

CANDLEWOOD HILLS TAX DISTRICT BY – LAWS

ARTICLE I. NAME AND PURPOSE

Section 1. NAME: The name of the Tax District shall be "CANDLEWOOD HILLS TAX DISTRICT", hereinafter referred to as the District.

Section 2. PURPOSE: The purpose of the District shall be to maintain roads, and do any and all things for the purposes set forth in Section 7-326 of the Connecticut General Statutes (Revision of 1958, Revised to 1975, *Revised to 1989*), and amendments thereto, without limiting the generality of the foregoing, in that area commonly known as "Candlewood Hills" as shown on three maps, in use on August 7, 1971 by the Tax Assessor of the Town of New Fairfield, Connecticut, bearing the designations "Sheet No.2", "Sheet No.6", and "Sheet No.44", all of which bear the legend "Town of New Fairfield, County of Fairfield, State of Connecticut": by American Air Surveys, Inc., Pittsburgh, Pennsylvania, date November 28, 1962, and Graphic Map Company, Newburgh, New York, date, as to Sheets #2 and #6 September 1, 1963, and as to Sheet #44 October 1, 1966, and which area is also shown on three certain maps on file in the office of the Town Clerk of the Town of New Fairfield as maps #293, #866.

Section 3. LOCATION AND OFFICE: The principal place of business, location and address of the District shall be Candlewood Hills, P.O. Box 8222, New Fairfield, Connecticut, 06812.

ARTICLE II. VOTERS AND MEETINGS

Section 1. VOTERS: Any person who lives, resides or is domiciled within the limits of said District and who is a legal voter of the Town of New Fairfield, Connecticut or any citizen of the age of eighteen (18) years or more who, jointly or severally, is liable to the District for taxes assessed against him on an assessment of not less than One Thousand (\$1,000.00) dollars on the last completed Grand List of such District, or who would be so liable if not entitled to an exemption as set forth or referred to in Section 7-6 of the Connecticut General Statutes (Revision of 1958, Revised to 1975, *Revised to 1989*), and amendments thereto, or any other person who otherwise is eligible to vote in the tax district pursuant to said Section 7-6, may vote. In case of conflict, those persons entitled to vote within the District shall be governed by the General Statutes of the State of Connecticut pertaining to voting rights as may apply to this District only.

Section 2. ANNUAL MEETING: The Annual Meeting shall be held on a Saturday in May of each year. At said annual meeting, the Officers and Directors of the District shall be elected, the annual budget shall be adopted, the tax laid, the tax rate fixed, and the voters shall do any and all things permissible or necessary within the limits of Section 7-327 of the Connecticut General Statutes (Revision of 1958, Revised to 1975, *Revised to 1991*), and amendments thereto, in particular, but without limiting the generality of the foregoing and the relevant sections of the Connecticut General Statutes pertaining to the District and the purposes established hereunder.

Section 3. OPEN MEETING: An Open Hearing Special meeting shall be held in a public place which is handicap accessible no more than sixty (60) and no less than thirty (30) days prior to the Annual Meeting. At such open hearing special meeting, the voters shall hear a general report of conditions, shall raise questions, make suggestions, discuss items of general relevance to the conduct of the affairs of the District, and do any and all things helpful to the Officers and Directors to better serve their interests, preparatory to the Annual Meeting.

Section 4. ADDITIONAL SPECIAL MEETINGS: Additional Special Meetings of the District may be called by the President or any three Directors and must be called upon application of Twenty (20) inhabitants qualified to vote in a District meeting, and may be held simultaneously with any meeting per agenda.

Section 5. QUORUM: Not fewer than Fifteen (15) voters of the District shall constitute a quorum for the transaction of business at any meeting of the District.

Section 6. PLACE OF MEETING: All meetings of the District including the Annual Meeting and Special Meetings shall be held in a public place which is handicap accessible in the Town of New Fairfield, Connecticut. The place of all meetings shall be designated by the Board of Directors.

Section 6. ADJOURNMENT: At all meetings of the District where a quorum is present, the meeting may be adjourned from time to time by majority of the voters voting on the question.

