SUPPLEMENT NO. 8
May 2018

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 336, enacted September 12, 2017.

See the Code Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
Title Page	Title Page
iii	iii
xiii—xvii	xiii—xvii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
CD5:7—CD5:10.1	CD5:7—CD5:10.1
CD7.5:7, CD7.5:8	CD7.5:7, CD7.5:8
CD9:3	CD9:3
CD9:25	CD9:25—CD9:31
CD13:1	CD13:1, CD13:2
CD13:17, CD13:18	CD13:17—CD13:21
CD14:1, CD14:2	CD14:1, CD14:2
CD14:11, CD14:12	CD14:11—CD14:14
CCT:15	CCT:15
SRT:1—SRT:3	SRT:1—SRT:3
CDi:3—CDi:10	CDi:3—CDi:10.1
CDi:23—CDi:30	CDi:23—CDi:30.1
CDi:39—CDi:42	CDi:39—CDi:42.1
CDi:47, CDi:48	CDi:47—CDi:48.1

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SUPPLEMENT NO. 7
May 2016

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 332, enacted September 22, 2015.

See the Code Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
iii	iii
xiii—xvii	xiii—xvii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
CD2:37, CD2:38	CD2:37, CD2:38
CD7.5:3—CD7.5:9	CD7.5:3—CD7.5:10
CD17:11, CD17:12	CD17:11—CD17:12.1
CD18:1, CD18:2	CD18:1, CD18:2
CD18:7—CD18:8.2	CD18:7—CD18:8.3
CCT:15	CCT:15
SRT:1—SRT:3	SRT:1—SRT:3

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SUPPLEMENT NO. 6, ADDITION
June 2014

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Supplement No. 6, Addition, is printed to include provisions omitted in Supplement No. 6, and should be inserted as directed below.

Remove Old Pages	*Insert New Pages*
iii	iii

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SUPPLEMENT NO. 6
June 2014

CODE OF ORDINANCES

Town of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 328, enacted October 22, 2013.

See the Code Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
Title Page	Title Page
xiii—xvii	xiii—xvii
Checklist of Up-to-Date Pages	Checklist of Up-to-Date Pages (following Table of Contents)
CD2:1, CD2:2	CD2:1, CD2:2
CD2:9—CD2:24.8	CD2:9—CD2:24.7
CD3:3	CD3:3
CD15:1, CD15:2	CD15:1, CD15:2
CD15:7—CD15:10	CD15:7—CD15:14
CCT:15	CCT:15
SRT:1—SRT:3	SRT:1—SRT:3
CDi:3, CDi:4	CDi:3, CDi:4
CDi:9, CDi:10	CDi:9, CDi:10
CDi:21—CDi:24.1	CDi:21—CDi:24.1
CDi:45—CDi:50	CDi:45—CDi:50.1
CDi:59, CDi:60	CDi:59—CDi:60.1
CDi:72.1—CDi:74	CDi:73—CDi:74.1
CDi:81, CDi:82	CDi:81, CDi:82

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SUPPLEMENT NO. 5
June 2012

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 323, enacted July 12, 2012.

See the Code Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
iii	iii
xiii—xvii	xiii—xvii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
CD2:3—CD2:5	CD2:3—CD2:5
CD2:31—CD2:34	CD2:31—CD2:33
CD8:1, CD8:2	CD8:1—CD8:2.1
CD8:15, CD8:16	CD8:15—CD8:16.1
CD8:21	CD8:21—CD8:24
CD12:1	CD12:1, CD12:2
CD12:9, CD12:10	CD12:9, CD12:10
CCT:7—CCT:15	CCT:7—CCT:15
SRT:1—SRT:3	SRT:1—SRT:3
CDi:15, CDi:16	CDi:15, CDi:16
CDi:21, CDi:22	CDi:21, CDi:22
CDi:27, CDi:28	CDi:27, CDi:28
CDi:31, CDi:32	CDi:31, CDi:32
CDi:39, CDi:40	CDi:39, CDi:40
CDi:43—CDi:46	CDi:43—CDi:46.1
CDi:53, CDi:54	CDi:53, CDi:54
CDi:57—CDi:72	CDi:57—CDi:72.1

