



General Assembly

February Session, 2014

**Raised Bill No. 5540**

LCO No. 2229



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

**AN ACT AMENDING THE CHARTER OF THE CIVIC ASSOCIATION OF  
SHORT BEACH IN THE TOWN OF BRANFORD.**

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

1 Section 1. Section 1 of number 122 of the special acts of 1921 is  
2 amended to read as follows (*Effective from passage*):

3 All of the owners of [cottages and] dwellings within the limits  
4 hereinafter specified in the locality known as Short Beach, in the town  
5 of Branford, are constituted a body politic and corporate by the name  
6 of The Civic Association of Short Beach, Connecticut, and by that name  
7 they and their successors shall be a corporation capable of suing and  
8 being sued, pleading and being impleaded, in all courts of whatever  
9 nature, and also of purchasing, leasing, receiving by gift, devise or  
10 bequest, holding and conveying any estate, real or personal; and shall  
11 have a common seal, with the privilege of altering it at pleasure; and  
12 shall be vested with and possess the powers hereinafter specified.

13 Sec. 2. Section 2 of number 122 of the special acts of 1921 is amended  
14 to read as follows (*Effective from passage*):

15 The object of [this] said association is to provide protection for the  
16 property, health and morals of the inhabitants of said district, the  
17 promotion of order therein, the improvement of the property in said  
18 district and the comfort and convenience of persons living therein.

19 Sec. 3. Section 3 of number 122 of the special acts of 1921 is amended  
20 to read as follows (*Effective from passage*):

21 The limits of the territory of said association are defined and  
22 established as follows: All that territory in said town of Branford on  
23 the shore of Long Island sound, commencing at Page's [cove] Cove  
24 bridge, thence running due north five hundred feet, thence westerly in  
25 a straight line to a point in the division line of lands now or formerly  
26 owned by Emma S. Bradley and Caroline A. Altmannsberger, which  
27 point is one hundred feet easterly and southerly on said division line  
28 from Clark [avenue] Avenue, thence northerly and westerly on said  
29 division line to said Clark [avenue] Avenue, thence northerly and  
30 westerly in a straight line passing through the point of intersection of  
31 the most northerly point of the upland now owned by Truman H.  
32 Bristol and the meadow just north of the same to Farm [river] River,  
33 thence southerly by low-water line of said river to the Gut, thence  
34 easterly by low-water line to Page's [cove] Cove, thence northerly by  
35 low-water line to place of beginning.

36 Sec. 4. Section 4 of number 122 of the special acts of 1921 is amended  
37 to read as follows (*Effective from passage*):

38 All [electors of this state now owning a cottage or dwelling within  
39 said limits, and all electors of this state who shall own any cottage or]  
40 natural persons over the age of eighteen years owning a fee property  
41 interest in a dwelling within said limits [,] shall be [freemen] members  
42 of said [The Civic Association of Short Beach, Connecticut,]  
43 Association and entitled to vote in any meeting of such [freemen, and  
44 shall be eligible to any office provided for in this act] members if an  
45 elector of the State of Connecticut. [If the owner of any cottage or

46 dwelling within said limits shall not be an elector of this state, then  
47 such owner may select and appoint by proxy some person who shall  
48 be an elector of this state to act instead of and for said owner.] Any  
49 member not an elector of this state may appoint such an elector, in  
50 writing, on a form prescribed by the executive board, to vote for said  
51 member. Any member of the association whose primary residence is  
52 within the limits of the association shall be eligible to be a member of  
53 any board provided for by this charter.

54 Sec. 5. Section 5 of number 122 of the special acts of 1921 is amended  
55 to read as follows (*Effective from passage*):

56 [The first meeting of the freemen of said corporation shall be held  
57 on the last Friday evening in July, 1921, at the chapel at said Short  
58 Beach for the purpose of electing an executive board to consist of nine  
59 freemen of said association who shall hold office as hereinafter  
60 specified and until others shall be chosen in their places, unless they  
61 shall sooner sell their property, or remove from the limits of said  
62 association, three members of which board so elected shall hold office  
63 for one year from the first day of August next succeeding, three  
64 members of which board shall hold office for two years from the first  
65 day of August next succeeding, and three members of which board  
66 shall hold office for three years from the first day of August next  
67 succeeding. At each annual meeting after the year 1921 there shall be  
68 three members of said board elected for three years from the first day  
69 of August next succeeding. Annual meetings thereafter shall be held  
70 on the last Friday evening of July of each year, at such place as the  
71 executive board shall direct and warn.] There shall be a nine member  
72 executive board of the association whose powers and duties are  
73 enumerated in section 10 of number 122 of the special acts of 1921, as  
74 amended by this act.

