to highway running to residence of Michael Keating; thence, following said highway, N. 57° E. 39 rods; thence N. 80° E. 7 rods; thence N. 63° E. 21 rods; thence N. 81° E. 23 rods to the New York, New Haven, and Hartford railroad; thence, following said railroad, N. 37° E. 19 rods; thence N. 35° E. 12 rods; thence N. 28° E. 11 rods; thence N. 20° E. 25 rods; thence N 15° E. 20 rods; thence N. 3° E. 19 rods; thence N. 2°

W. 20 rods; thence N. 9° W. 15 rods; thence N. 15° W. 20 rods; thence N 24° W. 20 rods; thence N. 27° W. 26 rods; thence N. 39° W. 27 rods; thence N. 48° W. 26 rods to the highway leading to Sandy Hook; thence, on same course on railroad, 60 rods; thence N. 43° W. 26 rods; thence N. 39° W. 149 rods to place of beginning.

Approved, May 27, 1907.

VOL. XV. 1907 and 1909

Pages 190-191

(248.)

**AN ACT VALIDATING ACTS OF THE BOARD OF ASSESSORS,  
THE BOARD OF RELIEF, THE WARDEN AND BURGESSES AND  
THE TAX COLLECTOR OF THE BOROUGH OF NEWTOWN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

**SEC. 1.** The acts of the board of assessors, the board of relief and the warden and burgesses of the borough of Newtown in laying the 1933 and 1934 tax assessments and tax rates, otherwise valid except that such tax assessments and tax rates were not made until after the time they were required to be made by the provisions of an act revising and amending the charter of the borough of Newtown, approved May 1, 1931, are validated.

**SEC. 2.** No tax liens of the borough of Newtown, a certificate to continue which has, prior to the passage of this act, been recorded in the book of tax liens in the office of the town clerk of Newtown, shall be deemed to be invalid because of the failure to make out and file each lien within the time specified by law.

**SEC. 3.** The provisions of this act shall not apply to any property upon which no

lien appeared of record at the time of the filing for record of a deed conveying such property.

Approved May 8, 1935.

VOL. 22

Part 1, 1935

Page 141



**AN ACT AMENDING THE CHARTER OF THE BOROUGH OF  
NEWTOWN.**

SEC. 1. Section 42 of number 290 of the special acts of 1931 is amended to read as follows: At the first regular meeting of the zoning commission, following the annual borough election in May, 1953, and annually thereafter, there shall be appointed by the zoning commission a building inspector to hold office for one year or until the next regular annual meeting of said commission and be responsible to said commission. The building inspector shall possess such powers and perform such duties and services as the zoning commission may direct or as this act or the ordinance of said borough may specify. He shall be diligent in causing the endorsement of, and in detecting violations of, the provisions of the general statutes, this act or ordinances of said borough relating to the construction, repair, alteration, demolition or removal of buildings and structures within said borough, or relating to any matter within the scope of his powers and duties. If the construction of any building in the course of erection shall not conform to the provisions of the general statutes or the ordinances of said borough or the orders of the zoning commission of said borough, he shall notify in writing the owner or owners, architects or builder, and, if such construction shall not be made to so conform within ninety days, he shall notify the zoning commission, which shall take action to cause such construction to be made in conformity thereto.

**SEC. 2.** Section 51 of said number 290 of the special acts of 1931 is amended to read as follows: At the annual meeting of said borough to be held on the first Tuesday after the first Monday in May, 1953, there shall be elected one member of the zoning commission for a term of five years from the date of said annual meeting and at said annual meeting thereafter one member shall be elected for said term of five years. Any appointed members of said zoning board or commission in office on the effective date of this act shall hold office until the term for which they have been appointed shall expire. Any vacancy which may occur in said zoning commission shall be filled by appointment by the remaining members of said commission until the next regular annual meeting of the borough. Said zoning commission shall be the zoning authority of the borough of Newtown.

**SEC. 3.** Said special act is amended by adding section 52 as follows: At the annual meeting of said borough to be held on the first Tuesday after the first Monday in May, 1953, there shall be elected one member of the zoning board of appeals for a term of five years from the date of said annual meeting and at said annual meeting thereafter one member shall be elected for said term of five years. Any appointed members of said zoning board of appeals in office on the effective date of this act shall hold office until the term for which they have been appointed shall expire. Any vacancy which may occur in said zoning board of appeals shall be filled by appointment by the remaining

members of said zoning board of appeals until the next regular annual meeting of the borough.

Approved, April 9, 1953

VOL. XXVI

Pages 749-750

(290.)

**AN ACT REVISING AND AMENDING THE CHARTER OF THE  
BOROUGH OF NEWTOWN**

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN  
GENERAL ASSEMBLY CONVENED:

**SEC. 1.** All of the electors of this state, inhabitants of the town of Newtown, and residing within the territory included within the borough of Newtown as hereinafter defined, shall continue to be a body politic and corporate by the name of The Warden, Burgesses and Freemen of the Borough of Newtown, and by that name shall have perpetual succession; shall be a person in law capable of suing and being sued, and of purchasing, taking by gift, devise, bequest or condemnation, and of holding and conveying any estate, real or personal; shall have all of the powers conferred upon boroughs by the general statutes; shall have and exercise such powers and privileges heretofore exercised by such borough as are perpetuated herein and the additional powers and privileges herein conferred and shall have a common seal which it may alter and change at pleasure.

**SEC. 2.** The territorial limits of said borough shall be as set out in an act entitled "An Act amending the Charter of the Borough of Newtown", approved May 27, 1907.

**SEC. 3.** All of the electors of this state qualified to vote in the town of Newtown, and residing within said territorial limits, shall be freemen of said borough, and every

elector of this state who shall hereafter have continuously resided within the limits of the borough for the period of six months shall be a freeman of said borough and entitled to vote at all meetings of said borough and eligible to any office therein. None other than the persons described in this section shall be freemen of said borough and such persons shall cease to be freemen on ceasing to have the qualifications aforesaid.

