

Adopting Charters, Ordinances, and Bylaws

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Issue

Explain the procedure municipalities and special taxing districts must follow to adopt or revise home rule charters, charter amendments, ordinances, and bylaws. This report updates OLR report [2002-R-0863](#).

Summary

Municipalities and special taxing districts generally must follow the same statutory process for adopting or amending home rule charters. This is also the case for municipalities and districts that currently operate under charters that the legislature enacted on their behalf (i.e., special act charters). The procedure is generally the same for adopting or amending a charter and involves four steps:

1. The municipality or district's appointing authority (generally its legislative body) or voters can initiate the process by resolution or petition, respectively.
2. The appointing authority must appoint a charter commission, which must consider any item the appointing authority or petition specifies. The commission may also consider other items it chooses.
3. The commission and the appointing authority must hold public hearings on the proposed charter or charter amendments according to a statutory schedule. The appointing authority may recommend changes to the commission's proposal, but the commission does not have to accept them.

4. After the commission finalizes its proposed charter or amendments, the appointing authority may accept or reject all or parts of it. Voters can petition for a referendum on the rejected parts and must ultimately vote on the proposal, regardless of whether the appointing authority initially approved it.

The statutes authorize municipalities and special taxing districts to adopt ordinances, but they establish specific procedural requirements that apply only to ordinances adopted by towns, cities, boroughs, and fire districts. The statutes are silent on whether and how municipalities and special districts can adopt bylaws. However, the statutory requirements for adopting ordinances appear to apply to bylaws as well since the statutes, local charters, and legal commentaries use the terms interchangeably.

Charter Adoption and Amendment

Home Rule Charters versus Special Act Charters

The phrase "home rule charter" signals the fact that some municipalities and districts operate under charters that they adopted and amended on their own (i.e., "home rule" charters) while others operate under charters that the legislature adopted and amended on their behalf (i.e., "special act" charters). The distinction holds even though the legislature allowed all towns (in 1957) and districts (in 1963) to act on their own.

A 1969 constitutional amendment banned the legislature from enacting special acts regarding the powers, organization, form of government, and terms of elective office for any single town, city, or borough (Article Tenth). The amendment did not repeal special act charters but generally blocked the legislature from amending them. As a result, towns, cities, and boroughs operating under these charters can amend them only by converting them into home rule charters.

While the constitutional ban does not apply to special districts, they may still choose to convert their special act charters into home rule charters in order to amend them, rather than asking the legislature to do so. The legislature discourages legislation amending district charters because:

1. the legislative process does not move fast enough for districts;
2. drafting, processing, and debating numerous special acts consumes too much time; and
3. the statutes provide a mechanism through which districts can act on their own (Connecticut Advisory Commission on Intergovernmental Relations, Independent Special Taxing Districts in Connecticut, December 1988).

Home Rule Action by Special Districts

A special district operating under a special act charter must convert its charter into a home rule charter before it can amend it on its own by following the same statutory procedure municipalities must use to adopt and amend their home rule charters. Two-thirds of the voters present at a district meeting must vote to do so ([CGS § 7-328a\(a\)](#)).

Initiation

From this point on, the process for adopting or amending a municipal charter or amending a district charter is generally the same. (The statutes do not specify the process by which newly formed districts must adopt their charters.)

The process can be triggered by the jurisdiction's appointing authority or voters. A municipality's appointing authority is the (1) town's board of selectmen, town council, or board of directors; (2) city's common council or other body empowered to make ordinances; or (3) borough's board of burgesses. For special taxing districts, the appointing authority is the board of directors or other governing body.

The appointing authority can start the process if two-thirds of its members agree. Voters can start the process if 10% of them sign a petition to that effect, according to requirements the law establishes for preparing petitions and validating signatures. In the case of municipal charter petitions, the law requires petition signatures to be obtained within 90 days of the date when the page containing them was filed with the appointing authority in order for the signatures to be valid. In the case of either municipal or district charter petitions, it allows the petition to recommend items for the commission to consider. The petitioners must file the petition with the town or district clerk, who must validate the signatures and certify its sufficiency to the appointing authority ([CGS §§ 7-188\(c\)](#), [7-189](#), and [7-328a\(c\)](#)).

In either case, the appointing authority appoints a commission to draft the charter or charter amendments ([CGS §§ 7-188\(b\)](#) and [7-328a\(b\)-\(c\)](#)). Once the clerk certifies a municipal charter petition's sufficiency, the clerk cannot accept another petition for the same purpose until the first commission terminates ([CGS § 7-188\(d\)](#)).

Appointing the Charter Commission

The appointing authority must appoint a charter commission consisting of between five and 15 voters, no more than one-third of whom can hold another municipal or district office and no more than a bare majority of whom can belong to the same political party. The appointing authority must appoint all of the commissioners within 30 days after it voted to start the process or the clerk certified the petition ([CGS § 7-190\(a\)](#)).

The appointing authority can recommend items for the commission to consider, and the commission must consider these and any other items specified in the petition, if there was one. The commission can also consider other items it deems desirable or necessary. Its draft and final reports must discuss all of the items it considered.