75 Sec. 6. Section 6 of number 122 of the special acts of 1921 is amended  
76 to read as follows (*Effective from passage*):

77 [Charles H. DeForest, Dr. Frank P. Roberts, Harry Killam, Charles  
78 Gay, Charles J. Lehr and John W. Knopwood or a majority of them,  
79 shall have full power and authority to warn the first meeting of the  
80 freemen of said association for the purpose of electing nine freemen to  
81 form an executive board, which warning shall be written or printed,  
82 signed by a majority of said board, and two copies at least posted in  
83 public places in each of the localities known as the Short Beach post  
84 office and the chapel, at least six days before such meeting, and notice  
85 of the same sent by mail to each cottage owner in said territory; and  
86 either one of such committee may call the meeting to order and lead  
87 the same to a choice of a moderator or clerk, or, in the absence of any  
88 motion to elect a moderator, he may lead such meeting to the choice of  
89 a clerk and the election of an executive board. All subsequent  
90 meetings, annual or special, shall be warned by said executive board in  
91 the manner by them prescribed in rules or by-laws made by said  
92 board.] There shall be an eight member zoning board of appeals that  
93 shall have the powers and duties enumerated in title 8 of the general  
94 statutes. The zoning board of appeals shall consist of five regular  
95 members and three alternate members.

96 Sec. 7. Section 7 of number 122 of the special acts of 1921 is amended  
97 to read as follows (*Effective from passage*):

98 [Any vacancy in said board occurring by death, resignation or  
99 removal from said limits or otherwise may be filled by the majority of  
100 the remaining members, and such member so appointed shall hold  
101 office until the next annual meeting of said association, at which  
102 annual meeting said association shall elect a member to hold office for  
103 the remainder of the unexpired term.] (a) An annual meeting of the  
104 members of said association shall be held on the first Friday in June of  
105 every calendar year. The executive board shall select the time and  
106 location of such annual meeting and provide notice to members of the  
107 association by first class mail not later than two weeks prior to the date  
108 of such annual meeting. In the event the executive board wishes to  
109 have the annual meeting on any date other than that specified above,

110 the executive board shall select such date by majority vote not later  
111 than six months prior to the date of the annual meeting provided  
112 above. The annual meeting shall be conducted pursuant to Robert's  
113 Rules of Order.

114 (b) At such meeting:

115 (1) Three members of the executive board shall be elected by  
116 majority vote of the association members in attendance at said  
117 meeting. The term of the members so elected shall be for three years  
118 commencing the date of the first executive board meeting following  
119 the annual meeting.

120 (2) At the first annual meeting following the adoption of sections 1  
121 to 13, inclusive, of number 122 of the special acts of 1921, as amended  
122 by this act, all members of the zoning board of appeals shall be elected  
123 by majority vote of the association members in attendance at such  
124 meeting. The term of such members shall commence the date of the  
125 first meeting of the zoning board of appeals following the annual  
126 meeting and shall be for the following terms: (A) Three years for two  
127 regular members and one alternate member; (B) two years for two  
128 regular members and one alternate member; and (C) one year for one  
129 regular member. At all subsequent annual meetings, the election of  
130 members to fill expired terms of the zoning board of appeals shall be  
131 for three years.

132 (3) The executive board shall provide a written statement of income  
133 and expenditures to members of the association.

134 (4) The executive board shall orally report on issues of current  
135 interest and consider new issues raised by members of the association.

136 Sec. 8. Section 8 of number 122 of the special acts of 1921 is amended  
137 to read as follows (*Effective from passage*):