**SEC. 4.** An annual meeting of the legal voters of said borough shall be held on the first Tuesday after the first Monday in May in each year, at which said electors shall elect from their number by plurality of ballots the following officers: A warden, two burgesses, a clerk, a treasurer, three fire inspectors, a tax collector, a pound keeper, two assessors, two members of the board of relief, a registrar of voters and two auditors. Said officers shall hold office until the next annual meeting and until others shall be chosen and shall have qualified in their stead, except the burgesses who shall be elected for the term and in the manner following: At the annual meeting to be held on the first Tuesday after the first Monday in May, 1931, two burgesses shall be elected for three years, two for two years, two for one year, and annually thereafter at each annual meeting two burgesses shall be elected to serve for three years. Each such officer before entering upon the duties of his office shall be sworn to faithfully perform the duties of his office before any proper officer in Fairfield county, who shall certify in writing to that effect and deliver such certificate to the clerk of the borough, who shall record the same in a book kept for that purpose. Any officer ceasing to reside within said borough shall cease to hold his office. The notice of such annual meeting shall be signed by the warden or by three burgesses and shall designate the time and place of such meeting and the officers to

be elected at the time and any other business to be transacted thereat, and such notice shall be posted at least five days before holding such meeting on the public signpost in said borough and in one other conspicuous place in said borough as the board of warden and burgesses shall designate, and shall be published at least once in some newspaper published in said borough or having a substantial circulation therein at least five days before holding such meeting.

**SEC. 5.** At all meetings of the electors of said borough held for election of officers, the polls shall be open at nine o'clock, a.m. The voting for election of such officers shall be by ballot, and the casting, challenging, checking and counting of ballots shall be regulated in the same manner as is provided by the general statutes for electors' meetings. Said statutes to that extent are made part of this act except as hereinafter provided. The time for the transaction of business other than the election of officers at all meetings of the electors of said borough shall be fixed and designated by the board of warden and burgesses. At least six days before such annual meeting for the election of officers, the registrar of voters of the borough shall prepare and deliver to the clerk of the borough a perfected list of the names, arranged alphabetically, of the persons entitled to vote at such meeting, to be used as a checking list at such meeting, and no person shall vote at such meeting whose name does not appear on such list, provided the name of any elector omitted therefrom by clerical error may be added thereto on election day by the registrar of said borough. Said registrar shall cause a sufficient number of such lists to be printed for use at such elections and shall deliver to said clerk of the borough copies thereof as the same shall be required by vote of the board of warden and burgesses.

SEC. 6. Special meetings of the borough may, and upon written petition of twenty electors of said borough lodged with the warden or clerk of said borough shall, be called at any time by the warden or any three burgesses, and notice of the time and place and the object of such meeting shall be given in the same manner required in case of annual meetings. Not less than twenty legal voters shall constitute a quorum for the transaction of business at any special meeting of the electors of said borough, and, if that number shall not be present at any such meeting, the warden of said borough or in his absence the clerk may adjourn such meeting to such other time at the same place as he may designate, and until at least said number of legal voters shall be present. All meetings where a quorum may be present may be adjourned from time to time by vote of a majority of the legal voters present and voting, provided no election of officers shall be had at such adjourned meeting. All special meetings called for the election of officers shall be conducted in the same manner as herein provided for annual meetings. Whenever the vote shall be by ballot at any special meeting, the voting list used shall be the one prepared and used at the next preceding annual meeting, and the presiding officer shall appoint suitable persons to attend the ballot boxes and to count the votes at such meetings, and the clerk shall check the voting list.

SEC. 7. Whenever, at any meeting of the voters of said borough, there shall be no election to an office, by reason of a tie vote, a new election for such office shall be held one week from the day of such meeting. Whenever any officer chosen at the annual election shall vacate his office by death, resignation, removal from said borough, or

otherwise, such vacancy shall be filled by the board of warden and burgesses until the same shall be filled at a legal meeting of the voters of said borough as hereinafter provided; provided, if the board of warden and burgesses shall not, by a majority vote, fill such vacancy within one week after the same shall occur, the warden of the borough or, if there be no warden or he shall be absent or incapacitated to act, the senior burgess of the borough shall fill such vacancy as aforesaid; and the officer so appointed shall hold office until his successor shall be duly elected at the next annual meeting of said borough, unless a petition of twenty legal voters of said borough shall be filed asking for a special election to fill such vacancy. If such a petition shall be filed, a special meeting for the election of such officer shall be called within three weeks after such petition shall have been filed unless such petition shall be received within two months of the next annual meeting.

**SEC. 8.** The warden and the burgesses at their first meeting after each annual meeting shall, by ballot, designate and choose from the burgesses one of their number to be the senior burgess for the ensuing year and one to be the second senior burgess during such term.

**SEC. 9.** The board of warden and burgesses shall hold their first regular meeting in each year at eight o'clock on the evening of the day following the annual meeting, and thereafter on the first Tuesday of each month succeeding at such an hour and at such a place as said board may, from time to time, designate, and such regular meetings may be adjourned from time to time as the board may order. Special meetings of said board may



liens and other borough liens prior of date, and shall remain a lien upon the property in favor of said borough and the payment thereof may be enforced by said borough in a civil action in the name of said borough or by foreclosure, or by any other proper remedy, provided such lien shall not 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 warden or clerk of said borough, describing the premises, the amount claimed as a lien, the date of the ordinance requiring the sidewalk, curbing, railing or guard to be built or repaired, the date of the completion of the sidewalk, curbing or repairs made as aforesaid by said borough and the date of the assessment therefor, shall be lodged for record with the town clerk of Newtown, and all such liens shall bear interest from the date of the filing thereof at the rate of three-fourths of one per centum per month until paid; and any such lien shall cease to exist whenever a certificate that the claim secured thereby with the interest and costs thereon has been fully satisfied to said borough, signed by the officer aforesaid, shall be lodged for record with the town clerk. All such certificates said town clerk shall record in a book kept for that purpose. Whenever the board of warden and burgesses shall require by ordinance that the sidewalks shall be cleared of ice and snow and the owners or occupants of adjoining property shall fail to clear the same within the time and in the manner required by such ordinance, the board of warden and burgesses, or other officer authorized by said board, shall cause such ice and snow to be removed and the costs of such removal and such fine as the board of warden and burgesses may be ordinance prescribe, not exceeding the sum of twenty-five dollars, shall remain a lien upon the adjoining property, and take precedence and be collected in the same manner as is provided herein for the neglect to build or repair sidewalks, curbings,

be called at any time by the warden or any four burgesses. Notice of such meeting shall be given by the clerk depositing in the Newtown post office, postage paid, a written or printed notice thereof addressed to the warden and to each burgess at least twenty-four hours before such meeting. Any meeting at which all members of said board are present shall be a legal meeting, although no notice or insufficient notice thereof shall have been given. A majority of the board of warden and burgesses shall constitute a quorum at any meeting, and each burgess shall have one vote except as hereinafter provided, and a majority of the burgesses present and voting at any meeting shall be necessary to pass any act or resolution except in the case of a tie vote, as hereinafter provided.