The appointing authority must adopt a resolution setting a deadline for the commission to complete its draft report, which must fall within 16 months after the commission's appointment. The commission terminates after the appointing authority accepts or rejects the commission's final report ([CGS §§ 7-190\(b\) and \(c\)](#)).

Holding Public Hearings on the Proposed Charter or Amendments

The commission and the appointing authority must separately hold public hearings on the proposed charter or amendments. The commission must hold at least two hearings, one before it begins to draft its proposal and one before it submits the draft to the appointing authority. It may opt to hold additional hearings ([CGS § 7-191\(a\)](#)).

After completing its hearings, the commission must submit the proposal to the town or district clerk, who must send it to the appointing authority, which must hold at least one hearing on the proposal. Its last hearing can be no later than 45 days after it receives the report ([CGS § 7-191\(b\)](#)).

The appointing authority has up to 15 days from its last hearing to recommend changes to the proposal ([CGS § 7-191\(b\)](#)). If it does not make any, it tacitly accepts the report as the commission's final report and must act on it. If it does recommend changes, the law requires the commission to discuss them with the appointing authority. The commission may accept these recommendations and incorporate them into its proposal or reject them. In either case, it must submit its final report to the appointing authority no later than 30 days after the appointing authority makes its recommendations ([CGS § 7-191\(c\)](#)).

Approving the Charter or Amendments

The appointing authority must act on the commission's final report no later than 15 days after receiving it. It can, by majority vote, approve or reject the entire proposal or reject parts of it. If it rejects all or parts of the proposal, voters can petition for a referendum. They have 45 days to submit the petition, which must be signed by at least 10% of the voters. The petition requirements are the same as those for requesting a charter commission ([CGS § 7-191\(d\)](#)).

No later than 30 days after approving the final report or the petition's certification, the municipality or district must publish at least once in a newspaper the (1) proposed charter or (2) portion being amended, with a notice that a complete copy is available in the clerk's office or by mail on request ([CGS § 7-191\(d\)](#)).

The appointing authority must also decide by majority vote the forum for submitting the proposal to the voters for approval. Municipalities may submit the proposal at a regular or special election while districts may submit one at a regular or special district meeting. In both cases, the referendum must be held no later than 15 months after the appointing authority approved the proposal or the respective clerks certified the petition. The appointing authority must also decide whether to submit the proposal to the voters as a single question or several questions ([CGS §§ 7-191\(e\) and \(f\)](#)).

The voting requirements for approving the proposal depend on whether the vote is taken at a regular or special election (or meeting). A majority vote is required for proposals submitted at regular elections or district meetings. A majority vote is also required for those submitted at special elections or meetings, but that majority must equal at least 15% of all municipal or district voters. If approved, the proposal takes effect 30 days after the vote, unless the proposal requires otherwise ([CGS § 7-191\(f\)](#)).

The town or district clerk must file copies of the approved charter or amendments with the secretary of the state no later than 30 days after the voters approve them ([CGS § 7-191\(g\)](#)).

Ordinances and Bylaws

Distinction

The requirements for adopting and publishing ordinances seem to apply to bylaws as well. The statutes, town charters, and legal commentaries seem to use the terms interchangeably. For example, [CGS § 7-159](#) grandfathers "any valid ordinances, bylaws, or regulations adopted prior to

October 1, 1957 under the provisions of the general statutes...." Several town charters list both bylaws and ordinances as the means for exercising municipal powers. Black's Legal Dictionary lists bylaws as a synonym for ordinance and likewise shows "ordinance" as one meaning for bylaw.

Adoption and Publication

Towns, Cities, Boroughs, and Fire Districts. The law explicitly allows towns, cities, boroughs, and fire districts to adopt ordinances, subject to certain procedural requirements. The local legislative body or voters at a town or district meeting may adopt ordinances and have them published in a local newspaper. Those adopted by the legislative body take effect 30 days after publication; those adopted at meetings take effect 15 days after publication. But these requirements apply only if the local charter does not provide otherwise ([CGS § 7-157\(a\)](#)).

Voters can block these ordinances from taking effect by petitioning to have them approved at a referendum. At least 15% of the voters must sign the petition and submit it to the town or district clerk within 30 days after the newspaper publication. The petition must indicate if the referendum should be held at the next regular election or at a special meeting. The ordinance is adopted if a majority of voters approve ([CGS § 7-157\(a\)](#)).

The statutes allow jurisdictions to publish a summary of ordinances (except those making or requiring an appropriation) in lieu of the actual ones. Nonetheless, the jurisdiction's clerk must make copies of the actual ordinance available to the public upon request. The summary must include a statutory disclaimer explaining, in part, that it does not represent the legislative body's intent ([CGS § 7-157\(b\)](#)).

Districts. State law gives special taxing districts broad authority to adopt ordinances to carry out the special district law and establish the duties and compensation of their officers and how their duties must be carried out, including penalties to enforce the ordinances ([CGS § 7-328](#)). But, as noted above, it establishes procedural requirements only for fire districts.

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