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SUPPLEMENT NO. 4
June 2010

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 319, enacted May 11, 2010.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
iii	iii
xiii—xvii	xiii—xvii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
CD7:1	CD7:1
CD7:7—CD7:9	CD7:7—CD7:10
CD8:1, CD8:2	CD8:1, CD8:2
CD8:7, CD8:8	CD8:7, CD8:8
CD8:21	CD8:21
CD11:12.1, CD11:12.2	CD11:12.1, CD11:12.2
CD13:1—CD13:18	CD13:1—CD13:18
CD14:3—CD14:12	CD14:3—CD14:12
CD16:1, CD16:3	CD16:1, CD16:3
CD17:1, CD17:2	CD17:1, CD17:2
CD17:11, CD17:12	CD17:11, CD17:12
CD19:5	CD19:5
CD19:59	CD19:59—CD19:69
CCT:13, CCT:14	CCT:13—CCT:15
CDi:1, CDi:2	CDi:1, CDi:2
CDi:5, CDi:6	CDi:5, CDi:6
CDi:11, CDi:12	CDi:11, CDi:12
CDi:17, CDi:18	CDi:17, CDi:18
CDi:21—CDi:24	CDi:21—CDi:24.1
CDi:33—CDi:36	CDi:33—CDi:36
CDi:39—CDi:46.1	CDi:39—CDi:46
CDi:51, CDi:52	CDi:51, CDi:52
CDi:58.1—CDi:68	CDi:59—CDi:68.1
CDi:73—CDi:76	CDi:73—CDi:76.1
CDi:79—CDi:82	CDi:79—CDi:82

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SUPPLEMENT NO. 3
June 2009

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 316, enacted June 9, 2009.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
iii	iii
xiii—xvii	xiii—xvii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
CD2:5	CD2:5
CD2:13—CD2:24.7	CD2:13—CD2:24.8
CD2:31—CD2:44	CD2:31—CD2:44.2
CD2:47	CD2:47—CD2:49
CD5:7—CD5:10	CD5:7—CD5:10.1
CD7.5:3—CD7.5:8	CD7.5:3—CD7.5:9
CD8:1—CD8:18	CD8:1—CD8:21
CD11:3—CD11:12	CD11:3—CD11:12.2
CD13:5—CD13:18	CD13:5—CD13:18
CD14:1, CD14:2	CD14:1, CD14:2
CD14:11	CD14:11, CD14:12
CD15:5—CD15:10	CD15:5—CD15:10
CD17:5—CD17:10	CD17:5—CD17:10.1
CD19:7—CD19:54	CD19:7—CD19:59
CCT:13, CCT:14	CCT:13, CCT:14
SRT:1—SRT:3	SRT:1—SRT:3
CDi:21, CDi:22	CDi:21—CDi:22.1
CDi:25, CDi:26	CDi:25—CDi:26.1
CDi:37, CDi:38	CDi:37, CDi:38
CDi:45, CDi:46	CDi:45—CDi:46.1
CDi:57, CDi:58	CDi:57—CDi:58.1

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SUPPLEMENT NO. 2, REVISION
May 2008

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Supplement No. 2, Revision, is printed to revise the Officials Page and should be inserted as directed below.

Remove old pages	*Insert new pages*
iii	iii

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SUPPLEMENT NO. 2
April 2008

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 314, enacted June 26, 2007.

See the Code Comparative Table—Ordinances for further information.

Remove old pages	*Insert new pages*
iii	iii
xiii—xvii	xiii—xvii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
CD2:1, CD2:2	CD2:1, CD2:2
CD2:13—CD2:24	CD2:13—CD2:24.7
CCT:13, CCT:14	CCT:13, CCT:14
SRT:1—SRT:3	SRT:1—SRT:3
CDi:9, CDi:10	CDi:9, CDi:10
CDi:21, CDi:22	CDi:21, CDi:22
CDi:41—CDi:52	CDi:41—CDi:52

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SUPPLEMENT NO. 1
May 2007

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 313, enacted April 10, 2007.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
iii	iii
	iv.i
xiii—xvii	xiii—xvii
	Checklist of up-to-date pages (following Table of Contents)
CD13:9, CD13:10	CD13:9, CD13:10
CD13:13, CD13:14	CD13:13, CD13:14
CD14:1, CD14:2	CD14:1, CD14:2
CD14:11	CD14:11
CD18:3—CD18:8	CD18:3—CD18:8.2
CCT:13, CCT:14	CCT:13, CCT:14
SRT:1—SRT:3	SRT:1—SRT:3
CDi:45, CDi:46	CDi:45—CDi:46.1

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OC Correction
November 2005

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Supplement is printed to update the list of officials for Glastonbury.

Remove old pages	*Insert new pages*
iii	iii

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REPUBLICATION
October 2005

CODE OF ORDINANCES

Town of

GLASTONBURY, CONNECTICUT

Looseleaf Supplement

This Copy of the Glastonbury Code of Ordinances is issued as a "replacement copy" and contains all ordinances deemed advisable to be included through Ordinance No. 308, enacted October 12, 2004. See the Code Comparatvie Table for further information.

This copy replaces all existing copies of the Code of Ordinances. Future Supplements will commence with "Supplement No. 1".