**SEC. 10.** The warden of said borough shall be the chief executive officer thereof, and he shall be chairman of the board of burgesses and shall preside at all meetings of the board of burgesses. He shall also preside at all meetings of the electors of said borough, except meetings for the election of officers. At all meetings where he shall so preside, he shall vote to dissolve a tie vote when necessary, but shall not otherwise vote except in the election of officers. He shall have authority to preserve the peace in said borough, and may suppress all riots and tumults with force if necessary, and may, at all times, require the aid of any sheriff, deputy sheriff, constable, watchman or policeman, or all of them together, with such other aid as he may deem necessary to the proper discharge of his duties. He may, without warning, arrest any person quarreling or behaving in a disorderly manner in his presence and commit such person to the county jail or the town lockup for a time not exceeding twenty-four hours, and shall have, within the limits of said borough, the power of a sheriff or other police officer. When the warden shall arrest

any person for an offense committed in his presence as aforesaid, he shall forthwith make complaint to the proper prosecuting officer for said town or for said county of Fairfield, and such prosecuting officer may issue a warrant for such person and cause him to be brought before the proper court for trial. He shall countersign all orders for money passed by the board of warden and burgesses and drawn by the clerk upon the treasurer, and no such order shall be paid by such treasurer unless so countersigned. It shall be his duty to recommend for adoption suitable measures in regard to the police, security, health, cleanliness and general well-being of the borough and the betterment of its government and finances.

**SEC. 11.** Whenever the warden shall be removed from, or vacate his office, or be absent, or, from any cause, be unable to perform his duties of his office, the senior burgess, and, in case of the inability of the latter from any cause, the second senior burgess shall act in place of the warden during such inability or until another person shall be elected warden, and, while so acting as warden, shall have all the powers and duties conferred upon the warden by this act, and all acts of such burgess, while so acting as warden, shall have the same effect as like acts done by the warden and such temporary performance of the duties of the warden shall in no wise disqualify such burgess from performing any of his duties as burgess, and, in all meetings of the board of warden and burgesses, such burgess, while acting as warden, may vote as a burgess and in addition thereto have a casting vote in case of a tie.

**SEC. 12.** The clerk shall be the clerk of the borough and also clerk of the board of warden and burgesses and shall act as clerk at all meetings of the voters of said borough and at all meetings of said board of warden and burgesses. He shall make and keep the records of such meetings and shall be the custodian of all books, papers and documents belonging to said borough and said warden and burgesses except such books and documents as the treasurer shall be required to keep. He shall draw all orders on the treasurer for the payment of money which shall be authorized by the board of warden and burgesses or the voters of the borough at any legal meeting. All books, papers and documents so kept by the clerk shall be open to the inspection of any inhabitant of said borough at all reasonable times. He shall also post and serve and be responsible for the publication of all notices which may be required by the board of warden and burgesses, and shall perform such other clerical duties as may be required by said board or the voters of the borough at any legal meeting. In the absence of the clerk, a clerk pro tempore may be appointed by the warden of the borough, and such clerk pro tempore, while acting as clerk, shall have all the powers and be subject to all the duties of the clerk. Said clerk shall cause the publication of all by-laws and ordinances of the borough and shall certify the fact of such publication.

**SEC. 13.** The treasurer of said borough shall have and exercise the same relative powers and duties as a town treasurer. He shall pay out money from the borough treasury only upon the written order of the clerk, countersigned by the warden or the warden's substitute, as hereinbefore provided. He shall at each annual business meeting, make a detailed statement of the receipts and disbursements of money during the preceding fiscal

year, and of the monetary condition of the treasury, having previously given reasonable time for the auditors to verify his accounts and such accounts and statements, having been duly audited, shall be recorded and published. The treasurer's books shall be open to the inspection of the inhabitants of the borough at any reasonable time and place.

**SEC. 14.** The collector of taxes shall faithfully collect all rate bills made out by the board of warden and burgesses for all taxes laid by said borough pursuant to the provisions of this act, and any justice of the peace for Fairfield county, on application of said collector or said board of warden and burgesses, shall issue a warrant for the collection thereof, and the collector shall have all the powers of a town tax collector and shall be accountable to the warden and burgesses in the same manner and to the same extent as town tax collectors are accountable to the selectmen. He shall pay over to the treasurer of said borough all collections made by him before the fifth day of the month following said collection.

**SEC. 15.** The fire inspectors and the pound keeper shall perform such duties as are required by the board of warden and burgesses or by the voters of said borough at any legal meeting.

**SEC. 16.** The auditors shall annually examine and verify the accounts of all the officers of the borough, and shall make a sworn report in writing at the annual meeting. They shall have access at all convenient times to all books of account, bills and vouchers of any officer or employee of the borough.

**SEC. 17.** The treasurer, collector of taxes and any other officer of the borough required to give bond shall give sufficient bonds to the satisfaction of the warden and burgesses, for the faithful performance of their respective duties.

**SEC. 18.** Each officer of said borough, except the assessors, shall, before entering upon the duties of his office, be sworn to the faithful discharge of his duties, and the form of oath to be taken shall be as follows: "You, \_\_\_\_\_, do solemnly swear (or affirm) that you will faithfully perform the duties of the office of \_\_\_\_\_ of the borough of Newtown to the best of your ability, so help you God", which oath may be administered by the clerk of said borough or by any officer qualified to administer oaths in Fairfield county.