If Fifteen (15) voters are not present at any meeting, the President of the District, or, in his or her absence, the Vice-President may adjourn such meeting from time to time, until at least Fifteen (15) voters are present. No meeting shall be adjourned for a period of more than thirty (30) day or less Than fourteen (14) days.

Section 7. NOTICE OF MEETINGS: Notice of the holding of an annual meeting and all special meetings of the District shall be given by publication of a notice of such meeting in a newspaper having a general circulation in the Candlewood Hills Tax District at least Ten (10) days before the date of such meeting signed by the President or any three Directors which notice shall designate the time and place of such meeting and the business to be transacted thereat.

Section 8. VOTING: All questions arising in such meetings shall be decided by a majority vote of the qualified voters present and voting. The President shall vote only when there is a tie vote.

ARTICLE III. BOARD OF DIRECTORS

Section 1. QUALIFICATIONS AND NUMBER: There shall be nine members of the Board of Directors consisting of the following: The President of the District, the Vice-President of the District, the Clerk of the Tax District, the Treasurer and Five other Directors, all of which shall be qualified voters of the District pursuant hereto and the Connecticut General Statutes.

Section 2. ELECTION AND TERM OF OFFICE: The Board of Directors shall be elected at the Annual Meeting of the voters of the District, shall take office following the Annual Meeting and serve until each successor has been duly elected and qualified. Notwithstanding the foregoing, the duly elected President, Clerk and three (3) duly elected Directors of the District at the 2009 Annual Meeting shall serve a two (2) year term, and his/her duly elected successor shall serve a two (2) year term, and thereafter all duly elected successors shall serve for a term of two (2) years until his/her successor has been duly elected and qualified. The duly elected Vice President, Treasurer and two (2) duly elected Directors of the District at the 2009 Annual Meeting shall serve a one (1) year term, and his/her duly elected successor shall serve a two (2) year term, and thereafter all duly elected successors shall serve for a two (2) year term until his/her successor has been duly elected and qualified. - **REVISED 5/16/09**

Section 2, A. The Recreation, Snow, By-law, Beautification, Road and any other Committees as needed, and the Committee membership, shall be selected and appointed by the Board of Directors as stated in Section Two, Article III.

Section 3. DUTIES OF DIRECTORS: The Board of Directors shall have the control and general management of the District. The Directors shall in all cases act as a Board and individual directors shall have no power as such unless otherwise provided Herein or by the Connecticut General Statutes. They may adopt such rules and Regulations for the conduct and management of the District, as they may deem Proper, not inconsistent with these By-laws and the laws of the State of Connecticut.

They shall review the annual budget and prepare comments and recommendations, including compensation for servants or employees of the District, to be submitted to the annual budget meeting of the District.

The Board of Directors shall be permitted to hire employees of the District in accordance with the District Annual Budget. The Board of Directors shall adopt the job description for all employees and shall set the Annual Salary of the Employees in accordance with the approved District Annual Budget.

Section 4. ANNUAL MEETING: The Annual Meeting of the Board of Directors shall be held *in a public place which is handicap accessible* on a Saturday in May of each year in the Town of New Fairfield, Connecticut, as may be designated by the Board of Directors, immediately following the Annual Meeting of the voters.

Section 5. SPECIAL MEETINGS: Special Meetings of the Board of Directors may be called by the President or any three (3) Directors upon giving notice as hereinafter provided.

Section 5, A. EMERGENCY MEETINGS: An emergency meeting with no written notice may be called by the President or any three Directors in an emergency.

Section 6. QUORUM: Not fewer than four (4) members of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board.

Section 7. ADJOURNMENT: At all meetings of the Board of Directors where a quorum is present, the meeting may be adjourned from time to time by a majority of members present voting on the question. If four (4) members of the Board of Directors are not present at any meeting, the majority of the Directors present may adjourn the meeting from time to time until four (4) members are present. No meeting shall be adjourned for a period of more than thirty (30) days or less than six (6) days.

Section 8. NOTICE OF MEETINGS: *The Clerk of the District shall post upon the public sign posts within the territorial limits of the District a notice of all meetings of the Board of Directors which shall designate the time and place of such meetings. Any adjournments thereof shall be by written notice posted upon the public sign posts within the territorial limits of the District not less than five (5) days before the next meeting.* (Ref. Article III, Section 4).