138 [The executive board shall hold its first regular meeting in the year

139 1921 on the evening of the first Monday in August next following the  
140 annual meeting of the association and notice of the time and place of  
141 meeting shall be given by the clerk of the association by leaving with  
142 or at the usual place of abode of each member a written notice signed  
143 by said clerk, specifying the time and place of such meeting, or by  
144 sending such notices by mail at least twenty-four hours before said  
145 meeting or verbally. A majority of said executive board shall constitute  
146 a quorum at any meeting thereof. And said board shall elect by ballot  
147 from its own members a president, vice-president, treasurer and clerk  
148 of said association, who shall hold office until the first day of August,  
149 1922, or until their successors shall be appointed and they shall also be  
150 president, vice-president, treasurer and clerk of said executive board.  
151 The duties of each of these officers shall be as defined by the by-laws  
152 of said association. It shall be the duty of such president or clerk on the  
153 signed written request of any three members of said board to call a  
154 meeting of said board.] Any vacancy in the executive board or the  
155 zoning board of appeals that occurs by death, resignation or failure to  
156 meet the eligibility requirements for membership shall be filled by  
157 majority vote of the executive board. At the first annual meeting  
158 following such vote, a member of the association shall be elected by  
159 the association to fill the vacancy for the remainder of the unexpired  
160 term.

161 Sec. 9. Section 9 of number 122 of the special acts of 1921 is amended  
162 to read as follows (*Effective from passage*):

163 [The executive board shall have the care, custody and management  
164 of all funds and property of said association, and, when assembled  
165 according to law, shall have power to make regulations for the  
166 management and control of such property and its transfer and  
167 conveyance; also to make regulations concerning the time and place of  
168 meetings of said executive board and of said association, so far as they  
169 are not inconsistent with any of the special provisions of this act, also  
170 to regulate the method of assessment and collection of assessments for  
171 association purposes, and to fix the time when such assessments

172 become due and payable; also to prescribe the duties and  
173 compensation of all officers and employees of said association. The  
174 president, vice-president and treasurer shall serve without  
175 compensation except that they shall receive their actual expenses.] The  
176 executive board shall hold regular monthly meetings on the evening of  
177 the second Monday of the month or on such other date as shall be  
178 voted upon by the executive board. A majority of the executive board  
179 shall constitute a quorum at any meeting thereof. At the first executive  
180 board meeting following the annual meeting of the members of the  
181 association, the executive board shall elect from its own members a  
182 president, vice-president, treasurer and clerk of the association, each of  
183 whom shall hold office for a term of one year or until a successor is  
184 elected. The duties of each officer shall be defined by the bylaws of the  
185 association. Upon written request signed by any three members of the  
186 executive board, the president or clerk shall call a special meeting of  
187 the board.

188       Sec. 10. Section 10 of number 122 of the special acts of 1921 is  
189 amended to read as follows (*Effective from passage*):

190       [Said executive board shall possess power, when legally assembled,  
191 to pass, amend or repeal by-laws, regulations and ordinances to  
192 accomplish the objects specified in section two of this act, and  
193 particularly for the purposes of assisting the fire department and for  
194 the fire apparatus; to construct and maintain piers and docks and  
195 regulate the use thereof; to provide parks and to regulate the use  
196 thereof, and to provide for the drainage thereof; to regulate the  
197 erection of all lamp posts, telegraph, telephone and electric light poles  
198 and the wires and fixtures thereof; to provide for the public lighting  
199 and watering of the streets; to regulate the planting, removal,  
200 protection and preservation of trees in the streets; to keep the streets  
201 and all public places within the limits of said association quiet from all  
202 undue noise, and to prohibit the crying of newspapers and other wares  
203 on Sunday or at any unusual hours upon the streets of said association;  
204 to regulate the running at large of animals in said district; to preserve

205 peace and order; to prevent vice, immorality and indecency; to  
206 suppress gambling houses; houses of ill fame, houses resorted to for  
207 the purposes of prostitution and lewdness, and disorderly houses; to  
208 prevent assemblages of persons on the sidewalks to the obstruction,  
209 hindrance or annoyance of the public; to prevent and summarily abate  
210 every kind of nuisance and public annoyance; to regulate the use and  
211 construction of cesspools, septic tanks, drains, sewers and privies, and  
212 the place and method of discharge of the same; to regulate and prevent  
213 the use of pigpens and the deposit of night-soil, filth, garbage, ashes or  
214 rubbish within the limits of said association; to compel the removal  
215 from any place in said association of all nuisances injurious to health  
216 or offensive or annoying to the public, at the expense of the owner of  
217 the premises where such nuisance exists; to prevent and regulate the  
218 removal and the manner of removal of any offensive manure, swill,  
219 night-soil or other substance upon the streets within the limits of said  
220 association; to prevent and regulate the carrying on with said  
221 association limits of any business prejudicial to the public health or  
222 dangerous to or constituting an unreasonable annoyance to those  
223 living or owning property in the vicinity thereof; to regulate the  
224 naming of the public streets; to regulate traffic and the parking of  
225 motor vehicles and other vehicles upon the streets within the limits of  
226 said association. And said executive board may also prescribe fines  
227 and penalties for a violation of any such by-laws, ordinances or  
228 regulations, not exceeding twenty-five dollars for any one offense, and  
229 the penalties may be recovered, in any proper action brought for that  
230 purpose in the name of The Civic Association of Short Beach,  
231 Connecticut, before any court having jurisdiction, for the use and  
232 benefit of said association; and the violation of any of the said by-laws  
233 or ordinances imposing a fine may be prosecuted by a grand juror or  
234 prosecuting attorney of the town of Branford as in other criminal  
235 cases.]