**SEC. 19.** The assessors of said borough, after taking the oath provided by law for assessors of towns, shall, on or before the first day of June in each year, make an assessment list as of May first of each year of all real estate in said borough, and all ratable personal property of persons domiciled therein as the same may appear in the grand list of the town of Newtown then last made and completed, and the same valuation shall be used in each case when property is liable to taxation both by said town and said borough. If any real estate in said borough has been sold or conveyed or has changed ownership between the date of the assessment of such town list and the first day of May next succeeding, said assessors shall set the same in said borough list to the person owning the same on said first day of May, and shall deduct the same from the list of the

person in whose name it stood in the assessment list of the town; and, if property liable to taxation of any person who shall have moved into said borough between the date of the assessment of such town list and said first day of May or if any property liable to taxation in said borough shall have been omitted from such town list, such property shall be assessed by the assessors and set in such borough list. When any building or part of building shall have been constructed or erected in or moved into said borough limits between the date of the assessment of such town list and said first day of May, said assessors shall assess the value of such building and the land on which the same is erected on said first day of May, and shall set such real estate in such borough list. When any real estate is only in part situated in the limits of the borough and shall be so assessed and entered on the grand list of the town, if there be no separate value put upon that estate lying in said borough, said assessors shall assess the value of that part of such real estate which lies within said borough and set the same in such borough list. Upon perfecting such list, notice shall be given to all persons affected by such additions, changes and omissions in the same manner as assessors of towns are by law required to give notice, and said assessors shall, after having given seven days' notice thereof on the signpost in said borough, and by publication in some newspaper having a circulation in said borough, hold a public session at the time and place designated in such notice, to hear all persons interested in such list. Such list, when so completed by the assessors, shall be returned by said assessors to the clerk of said borough.

**SEC. 20.** The board of relief, at the end of ten days after such assessment list shall have been returned as aforesaid, shall, by publication and posting as aforesaid, give

notice of their meeting at least five days before holding the same, and shall have the same authority and proceed in the same manner in relation to such list as the board of relief of towns in relation to lists and assessments of towns, provided said borough board of relief shall not have the power to hear any complaint in any case in which the valuation on said borough list is the same as that on the last completed list of said town. Such assessment list, when corrected and perfected by the board of relief as aforesaid, shall be lodged with the clerk of said borough. An appeal to the superior court respecting any change in valuation made by the assessors or the board of relief of said borough from that in the last completed grand list of said town may be taken in the manner and within the time prescribed by law from the doings of the town board of relief. A special meeting of the borough shall be called for the purpose of laying the borough tax within ten days after such perfected list shall be lodged with the borough clerk, at which meeting the board of warden and burgesses shall submit an estimate of the probable expenditures of the borough for the next ensuing fiscal year for the requirements of all departments of the borough government, in detail, and showing specifically the amount necessary to be provided for each department, also an estimate of the amount of income from all sources. All taxes shall at such meeting be laid on such list to cover the expenses of said borough for one year thereafter, and such tax shall be due and payable at such time thereafter as said board of warden and burgesses shall designate. The clerk shall prepare a rate bill, subject to the approval of the board of warden and burgesses, apportioning to each owner of property his proportionate share of the tax so laid, which rate bill when prepared he shall deliver to the collector, and the tax so laid shall be a lien upon the real property so assessed, from said May first, and the collector may file a lien upon such real property to



secure the payment of the tax in the same manner and subject to the same requirements as are provided by law for the collection of town taxes; provided, if said electors shall refuse or neglect to lay necessary taxes in the manner aforesaid, the board of warden and burgesses may make a rate bill upon the grand list of said borough then last completed for such sum as is necessary, and cause the same to be collected as if laid by the freemen.

**SEC. 21.** The warden and burgesses shall have authority to provide for the suitable lighting of the streets of the borough by night; to organize and continue a fire department in said borough, to procure and maintain suitable and proper apparatus, land and buildings therefor and to appoint the officers of said fire department; to give aid and assistance and to appropriate money for any duly organized and incorporated volunteer fire department situating within said borough; to make and cause to be executed by-laws, rules and regulations for the good government of any fire department, engine company or hose company, or any person or persons in said fire department maintained by it; to provide fire hydrants at such points in said borough as they may deem expedient and to supply sufficient water for fire purposes.

**SEC. 22.** Said warden and burgesses shall have control of all sidewalks and crosswalks in the streets of the borough. They shall have authority by themselves or by a committee by them appointed, to designate, alter, fix and establish the width, course, height, grade and level of the sidewalks, crosswalks and curb lines in said borough and, after written notice of not less than five days to all persons affected thereby and hearing had thereon and subject to the right of appeal as to reasonableness of any such order to

the superior court for Fairfield county, to order the owner or owners of land or buildings fronting upon highway or streets in said borough to make such walks on their lands fronting upon such highways or streets according to the width, height and grade designated as aforesaid; also to curb, flag and pave the same in such line, in such manner and place and with such material as the board of warden and burgesses or such committee shall direct; also to order such owners to provide and erect such railings or guards along the sidewalks in front of their premises as public safety may require; also to order any such proprietor to repair his sidewalk, curb, guard or railing as aforesaid when such repairs shall be necessary, within such time and in such manner as said board of warden and burgesses or such committee may designate and direct; to designate which streets shall have sidewalks, either upon one or both sides, and to designate the kind of sidewalks to be constructed on such streets; to pass ordinances requiring the building of sidewalks as aforesaid, including the curbing thereof and the proper care of the same, and regarding the removal of ice, snow, rubbish, ash heaps, piles of lumber and other obstructions and debris therefrom. Whenever said board of warden and burgesses shall lay out and, by ordinance, require the building or repair of sidewalks, curbing or railing on any street or streets and any adjoining property holder shall fail to build the sidewalks, curbing or railing, or make such repairs within the time required by such ordinance, the board of warden and burgesses may construct such walk or walks, or set such curb, or erect such railing, or make such repairs, and assess the costs of the same with the necessary costs of such proceedings, in part or in whole, upon the adjoining property or the owners thereof, and such assessment shall be a lien upon such property and shall take precedence of all other liens, mortgages, attachments and other incumbrances, except tax

