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to meet such appropriations. After the close of each fiscal year the unencumbered balance of each appropriation shall lapse except for appropriations for capital and non-recurring expenditures as provided under chapter 38 of the general statutes, and the excess of cash receipts over expenditures plus encumbrances shall be used only for capital and non-recurring expenditures as provided under said chapter 38 and for financing the succeeding years appropriations. No obligation shall be incurred against and no payment shall be made from any appropriation and the duly authorized allotments thereof unless the controller shall first certify that there is an unexpended and unencumbered balance in the proper appropriation and the allotment thereof sufficient to meet the same. Every expenditure authorized or incurred in violation of the provisions of this act shall be void. Every payment made in violation of the provisions of this act shall be deemed illegal and every official who shall knowingly authorize or make such payment or take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this act or take part therein, such action shall be cause for his removal.

Approved, June 21, 1951.

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[Senate Bill No. 805.]

[466.]

AN ACT AMENDING THE CHARTER OF THE CITY OF  
MIDDLETOWN, UNITING THE TWO TAXING DISTRICTS  
AND CREATING THE MIDDLETOWN FIRE DISTRICT  
AND THE SANITARY DISPOSAL DISTRICT.

SECTION 1. Sections 106 and 107 of number 284 of the special acts of 1923 are repealed.

SEC. 2. The present first and second taxing districts shall be united into one taxing district, which shall comprise the entire city of Middletown.

SEC. 3. Upon the adoption of a budget for any fiscal year, a tax shall be levied upon the grand list last completed of all taxable property lying within the boundaries of the city of Middletown.

SEC. 4. Sections 61 and 62 of number 284 of the Special Acts of 1923 are amended, effective the first Wednesday after the first Monday in October, 1952, so that the superintendent of public works shall be the executive head of the department of public works for the entire city of Middletown.

SEC. 5. Section 64 of said acts is amended by deleting in the fourth from the last sentence the words "for the benefit of the first

taxing district," and by deleting in their entirety the last two sentences of said section, and is further amended by adding thereto the following: Said department shall hereafter be known as The Middletown Fire District which shall include that territory which is now serviced by the Middletown fire department. The expense of maintaining said fire district shall be a service charge on property owners within said fire district. The common council, upon request of the property owners and after a public hearing, may extend said fire district by ordinance to include any other territory outside of the fire district.

SEC. 6. Section 61 of said act is further amended by adding thereto the following: There is hereby created a sanitary disposal district for the city of Middletown, and the expense for the maintenance and operation of said district for the collection and disposal of garbage, ashes, and other sanitary services, excluding the sewerage system and its appurtenances, shall be a service charge upon all property located within that area constituted prior to the adoption of this act as the first taxing district, and the common council of the city of Middletown may, by ordinance, extend said sanitary disposal district upon petition of property owners outside said district.

SEC. 7. The common council of the city of Middletown may adopt such ordinances and regulations as may be necessary to promote and carry out the objects and purposes of this act.

SEC. 8. All sections or parts of sections of number 284 of the special acts of 1923 or any amendment thereto and any provisions of the charter and ordinances of the city of Middletown, in so far as they are inconsistent with the provisions of this act, are repealed.

SEC. 9. All service charges due for any service under the provisions of this act shall be and remain a lien upon the house, tenement or lot, wherein or in connection with which said service shall have been rendered to the owner or occupant thereof; and said lien shall have priority over all other liens and incumbrances on said house, tenement or lot, whereon the same is imposed, except taxes, tax liens and other city liens, prior in date, and may be enforced or foreclosed by and in the name of said board, before any court having competent jurisdiction thereof, in the same manner as mortgages on lands and buildings are foreclosed, and any interest in any such house, tenement or lot, which shall be acquired by reason of such foreclosure. The common council of the city of Middletown shall have the right and power to sell such property and to execute a deed therefor, and the proceeds of any such sale shall be paid into the city treasury, provided said lien shall not be perfected unless said common council shall, within sixty days after said service charge becomes due, lodge with the town clerk of the town wherein such tenement, lot or house is situated, a certificate in writing of the amount due, as near as can be ascertained, and a general description of the premises affected and provided the service shall not be introduced into any building or premises, occupied by a tenant, without the consent of the owner or owners thereof first had and obtained in writing.

SEC. 10. This act shall take effect the first Wednesday after the first Monday in October, 1952, provided (1) it has been approved by

the electors residing within the first and second taxing districts of the city of Middletown, in the following manner: (a) At a meeting of the electors residing within the second taxing district warned and held for such purpose on the second Tuesday of September, 1951; and (b) at a meeting of the electors residing within the first taxing district warned and held for such purpose on the third Tuesday of September, 1951; and (2) provided the electors of the Middletown City School District and The Middletown Town Consolidated School District shall approve, on the first Tuesday of November, 1951, by a majority of the vote cast in each district, an Act Providing For The Creation of One School District in the City of Middletown, passed at the current session.

Approved, July 10, 1951.

Date of Vote—September 18, 1951. Vote for—736; Vote against—67.

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[House Bill No. 1780.]

[467.]

## AN ACT AMENDING THE CHARTER OF THE CITY OF STAMFORD.

SECTION 1. Section 100 of number 312 of the special acts of 1947 is repealed and the following is substituted in lieu thereof: On the Tuesday after the first Monday in November, 1953, and biennially thereafter, there shall be held in Stamford a meeting to elect officers. The town clerk shall give public notice of such meeting in the manner prescribed by law. The polls for the casting of votes shall be open from 6 a. m. to 8 p. m., unless otherwise provided by law. The candidates for the respective offices receiving a plurality of the votes cast shall be deemed elected, except that members of the board of education, the board of finance and the board of selectmen shall be elected as provided in chapter eleven.

SEC. 2. Section 102 of said number 312 of the special acts of 1947 is repealed and the following is substituted in lieu thereof: The terms of office of elective officers hereunder shall commence on the first day of December succeeding the election. The terms of office of the mayor, the town clerk, registrars of voters, selectmen, constables and the members of the board of representatives shall be two years. The term of office of each member of the board of finance shall be four years. The term of office of each member of the board of education shall be three years.

SEC. 3. Section 111 of said number 312 of the special acts of 1947 is repealed and the following is substituted in lieu thereof: At any biennial election of municipal officers, any political party may nominate not more than two candidates for membership on the board of finance. No voter may vote for more than two candidates. The three candidates receiving the highest number of votes shall be declared elected members of the board of finance to hold office for a four-year term commencing on the following December first.