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CODE OF ORDINANCES

TOWN OF

GLASTONBURY, CONNECTICUT

CHARTER, SPECIAL ACTS
AND
GENERAL ORDINANCES

Published in 1983
Republished in 2005

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CURRENT OFFICIALS OF THE

TOWN OF

GLASTONBURY, CONNECTICUT

Thomas P. Gullotta, Chairman
Jill Barry, Vice Chairman
Lawrence Niland, Majority Leader
Stewart (Chip) Beckett III, Minority Leader
Deborah A. Carroll
Kurt P. Cavanaugh
Mary LaChance
Whit Osgood
George P. Norman
Council Members

Richard J. Johnson
Town Manager

Shipman & Goodwin
Town Attorney

Murtha Cullina
Alternate Town Attorney

Joyce P. Mascena
Town Clerk

OFFICIALS OF THE

TOWN OF

GLASTONBURY, CONNECTICUT

AT THE TIME OF THE 2005 REPUBLICATION

Susan Karp, Chairman
Whit C. Osgood, Vice-Chairman
Carol Hemlock Ahlschlager
Kurt P. Cavanaugh
Marti Curtiss
Walter Joseph Cusson
Kevin P. Graff
Thomas J. Kehoe
Barbara C. Wagner
Council Members

Richard J. Johnson
Town Manager

Shipman & Goodwin
Town Attorney

Joyce P. Mascena
Town Clerk

OFFICIALS

of the

TOWN OF

GLASTONBURY, CONNECTICUT

AT THE TIME OF THE 1983 CODIFICATION

Henry A. Kinne, Chairman
George P. Adamson
Walter J. Cusson
Marcia W. Erley
William E. Ferris
Sonya F. Googins
Lois Ann Muraro
Richmond Perley
Allen M. Pfeffer
Council Members

Richard S. Borden Jr.
Town Manager

Edward J. Friedeberg
Town Clerk

William S. Rogers
Town Attorney

PREFACE

This Code constitutes a republication of the general and permanent ordinances of the Town of Glastonbury, Connecticut.

Source materials used in the preparation of the Code were the 1983 Code, as supplemented through June 8, 2004, and ordinances subsequently adopted by the governing body. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1983 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code are arranged in alphabetical order and the sections within each chapter are catchlined to facilitate usage. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the Comparative Table also appearing in the back of the volume, any ordinance included herein can be readily found in the Code. Footnotes which tie related sections of the Code together and which refer to relevant provisions of the state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this volume.

Numbering System

The numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two component parts separated by a dash, the figure before the dash representing the chapter number and the figure after the dash indicating the position of the section within the chapter. Thus, the first section of Chapter 1 is numbered 1-1 and the second section of Chapter 8 is 8-2. Under this system, each section is identified with its chapter, and, at the same time, new sections or even whole chapters can be inserted in their proper places, simply by using the decimal system for amendments. By way of illustration: If new material consisting of three sections that would logically come between sections 8-2 and 8-3 is desired to be added, such new sections would be numbered 8-2.1, 8-2.2 and 8-2.3 respectively. New chapters may be included in the same manner. If the new material is to be included between Chapters 11 and 12 it will be designated as Chapter 11.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be

placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
CHARTER COMPARATIVE TABLE	CHTCT:1
CODE	CD1:1
CODE COMPARATIVE TABLE	CCT:1
STATUTORY REFERENCE TABLE	SRT:1
CHARTER INDEX	CHTi:1
CODE INDEX	CDi:1

Indices

The indices have been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology and still others in language generally used by government officials and employees. There are numerous cross-references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

A special feature of this Code is the looseleaf system of binding and supplemental service, by which the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of A. Lawton Langford, President, and Bonnie Mitchell, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publishers are most grateful to Ms. Joyce P. Mascena, Town Clerk, for her cooperation and assistance during the progress of the work on this Code. It is hoped that her efforts and those of the publishers have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

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MUNICIPAL CODE CORPORATION

Tallahassee, Florida

ADOPTING ORDINANCE

An Ordinance Adopting and Enacting a New Code of Ordinances of the Town of Glastonbury, Connecticut; Establishing the Same; Providing for the Repeal of Certain Ordinances Not Included Therein; Except as Herein Expressly Provided for; Providing for the Effective Date of Such Code and a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When This Ordinance Shall Become Effective.

Be it Ordained by the Town Council of the Town of Glastonbury That:

Section 1. The Code of Ordinances, consisting of Chapters 1 to 19, inclusive, and designated as "ADVANCE COPY, for Adoption and Filing in Official Records" along with changes dated December 2, 1982, is hereby adopted and enacted as the "Code of Ordinances, Town of Glastonbury," and shall be treated and considered as a new and original comprehensive ordinance which shall supersede all other general and permanent ordinances passed by the Town Council on or before May 26, 1981, to the extent provided in Section 2 hereof.