liens and other borough liens prior of date, and shall remain a lien upon the property in favor of said borough and the payment thereof may be enforced by said borough in a civil action in the name of said borough or by foreclosure, or by any other proper remedy, provided such lien shall not 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 warden or clerk of said borough, describing the premises, the amount claimed as a lien, the date of the ordinance requiring the sidewalk, curbing, railing or guard to be built or repaired, the date of the completion of the sidewalk, curbing or repairs made as aforesaid by said borough and the date of the assessment therefor, shall be lodged for record with the town clerk of Newtown, and all such liens shall bear interest from the date of the filing thereof at the rate of three-fourths of one per centum per month until paid; and any such lien shall cease to exist whenever a certificate that the claim secured thereby with the interest and costs thereon has been fully satisfied to said borough, signed by the officer aforesaid, shall be lodged for record with the town clerk. All such certificates said town clerk shall record in a book kept for that purpose. Whenever the board of warden and burgesses shall require by ordinance that the sidewalks shall be cleared of ice and snow and the owners or occupants of adjoining property shall fail to clear the same within the time and in the manner required by such ordinance, the board of warden and burgesses, or other officer authorized by said board, shall cause such ice and snow to be removed and the costs of such removal and such fine as the board of warden and burgesses may be ordinance prescribe, not exceeding the sum of twenty-five dollars, shall remain a lien upon the adjoining property, and take precedence and be collected in the same manner as is provided herein for the neglect to build or repair sidewalks, curbings,

railings or guards. When the warden and burgesses shall order sidewalks to be constructed only on one side of any street and shall build such sidewalks upon failure of the property owners to build the same, they may assess the cost and expense of the building of the same upon the property on both sides of the street in equitable proportions, and such assessment shall be a lien on the property so assessed and may be collected in the same manner as herein provided for failure to construct sidewalks in accordance with the order of the warden and burgesses.

**SEC. 23.** The board of warden and burgesses, or a majority of them, may, at any regular or special meeting, make, alter, repeal and enforce such by-laws, ordinances and enactments as they shall see fit in relation to the following subjects within the limits of said borough: The prevention of nuisance of all kinds arising from any cause whatever and for summary abatement by any person or persons thereto appointed by said board; the depositing, collecting and the carting through the streets of said borough of garbage, ashes or waste materials; the going at large in the streets or public grounds of the borough of animals of every description; the discharging of firearms and the keeping of explosives; the preservation and protection of the borough from damage by fire; the keeping of sidewalks and public grounds free from snow, ice, rubbish, building materials, obstructions or encroachments of any kind; the care and preservation of all trees and shrubbery therein; the constructing, grading, repairing and altering of all sidewalks and curb lines; the protection of buildings and fences from defacement and injury; the protection of persons walking upon the sidewalks; the regulation or prohibition of signs which may hang over or project on to any sidewalk or road, burying grounds and burials;

the speed of animals and vehicles, except motor vehicles, in the streets, highways, parks and squares of said borough; the regulation of traffic and the parking of vehicles in said streets, highways, parks and squares; the preservation of order and the enforcement of these laws by means of a police force or otherwise; the finances and the property of the borough; the temporary borrowing of money by the borough; the execution and delivery of deeds, grants and releases of borough property; the prohibition, regulation, licensing and restraining of all public games, street parades, exhibitions and performances; the regulation and licensing of peddling and public auctions; the mode of keeping and auditing the accounts of the borough; the times and places of holding board meetings and meetings of the electors of said borough not specifically provided for elsewhere in this act; the removal or expulsion upon written charges and after hearing of any officer of said borough convicted of malfeasance in office; the designation and erection of public signposts and places where notices of meetings shall be posted; the lighting of the streets of the borough; the salaries, fees and compensation of all borough officers and of other officers employed under their direction under authority herein given; the preventing of any building or buildings from being used for any purpose which in the opinion of the board of warden and burgesses may expose said borough to injury by fire or shall endanger the health of the inhabitants or cause unreasonable annoyance to those living or owning property in the vicinity; the bonds to be given by the treasurer or other officer required to give a bond; places of amusement and theatrical houses of every description; the naming of streets, the opening of new streets and the numbering of houses within said borough; the appointment, duties, compensation and duration of employment of all officers and agents not herein otherwise provided for; the prevention of vice, immorality

and gambling within said borough; the prevention of assemblies of persons on sidewalks to the obstruction, hindrance or annoyance of the public; the licensing, regulation or prohibition of the manufacture, keeping for sale or the use of fireworks, torpedoes, fire crackers, gun powder, petroleum, dynamite, or other explosive or inflammable substances; the regulation of the planting and removal and provision of the protection and preservation of trees in the public streets and public places; the regulation of the use of cesspools, drains, private sewers and privies and the location of deposits of filth and rubbish within said borough; the establishment of building lines; the erection, construction, repair or use within said borough of any building which by reason of its structure, or for any other reason, is or may become unsafe, and providing for the disuse, removal or demolition of any such building or such part thereof as may become unsafe; the regulation of the construction of buildings within said borough; the licensing and regulation of public sports, exhibitions, amusements and performances, billiard and bowling rooms within said borough; the prevention of cruelty to animals and restraining of inhuman sports and the prohibition of the sale of meat, vegetables, fish, produce, fruits or food of any kind in such condition as to endanger the public health, or in such a manner as to endanger the public health. Said board of warden and burgesses shall, in each by-law, ordinance and enactment, designate the time when the same shall become operative and effective, but no by-law or ordinance of general nature in application shall become operative except after fourteen days of the time of its enactment and after the same shall have been published at least twice in a newspaper published in, or having a substantial circulation in, said borough, or posted on such public signpost and other

conspicuous places within said borough as said board of warden and burgesses may designate at least one week before the same is to take effect.

**SEC. 24.** Said board of warden and burgesses may fix the penalty for the violation of any by-law, ordinance or enactment made by said board, and all courts and prosecuting officers having by-law jurisdiction of offenses committed within the town of Newtown shall have jurisdiction to enforce and render judgment in all prosecutions brought for the violation of any such by-law, ordinance or enactment; provided no fine of more than one hundred dollars shall be imposed for any single offense.

**SEC. 25.** The fees paid and recovered pursuant to the provisions of this act and pursuant to any by-law, ordinance or enactment passed in accordance therewith, shall be for the use of the borough of Newtown except as otherwise provided for in this act, and may be recovered in any action founded on the provisions of this act or on such by-law, ordinance or enactment.

**SEC. 26.** All expenses incurred by said borough or any of its officers or agents in making arrests and holding persons in custody, under the provisions of this act or the provisions of any such by-law, ordinance or enactment, shall be taxes against said borough of Newtown and shall be paid by the treasurer thereof.