Notice of special meetings of the Board of Directors, or adjournments of all Directors meetings shall designate the time and place of such meeting and the business to be transacted thereat, and shall be by written notice *posted upon the public sign posts* not less than five (5) days before the meeting.

Section 9. VOTING: All questions arising in such meetings shall be decided by a majority vote of all the Directors present and voting. The President shall vote only to dissolve a tie. Each Director shall have one (1) vote. Voting at all meetings shall be by voice vote or such method as a majority vote of the Directors present and voting shall determine.

Section 10. VACANCIES: Any vacancy in the Board of Directors may be filled by the majority vote of the remaining Directors then in office. Vacancies shall be filled only for the unexpired portion of the term and until a successor has been duly elected and qualified.

ARTICLE IV: OFFICERS

Section 1. NUMBER: The officers of the District shall be:

1. President
2. Vice-President
3. Clerk of the Tax District
4. Treasurer

Section 2. ELECTION, TERM OF OFFICE AND QUALIFICATIONS: The officers of the District shall be elected at the annual meeting of the voters of the District, shall take office on the day following the annual meeting and shall hold office until the next annual meeting or until their successors shall have been duly elected and qualified. Voting, election and qualification shall be in accordance with Article II hereof and the relevant sections of the Connecticut General Statutes.

Section 3. PRESIDENT: The President of the District shall be a member of the Board of Directors and the Chief Executive Officer thereof. He/she shall preside at all meetings of the Board of Directors. He/she shall preside at all meetings of the voters of the District. At all meetings at which he/she presides, he/she shall vote only to resolve a tie-vote.

He/she shall designate the duties devolving upon each of the five (5) directors. He/she shall approve all bills for payment and may be a countersigner, along with the Clerk of the Tax District or Treasurer, of all checks drawn for payment. He/she shall, ex officio, be a member of all committees and Boards of the District.

He/she shall cause to be called regular and special meetings of the Voters or Board of Directors in accordance with these By-Laws and the General Statutes of the State of Connecticut.

He/she shall appoint, remove, employ and discharge, all servants and employees of the District, other than the duly appointed officers and Directors, subject to an upon approval of the Board of Directors.

He/she shall sign and make all contracts and agreements in the name of the District, subject to and upon approval of the Board of Directors.

He/she shall have general direction and management of the affairs of the District.

He/she shall do any and all things required by the General Statutes of the State of Connecticut.

Section 4. VICE-PRESIDENT: The Vice-President of the District shall be a member of the Board of Directors. He/she shall have all the authority, power, and duties of the President whenever the President vacates his office, is absent or from any cause is unable to perform his duties.

He/she shall have such other powers and duties as the President shall from time to time delegate according to these By-Laws and the General Statutes of the State of Connecticut.

Section 5. Clerk Of The Tax District: The *Clerk of the Tax District* shall be a member of the Board of Directors. He/she shall keep a record of the minutes all meetings of the Voters and of the Board of Directors and shall have at all times a list of the Voters (as defined in Article II, Section 1, herein) of the District.

He/she shall give and serve all notices of the District including District and Board of Directors notices. He/she shall present to the Board of Directors at their state meetings all communications addressed to him/her officially as an officer of the District. He/She shall attend to all correspondence. He/She shall have such other duties and powers as the President shall from time to time delegate in accordance with these By-Laws and the General Statutes of the State of Connecticut. The Clerk may be empowered to countersign checks.

He/She shall have the care and custody of all records, minutes and correspondence of the District and shall pass them intact to his successor upon completion of his/her term of office.

He/she shall provide each board member with a copy of the minutes of the previous month's meeting at least 24 hours prior to the next meeting.

Section 6. TREASURER: The Treasurer shall be a member of the Board of Directors. The Treasurer shall have charge of the collection and payment of all monies of the District, including without limitation, all annual or special assessments assessed by the District, under such rules and regulations as shall be prescribed by the Board of Directors. He/she shall prepare the annual budget which shall submit to the Board of Directors or review at least 1 week in advance of the District Annual Meeting.