236 When assembled according to law, the executive board shall possess  
237 the power to enact, amend or repeal bylaws and zoning ordinances to



238 accomplish the objects specified in section 2 of number 122 of the  
239 special acts of 1921, as amended by this act. In addition, the executive  
240 board shall have the power to:

241 (1) Construct and maintain parks, piers and docks and regulate the  
242 use thereof; regulate the erection of all lamp posts and telephone, cell  
243 phone and electric light poles and the wires and fixtures thereof;  
244 regulate the planting, protection and preservation of trees in the  
245 streets; keep the streets and all public places within the limits of the  
246 association quiet from all undue noise; regulate the running at large of  
247 animals in the district; preserve peace and order; prevent and  
248 summarily abate every kind of nuisance and public annoyance; compel  
249 removal from any place in said association of all nuisances injurious to  
250 health or offensive or annoying to the public, at the expense of the  
251 owner or owners of the premises on which such nuisances exist;  
252 prevent and regulate the carrying on within the limits of the  
253 association of any business prejudicial to the public health or  
254 dangerous to or constituting an unreasonable annoyance to those  
255 living or owning property in the vicinity thereof; and regulate traffic  
256 and parking of motor vehicles and other vehicles upon the streets  
257 within the limits of the association.

258 (2) Appoint or hire police officers to act within the limits of said  
259 association who shall have all powers to enforce said bylaws and  
260 regulations as provided for by the general statutes. The executive  
261 board may fix the compensation of such police officers.

262 (3) Manage and regulate all funds and property of said association.  
263 No conveyance of real property of the association shall occur unless  
264 approved of by a majority vote of the association at its annual meeting.

265 (4) Enact regulations concerning the time and place of meetings of  
266 the executive board and of said association, so far as they are not  
267 inconsistent with any of the provisions of sections 1 to 13, inclusive, of  
268 number 122 of the special acts of 1921, as amended by this act.

269       (5) Assess and apportion the expense and cost of all matters herein  
270 authorized among all owners of real property within the limits of the  
271 association by setting the amount of such assessments, regulating the  
272 method and collection of such assessments and fixing the time when  
273 such assessments become due and payable. The annual assessment for  
274 the owner of any developed discrete parcel of real property shall not  
275 exceed the sum of one hundred dollars per dwelling unit or business  
276 unit. No assessment shall increase by more than ten per cent annually.  
277 The executive board may collect all such assessments by: (A) Suit at  
278 law in the name of the association; (B) filing a lien upon any property  
279 upon which any such assessment has been made at any time within  
280 one year after the assessment has become due and payable and to  
281 prosecute foreclosure proceedings to collect said lien; and (C) any  
282 other method permitted by the general statutes.

283       (6) Prescribe the compensation of all officers and employees of said  
284 association except that the president and vice-president shall serve  
285 without compensation other than to receive reimbursement of incurred  
286 expenses.

287       (7) Prescribe fines and penalties for a violation of any by-law or  
288 ordinance, which shall be recoverable in any manner permitted by the  
289 general statutes. Any offense continuing for more than one day shall  
290 be considered a new offense for each day.

291       (8) Serve as the zoning commission within the limits of the  
292 association.