**SEC. 27.** Any by-law, ordinance, order or enactment made by the board of warden and burgesses may be altered, amended, suspended, modified or repealed by the

legal voters of said borough at any meeting of said voters called for that purpose after due notice has been given of such meeting as provided herein, but no action of said voters at such meeting in respect to any such by-law, ordinance or enactment shall affect any action or proceeding then pending under the same, unless the vote of such meeting shall expressly so provide.

**SEC. 28.** The board of warden and burgesses shall have power to designate a building line or lines on all streets and avenues within said borough limits, between which line and highway or street no building or part thereof shall thereafter be erected. The erection of any building or part of a thereafter between any line so designated and the highway or street line shall be a misdemeanor and punishable by a fine not exceeding one hundred dollars for the use of said borough. All buildings or parts thereof erected in violation of this section may be removed by order of the board of warden and burgesses at the owner's expense, such expense to be a lien on the real estate of such owner after a certificate thereof, signed by the clerk, shall have been lodged for record with the town clerk of Newtown.

**SEC. 29.** Before the board of warden and burgesses shall designate, lay out or alter any building line in said borough, they shall cause a notice, signed by the warden of said borough or the clerk of said borough of warden and burgesses, describing in general terms such proposed layout, alteration or designation, and specifying the time and place when and where all persons whose land may be affected thereby may appear and be heard by said board of warden and burgesses in relation thereto, to be published not less



than twice in a newspaper published in said borough if there be such; the first public notice of which shall be at least eight days before the time fixed in such notice for such hearing. If there be no paper published in said borough, such notice shall be given by placing the same upon the public signpost in said borough at least ten days before the time fixed in such notice for such hearing. Such publication or such posting of such notice shall be sufficient notice to all persons and corporations whose land is affected by such layout, alteration or designation of a building line. At the time and place mentioned in such notice and at any meeting adjourned therefrom, said board of warden and burgesses shall hear all the parties in interest who may appear and desire to be heard in relation thereto.

**SEC. 30.** If after such hearing said board of warden and burgesses shall determine that public convenience and necessity require the establishment or the modification or designation of such building line, it shall appoint a committee whose duty it shall be to make such layout, modification or designation and report the same to said board, which report shall embody a descriptive survey of such building line and an estimate and appraisal of benefits and damages accruing to or resulting against any person or persons because of such layout, designation or modification. Upon receiving such report the board of warden and burgesses shall give notice to every person interested by reason of his land being affected or benefited by the proposed building line, by publishing such report in a newspaper published in said borough, if there be such, together with a notice stating the time and place when and where said board will hear objections to the layout, modification, designation, survey, estimate or appraisal as

reported by such committee, which report and notice shall be published at least eight days before the date of such hearing. If there be no paper published in said borough, such notice shall be given by publishing the same, together with such report in a newspaper having a substantial circulation in said borough and by placing both such report and such notice upon the signpost in said borough at least seven days before the time fixed in such notice for such hearing; and such publication or posting shall be sufficient notice to all persons and corporations affected thereby. At the time and place specified in such notice, said board of warden and burgesses shall hear all parties interested in relation to the acceptance of such report of its committee in whole or in part and in regard to any modification thereof. Said board of warden and burgesses, having heard all the parties appearing, may accept and adopt such report or return the same to such committee for revision, or said board may revise such layout, modification or designation, survey, estimate and appraisal, and modify such report as justice and public interest may require.

**SEC. 31.** After said board of warden and burgesses have determined upon a descriptive survey of such building line or lines and upon an assessment of benefits and appraisals of damages accruing to any person or persons from the layout, modification or establishment of such building lines as aforesaid, the clerk of said board shall record the same and cause a notice, signed by the warden or the clerk of said board, containing the names of the persons thus assessed, with the amount of the respective assessments, to be published not less than twice in a newspaper published in said borough, if there be such. If there be no paper published in said borough, such notice shall be published in a newspaper having a substantial circulation in said borough and be posted upon a public

signpost in said borough. Such assessment shall become due and payable thirty days after date of the first publication and posting. The board of warden and burgesses shall order the damages thus appraised to be paid to the persons to whom they are appraised, or their authorized agents, from the borough treasury within sixty days thereafter, and, in case any persons shall neglect or refuse to accept the same, it shall be retained in the borough treasury subject to his order. The whole amount of the benefits assessed for any particular layout, modification or designation of a building line or building lines shall not exceed the whole amount of damages appraised on account of such layout, modification or designation. The said clerk shall cause to be recorded and filed in the town clerk's office of Newtown a certified copy of the report of such committee as finally adopted by said board of warden and burgesses together with a duplicate of any map which is a part of such report, and such building line or lines shall be deemed legally laid out, established or designated from the time such report and map, if any, is filed for record in the said town clerk's office as aforesaid.

**SEC. 32.** The sums so assessed as benefits may be collected from the person or corporation against whom they are assessed in an action at law brought in the name of said borough, and until paid they shall be a lien or real incumbrance upon the land upon which they are respectively made, and shall take precedence of all other liens or incumbrances thereon, except taxes or other prior borough assessments, and the lands with the buildings thereon on which any such lien may exist shall be liable to be foreclosed in the same manner as if such lien were a mortgage on such land or buildings in favor of said borough to secure the amount of such assessment, provided such lien

shall not continue for a period longer than ninety days after the last publication or the posting of the notice thereof as aforesaid, unless within that period a certificate, signed by the warden of said borough or the clerk of said board, describing the premises on which such lien exists, and the amount claimed by said borough as a lien thereon, shall be filed with the town clerk of Newtown, to be recorded by him in the land records of said town, and provided such lien shall cease whenever a certificate to that effect signed by the warden or clerk of said board shall be filed with the said town clerk to be recorded by him in such land records. Such assessments may also be collected by warrant under the hand of the warden of said borough in the same manner as town taxes.

**SEC. 33.** Any person aggrieved by the assessments of benefits or appraisal of damages made under the provisions of this act by said board of warden and burgesses may, within thirty days after the first publication of the notice of such assessment or appraisal as hereinabove provided appeal from such assessment or appraisal to any judge of the superior court, which appeal shall be a written petition for a reassessment or reappraisal with a citation signed by any commissioner of the superior court attached thereto, returnable not less than six nor more than twenty days after its date, and shall be served at least six days before the return day upon the clerk of the borough; and any number of persons may join in such appeal. Such judge may, by a committee or otherwise, reassess such benefits and damages and award costs. Such judge, after the proceedings are closed, shall return all papers connected with the case to the clerk of the superior court for Fairfield county, and said clerk shall issue execution in the amount of damages or benefits fixed by such reassessment in favor of either party and for costs to be

taxed as upon civil process and shall thereafter cause the papers connected with the case to be delivered to the clerk of said borough.