He/she shall have the care and custody and be responsible for all the funds and securities of the District, and shall deposit all such funds in the name of the District in such bank, banks, savings bank, savings and loan association, or bank trust company as the Board of Directors may designate. He/she shall have the power to sign, make and endorses in the name of the District, all checks, drafts, warrants and orders for the payment of money, which shall be co-signed by the President or the Clerk, and payout and disperse of same and receipt thereof, all under the direction of the President and the Board of Directors.

He/she shall exhibit at all reasonable times his books and accounts to any officer, director or voters of the District upon proper application.

He/she shall render a statement of the finances of the District at the regular meetings of the Board of Directors, and at such other times as shall be required by The President, Board of Directors, Voters, or the General Statutes of the State of Connecticut.

He/she shall have an audit made of his/her books and accounts *every two years*, Prior to the completion of his/her term of office, or prior to passing his/her records to his successor.

He/she shall have such other powers and duties as the President shall from time to Time delegate in accordance with these By-Laws and the General Statutes of the State of Connecticut.

Section 8. VACANCIES: Any vacancy may be filled by the majority vote of the remaining Board of Directors then in office. Vacancy shall be filled only for the unexpired portion of the term and until a successor has been duly elected and qualified.

ARTICLE V: BUDGET

Section 1. PREPARATION: Prior to the Annual Meeting of the Annual Meeting of the Voters of the District, The Treasurer shall prepare the annual budget to be proposed by the Officers of the District. The annual budget shall contain in reasonable detail:

1. An itemized statement of all actual receipts from all sources during its last fiscal year.
2. An itemized statement by classification of all actual expenditures during the same year.
3. An itemized estimate of anticipated revenues during the ensuing fiscal year from each source other than from District property taxes and an estimate of the amount which should be raised by District Property taxation for such ensuing fiscal year.
4. An itemized estimate of expenditures of the District for such ensuing fiscal year.
5. The amount of revenue surplus or deficit of the District at the beginning of the fiscal year for which estimates are being prepared.
6. Such other information, statements, accounts or estimates as the Board of Directors of the General Statutes of the State of Connecticut may require.

The Board of Directors shall review the budget and make comments and recommendation thereon, all of which shall be transmitted to the Voters at the Annual Meeting for adoption.

Section 2. APPROVAL OF THE BUDGET: Annually, not less than thirty (30) days prior to the beginning of the fiscal year, there shall be a meeting of the Voters of the District for the purpose of adopting the budget, laying the tax and fixing the tax rate. (Annual Meeting)

Such meeting shall take action upon the budget estimate and recommendations, and may make such specific appropriations as appear advisable, but no appropriation shall be made exceeding in the amount that for the same purpose recommended by the Board of Directors, and no appropriation shall be made for any purpose not recommended by the Board of Directors.

Section 3. FISCAL YEAR: The fiscal year of the District shall be from July 1st in each year and end on June 30th in the succeeding year.

ARTICLE VI: AMENDMENTS AND GENERAL STATUTES

Section 1. AMENDMENTS: These by-laws may be altered, amended, repealed or added to by an affirmative vote of the Voters of the District at any annual meeting or at a special meeting called for that purpose, provided that notice pursuant to Article II herein shall have been given, stating the alteration, amendment or changes proposed. Only such changes as have been specified in the notice shall be made.

Section 2. GENERAL STATUTES: Insofar as these by-laws or any amendments thereto limit or conflict with the General Statutes of the State of Connecticut or any amendment, addition, repeal or alteration thereto, said General Statutes and its amendment, addition, repeal or alterations shall govern.
Revised 2005

"AN ORDINANCE PROHIBITING THE ABANDONMENT, DUMPING, DEPOSITING, OR SCATTERING OF PROPERTY ONTO THE ROADS AND RIGHTS OF WAY MAINTAINED BY THE TAX DISTRICT OF CANDLEWOOD HILLS."

BE IT ENACTED BY THE TAX DISTRICT OF CANDLEWOOD HILLS:

Section 1: No person, company, corporation or similar entity shall abandon, dump, deposit, leave, scatter, allow or caused to be, any automobiles, vehicles, trailers, motorized vehicle, mobile home, or any refuse, rubbish, litter, bags papers, bottles, cans, metals, equipments, material or property of any kind, onto the roadways, properties or rights of way of the Tax District of Candlewood Hills.