293       Sec. 11. Section 11 of number 122 of the special acts of 1921, as  
294 amended by section 1 of number 458 of the special acts of 1937, is  
295 amended to read as follows (*Effective from passage*):

296       [The executive board shall have control of all sidewalks, crosswalks  
297 and footpaths in the streets of said association, but not of the  
298 construction and repairs of the highway. It is also empowered to lay  
299 out sidewalks, establish their grade and curb lines; to designate what

300 streets shall have sidewalks constructed thereon, to pass ordinances  
301 requiring the building of sidewalks and the proper care of the same,  
302 and regarding the removal of ice, snow, rubbish, ash heaps, piles of  
303 lumber and other obstructions and incumbrances. Whenever the  
304 executive board shall lay out and construct any sidewalk on any street,  
305 the adjoining property, or the owner thereof, shall be assessed for one-  
306 half the cost of the same; and in case any adjoining property, or the  
307 owner thereof, shall refuse to pay such assessment, it shall be and  
308 remain a lien or real incumbrance on said property in favor of said  
309 association, and the payment thereof may be enforced by said  
310 association in a civil action in the name of the treasurer of said  
311 association, or by foreclosure, or by any other proper remedy;  
312 provided such lien shall not be good for a longer period than sixty  
313 days after such assessment or lien shall be made unless a certificate in  
314 writing, made and signed by the president or treasurer of said  
315 association, describing the premises, the amount claimed as a lien, the  
316 date of the ordinance requiring the sidewalk to be built, the date of the  
317 completion of the sidewalk by said association, and the date of the  
318 assessment thereof, shall be lodged with the town clerk of Branford.  
319 Whenever the executive board shall require, by ordinance, that any  
320 sidewalk be cleared of ice and snow, and the owners of adjoining  
321 property shall fail to clear the same within the time and in the manner  
322 required by said ordinance, then the executive board or other proper  
323 officer or authority shall cause such snow or ice to be removed, and the  
324 cost of such removal, and such fine as the executive board may by  
325 ordinance impose, shall be and remain a lien upon the adjoining  
326 property, and may be collected in the same manner as is provided  
327 herein in case of neglect to build a sidewalk.] The enactment,  
328 amendment or repeal of any bylaw or zoning ordinance in effect on the  
329 effective date of this section may only be made by a two-thirds vote of  
330 the executive board. No enactment, amendment or repeal of any by-  
331 law or ordinance shall take effect or be enforced until: (1) The same has  
332 been posted for at least three days as provided by the bylaws of said  
333 association; (2) fifteen days after the date of passage have expired; and

334 (3) notice is given in accordance with the general statutes. A certificate  
335 of the clerk of said association of the due posting of any action taken  
336 pursuant to this section shall be prima facie evidence of such posting.

337 Sec. 12. Section 12 of number 122 of the special acts of 1921 is  
338 amended to read as follows (*Effective from passage*):

339 [Any party that may be aggrieved by any order of the executive  
340 board requiring the construction of any sidewalk, or the payment of  
341 any part of the expense thereof, may appeal therefrom in the manner  
342 prescribed in sections 475, 476, 477 and 478 of the general statutes, and  
343 with like effect.] Upon the petition, filed with the clerk, of not less than  
344 thirty members of the association, the president shall call a special  
345 meeting. Such special meeting shall be held not later than thirty days  
346 after the date on which the petition is filed and shall be held for the  
347 purpose of discussing and considering any matters of interest to the  
348 association named in such petition.

349 Sec. 13. Section 13 of number 122 of the special acts of 1921 is  
350 amended to read as follows (*Effective from passage*):

351 [Said executive board may appoint police officers, to act within the  
352 limits of said association, who shall have all the powers of constables  
353 in said district for the purpose of making arrests for violation of law or  
354 of the by-laws, regulations and ordinances of said association, and said  
355 executive board may fix the compensation of such police officers.] This  
356 Amendment and Restatement of the Charter of the Civic Association  
357 of Short Beach, Connecticut shall take effect upon approval by the  
358 General Assembly of the State of Connecticut.

359 Sec. 14. Sections 14 and 15 of number 122 of the special acts of 1921,  
360 section 16 of number 122 of the special acts of 1921, as amended by  
361 section 2 of number 458 of the special acts of 1937 and special act 86-23,  
362 and sections 17 to 19, inclusive, of number 122 of the special acts of  
363 1921 are repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 1
Sec. 2	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 2
Sec. 3	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 3
Sec. 4	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 4
Sec. 5	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 5
Sec. 6	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 6
Sec. 7	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 7
Sec. 8	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 8
Sec. 9	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 9
Sec. 10	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 10
Sec. 11	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 11
Sec. 12	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 12

Sec. 13	<i>from passage</i>	Number 122 of the special acts of 1921, Sec. 13
Sec. 14	<i>from passage</i>	Repealer section

**Statement of Purpose:**

To amend the charter of The Civic Association of Short Beach.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*