**SEC. 34.** In all cases in which liens are created on account of the layout, modification or designation of a building line in said borough, such liens shall, if an appeal be taken from the appraisal of benefits and damages continue for a period of sixty days after the final decree of the court or judge having jurisdiction of such appeal, or after termination of the appeal proceedings, but no longer, unless within such time a certificate signed by the warden or clerk of said borough describing the premises on which such lien exists, and stating the amount claimed by said borough as a lien thereon, shall be filed with the town clerk of Newtown to be recorded by him in the land records of said town.

**SEC. 35.** The board of warden and burgesses are authorized and empowered to lay out, build, construct, maintain, alter, extend and repair drains through and along streets and highways and through public and private grounds either within or without the limits of said borough, for the purpose of carrying off and disposing of the surface water of the streets of said borough and of any lands, public or private, which in the opinion of said board should be drained for the protection of public health; and to provide for the discharge of such surface water into any stream or streams deemed proper by said board.

**SEC. 36.** Before said board of warden and burgesses shall enter upon any private land in connection with such drainage system, except for the purpose of draining such land, as in its opinion should be drained for the protection of public health, it shall

proceed in the same manner of assessment and award as is required for the layout, modification, designation or establishment of a building line herein set out, so far as the same shall apply, and the benefits assessed against any person or persons shall be recovered and shall remain a lien in the same manner as prescribed in said sections.

**SEC. 37.** The owner or owners of any property abutting upon a street in which any drain shall be laid under the provisions of section thirty-five hereof may connect with such drains under the supervision of said board, after obtaining a permit from said board and upon the payment to the borough of a sum of money to be determined by said board for the purpose of draining his land of surface water, provided no house sewage shall be discharged into such drain.

**SEC. 38.** Said borough, through its board of warden and burgesses, is authorized and empowered to lay out, build, construct, repair, maintain and operate a system or systems of sewers through and along streets and highways through public and private grounds in said borough, and through and across lands of others from any point in said borough to any land or lands either within the limits of said borough or without said limits, to be determined and established by said board as a place for depositing, filtering or disinfecting sewage, and maintain and operate a sewage disposal plant or system in connection with such sewers; and, in all cases above mentioned of laying out, building, constructing, maintaining and repairing, except where sewers are laid through private grounds, to assess such of the expenses thereof as said board shall deem just and reasonable upon the property abutting upon the streets and highways through which such

sewers are laid and which may be in any way benefited or improved thereby, and in proportion to the benefits to such property received therefrom, but in no case shall such assessment against the property owners be for more than fifty per centum of the total cost.

**SEC. 39.** Before said board of warden and burgesses shall determine to lay out, build and construct any sewers or establish any place of deposit, filtration and disinfection for sewers, or to operate and maintain a sewage disposal plant for such sewage either within or without said borough, it shall proceed in the same manner of assessment and award as is required by this act for the layout, modification and establishment of building lines so far as the same shall apply, and the benefits assessed against any person or persons shall be recovered and shall remain a lien in the same manner as is prescribed therefor.

**SEC. 40.** The board of warden and burgesses is empowered to authorize the warden of said borough to incur debts for temporary loans in anticipation of the collection of taxes or special assessments, provided such taxes or special assessments shall become due and payable within one year from the date of such loan. Each such loan shall be evidenced by the promissory note of said borough signed by said warden and payable not more than one year after its date. The vote or resolution authorizing any such loan shall expressly state that the loan is in anticipation of the collection of taxes or special assessments and shall be payable therefrom.

proceed in the same manner of assessment and award as is required for the layout, modification, designation or establishment of a building line herein set out, so far as the same shall apply, and the benefits assessed against any person or persons shall be recovered and shall remain a lien in the same manner as prescribed in said sections.

**SEC. 37.** The owner or owners of any property abutting upon a street in which any drain shall be laid under the provisions of section thirty-five hereof may connect with such drains under the supervision of said board, after obtaining a permit from said board and upon the payment to the borough of a sum of money to be determined by said board for the purpose of draining his land of surface water, provided no house sewage shall be discharged into such drain.

**SEC. 38.** Said borough, through its board of warden and burgesses, is authorized and empowered to lay out, build, construct, repair, maintain and operate a system or systems of sewers through and along streets and highways through public and private grounds in said borough, and through and across lands of others from any point in said borough to any land or lands either within the limits of said borough or without said limits, to be determined and established by said board as a place for depositing, filtering or disinfecting sewage, and maintain and operate a sewage disposal plant or system in connection with such sewers; and, in all cases above mentioned of laying out, building, constructing, maintaining and repairing, except where sewers are laid through private grounds, to assess such of the expenses thereof as said board shall deem just and reasonable upon the property abutting upon the streets and highways through which such



board of building commissioners, which shall take suitable action to cause such construction to be made in conformity thereto.

**SEC. 43.** At the first regular annual meeting of the board of warden and burgesses in May, 1931, and annually thereafter, the warden of said borough shall, subject to the confirmation by a majority vote of the burgesses, appoint an electrical inspector, who shall be a practical electrician, to hold office for one year and until his successor shall be duly appointed and shall have qualified. The electrical inspector shall possess such powers and perform such duties and services as the board of warden and burgesses may direct or as this act or the ordinances of said borough may specify. He shall be diligent in the enforcement of, and in the detection of violations of, the provisions of the general statutes, this act or ordinances of said borough relating to any electrical installations, repairs or alterations and the use of any electrical apparatus or equipment within said borough, or relating to any matter within the scope of his powers and duty. If any electrical installations, repairs or alterations or use of electrical apparatus or equipment shall not conform to the provisions of the general statutes or to the ordinances of said borough, or to the orders of the board of building commissioners of said borough, he shall notify the owner or owners, or architects, electrical contractor, journeyman or electrician of such inconformity, and, if such electrical installation, repairs or alterations or such use shall not be made so to conform within a reasonable time, the electrical inspector shall notify the board of building commissioners of said borough, which shall take suitable action to cause such electrical installation, repairs or alterations to be made in conformity thereto or such use to be discontinued.