Section 2: The Board of Directors of the Tax District of Candlewood Hills shall have the right to enforce the provisions of this ordinance in law and equity. Further, each violation of this ordinance shall be punishable by a fine not to exceed Fifty (\$50.00) Dollars per day of each offense.

Section 3: This ordinance shall take effect and be enforced from the earliest date permitted by law.

"AN ORDINANCE PROHIBITING THE CONSTRUCTION AND/OR GROWTH OF ENCROACHMENTS ON TO THE RIGHT OF WAY OR ROADS MAINTAINED BY THE TAX DISTRICT OF CANDLEWOOD HILLS."
BE IT ENACTED BY THE TAX DISTRICT OF CANDLEWOOD HILLS:

Section 1: No person, partnership, organization, institution, company or corporation shall construct, allow, or cause to be constructed, grow or cause to be grown, maintain or cause to be maintained onto the right of way of any road maintained by the Tax District of Candlewood Hills, any curbing, retaining wall, fence or shrubbery, in such a manner so as to encroach upon said right of way, cause a hazard to traffic along said road-or 'in such a manner so as to impede the maintenance of said road.

Section 2: Any person, company or corporation who shall construct or cause to be constructed, grow or cause to be grown, maintain or cause to be maintained such encroachment shall be liable to a fine of not more than Fifty (\$50.00) Dollars for each such offense. The Board of Directors of the Tax District of Candle wood Hills shall have the rights to enforce the provisions of this Ordinance, in law and equity.

Section 3: This ordinance shall take effect and be enforced from the earliest date allowed by law.

"AN ORDINANCE LIMITING THE USE OF MOTOR VEHICLES ON THE ROADS MAINTAINED BY THE TAX DISTRICT OF CANDLEWOOD HILLS TO DULY REGISTERED MOTOR VEHICLES DRIVEN BY THE DULY LICENSED DRIVERS."

BE IT ENACTED BY THE TAX DISTRICT OF CANDLEWOOD HILLS:

Section 1: No person shall operate an unregistered motorized vehicle upon any road maintained by the Tax District of Candlewood Hills.

Section 2: No registered motorized vehicle shall be operated by any person who does not have a current duly issued driver's license to operate said vehicle, on any road maintained by the Tax District of Candlewood Hills.

Section 3: A motorized vehicle is defined to include, but not limited to a min-bike, motor bicycle, motor scooter, motor go-cart, motorcycle, mopeds, automobile, truck, motor golf cart and snowmobile.

Section 4: The Board of Directors of the tax District of Candlewood Hills shall have the right to enforce the provisions of this ordinance in law and equity. Further, each violation of this ordinance shall be punishable by a fine not exceed One Hundred (\$100.00) Dollars.

Section 5: This ordinance shall take effect and be enforced from the earliest date permitted by law.

"AN ORDINANCE PROHIBITING THE ROAMING OF DOGS WITHIN THE TAX DISTRICT OF CANDLEWOOD HILLS."

BE IT ENACTED BY THE TAX DISTRICT OF CANDLEWOODHILLS:

Section 1: Any property owner or resident shall be responsible fro the safe management of dogs owned or in their care.

Section 2: Dogs shall be kept on leashes and/or within reasonable control by owner when walked, and on leads, in fenced areas or within reasonable control by owner when upon said owner's property.

Section 3: Said owner/caretaker shall not allow dogs to roam freely about residential properties other than their own. This also applies to Candlewood Hills Tax District common properties.

Section 4: Any violation of this ordinance will allow any resident and or board member to lodge complaint with town or state canine control, thereby authorizing those officials to pick-up and detain dogs roaming within the confines of aforesaid District.

Section 5: This ordinance shall take effect and be enforced from the earliest date allowed by law.

"AN ORDINANCE ESTABLISHING REGULATIONS AND REQUIREMENTS FOR THE MAINTENANCE AND ISTALLATION OF DRAINAGE UNDER PROPERTY OWNER DRIVEWAY OR OTHER RIGHT OF WAY FOR THE PURPOSE OF PASSAGE BY MOTOR VEHICLE."

BE IT ENACTED BY THE TAX DISTRICT OF CANDLEWOOD HILLS:

Section 1: Any property owner shall be responsible for maintaining drainage under driveway or other right of way.

Section 2: Should the Tax District of Candlewood Hills find said access way or drainage pipe in need of repair, and after two (2) legal notices to property owner to make repairs at property owner's cost and convenience, within thirty (30) days, said board will proceed with repairs and access property owner.

Section 3: This ordinance shall take effect and be enforced from the earliest date allowed by law.

"AN ORDINANCE PROHIBITING PARKING UNDER CERTAIN CONDITIONS AND AT CERTAIN HOURS IN CERTAIN TIMES OF THE YEAR IN THE TAX DISTRICT OF CANDLEWOOD HILLS."

BE IT ENACTED BY THE TAX DISTRICT OF CANDLEWOOD HILLS:

Section 1: No vehicle shall be parked on any roads maintained by the Tax District of Candlewood Hills so as to constitute a hazard or obstruction to the normal movement of traffic or impede the removal of snow.

Section 2: No vehicle shall be parked overnight on any roads maintained by the Tax District of Candlewood Hills between the date of October 15th and the following April 15th in each Two (2) successive calendar years. Any vehicle parked over (60) minutes between the hours of 10:00 P.M. and 7:00 A.M. shall be considered to have been parked overnight.

Section 3: Whenever any vehicle is found in violation of this ordinance, the President of the Tax District of Candlewood Hills, or at his direction, any member of the Board of Directors, of the Tax District of Candlewood Hills may remove or cause such vehicle to be removed to a garage in the Town of New Fairfield where it shall be

impounded and said removal shall be at the risk of the owner or person entitled to possession of the vehicle and having been so removed, shall continue to be impounded until the fees and charges for the removal, towing and storage shall be paid by the owner or person entitled to possession.

Section 4: Further, each violation of this ordinance shall be punishable by a fine not to exceed Fifty (\$50.00) Dollar in amount. The Board of Directors of the Tax District of Candle wood Hills shall have the right to enforce the provisions of this ordinance in law and equity.

Section 5: This ordinance shall take effect and be enforced from the earliest date permitted by law.

"AN ORDINANCE ESTABLISHING REGULATIONS AND PERMIT REQUIREMENTS FOR THE CREATION OF ACCESS INTO ROADS MAINTAINED BY THE TAX DISTRICT OF CANDLEWOOD HILLS BY DRIVEWAY OR OTHER RIGHT OF WAY FOR THE PURPOSE OF PASSAGE BY MOTOR VEHICLE."
BE IT ENACTED BY THE TAX DISTRICT OF CANDLEWOOD HILLS:

Section 1: No person, firm or corporation shall hereafter construct, build or establish any roadway, road, street, or other right of way for the purpose of passage by motor vehicle to enter into or open upon and road maintained by the Tax District of Candlewood Hills before first filing written application with the Board of Directors of the Tax District of Candlewood Hills and having a written permit to proceed with the work from said Board. After securing said permit, the area from the existing paved or traveled portion of the road maintained by the Tax District to the applicant's property line shall be constructed in the following manner:

1. Said area shall be excavated to proper depth and have a gravel base of bang run gravel, or broken stone of no less than twelve (12") inches in depth.

2. It shall have a surface of two (2") inches of bituminous concrete and shall be shaped so that the water from the applicant's property shall not drain on the public highway.

If unusual drainage conditions exist, the construction must conform to any special requirement which the Board of Directors may specify.

Before the work is commenced, a performance bond may be demanded by said Board, with surety and conditions satisfactorily to it, to guarantee completion of the work set forth in the application within the time specified therein; and in no event shall the bond be less than Two Hundred (\$200.00) Dollars in amount. Said bond shall be released after the work has been satisfactorily completed.

Section 2: If said application shall be granted by said Board, the access shall be created under the supervision of the Board of Directors or its duly authorized agent.

Section 3: The person or corporation making such access shall guard and protect the access for the protection of all persons using such road, and shall be responsible for all damages which any person may sustain during the construction thereof.

Section 4: Any person who shall violate any of these provisions shall be fined not more than One Hundred (\$100.00) Dollars. The Board of Directors of the Tax District of Candle wood Hills shall have the right to also enforce the provisions of the ordinance in law and equity.