**SEC. 44.** There shall be a board of building commissioners in said borough which shall consist of six electors of said borough, who shall serve without compensation. The warden of said borough shall be, ex officio, a member and chairman of said board, but shall have a vote only in case of a tie. In his absence a chairman pro tempore shall be elected to preside at the meetings.

**SEC. 45.** At the first regular annual meeting of the board of warden and burgesses in May, 1931, the warden of said borough shall, subject to confirmation of a majority vote of the burgesses, appoint six members of said board as follows: Two members for a term of one year, two members for a term of two years and two members for a term of three years. At each annual meeting thereafter there shall be appointed, in the same manner as provided above, two members of such board who shall hold office for a term of three years.

**SEC. 46.** Any vacancy which may occur in the office of any appointive member of said board of building commissioners shall be filled by appointment by the warden for the unexpired portion of the term. The members of said board of building commissioners shall serve without pay. Such board shall hold meetings as required by the ordinances of the borough. A majority of the members shall constitute a quorum for the transaction of business and a similar number may adjourn from time to time. Special meetings of said board may be called by the warden at any time upon the written request of a majority of the members of said board. Said board of building commissioners is authorized to

exercise all powers and to make any order or regulation not inconsistent with this act or the statutes of this state or of the United States, which it may deem advisable for the protection of public health and safety; for the inspection, regulation and control of any and all buildings and other structures or parts thereof in said borough and for the erection, maintenance and electric wiring thereof; for the demolition, repair, strengthening or numbering of any building; for the prohibition of the use of any building or structure or any part thereof until any order or regulation of said board concerning such building or structure shall be complied with or until any ordinance of said borough or other law for the preservation of public health and safety which applies to such building or structure shall be complied with; for the granting of permits to erect, alter, repair or move any building within the limits of said borough; for the deviation from the original plans and specifications of the methods to be employed in the construction of any building or structure for which a permit shall have been issued by said board and for the control of the erection, maintenance and location of billboards within said borough.

**SEC. 47.** Nothing herein shall be construed to authorize said board of building commissioners to enact ordinances, but the board of warden and burgesses of said borough shall have power to enact such ordinances not inconsistent with this act or the statutes of this state or of the United States, as it may deem advisable, and to provide for fines for violations thereof relating to matters within the jurisdiction of said building board, and for the purpose of compelling obedience to the orders and regulations issued by said board. Before said board shall prohibit the use, or shall order or cause the demolition, repair or strengthening, of any building or other structure, or any part thereof,

the owner or owners and the occupants of such building or structure shall be notified of such proposed action and shall be given a reasonable opportunity to be heard with counsel and witnesses in reference thereto.

**SEC. 48.** Any party or parties claiming to be aggrieved by any order of the board of building commissioners, or by the refusal or neglect of said board to issue any permit within its jurisdiction, may, within thirty days from the date of such order or of the refusal or neglect to issue such permit, appeal to the board of warden and burgesses of said borough and such board shall fix a time and place for a hearing on such appeal and shall notify such party or parties and the board of building commissioners thereof. At such time and place the board of warden and burgesses shall hear any such party or parties and any matter or matters of said board of building commissioners, together with witnesses and counsel in relation to such appeal, and is authorized to issue, confirm, modify or set aside any action of said board of building commissioners from which said appeal was taken, and may issue any permit so refused by said board.

**SEC. 49.** The legal voters of the borough may, at any annual or special meeting, duly warned and held for that purpose, raise a commission on borough plan consisting of the warden, ex officio, and senior burgess, ex officio, and six electors to be elected at such meeting, two of whom shall hold office until the next succeeding annual meeting, two until the second succeeding annual meeting and two until the third succeeding annual meeting. At each annual meeting thereafter there shall be elected two members of said commission who shall hold office for three years. The members of said commission shall

be sworn to a faithful performance of their duties and shall receive no compensation for their services. Said commission shall elect a chairman and secretary and may fill any vacancy in its membership. Said commission on borough plan shall perform the same duties and shall have the same powers that are imposed and conferred on town plan commissions by section 404 to 409, inclusive, of the general statutes, pertaining to town plan commissions, or any amendments hereafter passed to said sections. Any person affected may appeal from the action of said commission. Such appeal shall be taken in the same manner as appeals from the action of town plan commissions.

**SEC. 50.** Except as hereinafter provided, and so far as the same are applicable to the borough of Newtown, sections 421 to 431, inclusive, of the general statutes, pertaining to zoning, or any amendments hereafter passed to said sections, are made and included as part of this act.

**SEC. 51.** Said warden shall, subject to confirmation by a majority vote of the burgesses, appoint a zoning commission, consisting of five electors, one of whom shall hold office until the next succeeding first regular meeting of the board of warden and burgesses, one of whom shall hold office until the second succeeding first regular meeting of the board of warden and burgesses, one of whom shall hold office until the third succeeding first regular meeting of the board of warden and burgesses, one of whom shall hold office until the fourth succeeding first regular meeting of the board of warden and burgesses and one of whom shall hold office until the fifth succeeding first regular meeting of the board of warden and burgesses. At the first regular annual meeting of the

board of warden and burgesses in May, 1931, and annually thereafter, there shall be appointed in the same manner as above described one member of said zoning commission to hold office for a term of five years. Said zoning commission shall be the authority of the borough of Newtown.

Approved May 1, 1931.

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(345.) . . .

**AN ACT VALIDATING THE DOINGS OF THE BOROUGH OF  
NEWTOWN AND THE ELECTION AND APPOINTMENT OF THE  
OFFICERS THEREOF, AND VALIDATING THE DOINGS OF SAID  
OFFICERS.**

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN  
GENERAL ASSEMBLY CONVENED:

The acts of the warden in the borough of Newtown in appointing, with the confirmation of the burgesses, a building commission, a building inspector, an electrical inspector, a zoning commission and a zoning board of appeals, and in so appointing the successors to the members thereof, and the doings of all said appointees and commissions and said board of zoning appeals, and their successors, otherwise valid except that such appointments were not made until after the time in which they were to be made in accordance with the provisions of an act revising and amending the charter of the borough of Newtown, approved May 1, 1931, are validated.

Approved May 24, 1933.

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