Section 2. All provisions of such Code shall be in full force and effect from and after the 11th day of April, 1983, and all ordinances of a general and permanent nature of the Town of Glastonbury, Connecticut, enacted on final passage on or before May 26, 1981, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from and after the 11th day of April, 1983, except as hereinafter provided.

Section 3. Any person violating or failing to comply with any provision of said Code or committing any act or omission to act declared to be a misdemeanor or unlawful, where no specific penalty is provided thereof, shall be punished as is provided in section 1-10 of such Code.

Section 4. Any and all additions or amendments to such Code, when passed in such form as to indicate the intention of the town to make the same a part thereof, shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances, Town of Glastonbury" shall be understood and intended to include such additions and amendments.

Section 5. A copy of such Code shall be kept on file in the office of the town clerk, preserved in looseleaf form, or in such other form as the town clerk may consider most expedient. It shall be the express duty of the town clerk, or someone authorized by the town clerk, to insert in their proper places all amendments or ordinances which indicate the intention of the town council to make the same a part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may be, from time to time, repealed by the town council.

This copy of such Code shall be available for all persons desiring to examine the same and shall be considered the official Code of Ordinances of Glastonbury and any copy of such Code certified by the town clerk shall be the official Code of Ordinances of Glastonbury at the date of such certification.

Section 6. In case of the amendment of any section of such Code for which a penalty is not provided, the general penalty as provided in section 1-10 of such Code shall apply to the section as amended; or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 7. It shall be unlawful for any person, firm or corporation in the town to change or amend by additions or deletions, any part or portion of such Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Glastonbury to be misrepresented thereby. Any person, firm or corporation violating this section shall be punished as provided in section 1-10 of the Code adopted by this ordinance.

Section 8. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed as of the operative date of this ordinance, but shall remain in full force and effect until such date.

Section 9. This ordinance shall become effective on April 11, 1983.

Adopted, January 11, 1983

TABLE OF CONTENTS

Page

Current Officials of the Town iii

Officials of the Town at the Time of the 2005 Republication ... iv.i

Officials of the Town at the Time of the 1983 Codification v

Preface vii

Adopting Ordinance xi

Checklist of Up-to-Date Pages ..... [1]

PART I

THE CHARTER

I. Incorporation and General Powers CHT:5
II. Officers and Elections CHT:6
III. The Town Council CHT:8
IV. The Town Manager CHT:15
V. The Board of Finance CHT:17
VI. Finance and Taxation CHT:18
VII. The Town Meeting CHT:24
VIII. Officers and Boards Directly Responsible to the Council CHT:25
IX. Administrative Departments and Officers CHT:26
X. Personnel and the Merit System CHT:27
XI. General Provisions CHT:28
XII. Severability CHT:28

Charter Comparative Table CHTCT:1

PART II

CODE OF ORDINANCES

1. General Provisions CD1:1

2. Administration CD2:1
Art. I. In General CD2:7
Art. II. Town Council CD2:10
Art. III. Officers and Employees CD2:10
Div. 1. Generally CD2:10
Div. 2. Code of Conduct for Boards, Commissions and Committees CD2:12
Div. 3. Code of Ethics CD2:14
Div. 4. Pension System CD2:24.6
Art. IV. Commission on Aging CD2:24.7
Art. V. Community Beautification Committee CD2:26
Art. VI. Economic Development Commission CD2:27
Art. VII. Fine Arts Commission CD2:28

Chapter		Page
	Art. VIII. Human Relations Commission	CD2:29
	Art. IX. Justices of the Peace	CD2:30
	Art. X. Public Buildings Commission	CD2:30
	Art. XI. Reserved	CD2:32
	Art. XI.5. Insurance Advisory Committee	CD2:32
	Art. XII. Youth and Family Resources Commission	CD2:33
	Art. XIII. Restrictions on Use of Town Property	CD2:36
	Art. XIV. Purchasing Regulations	CD2:37
	Art. XV. Election Districts	CD2:39
	Art. XVI. Reserve for Land Acquisition and Preservation	CD2:42
	Art. XVII. Fair Rent Commission	CD2:44.1
	Art. XVIII. Appointment of Additional Members to the Board of Assessment Appeal	CD2:48
	Art. XIX. Other Post-Employment Benefits Trust	CD2:48
3.	Alcoholic Beverages	CD3:1
4.	Animals and Fowl	CD4:1
5.	Buildings and Building Regulations	CD5:1
	Art. I. In General	CD5:3
	Art. II. Building Permits	CD5:5
	Div. 1. Generally	CD5:5
	Div. 2. Restrictions Relating to Approval and Installation of Sewerage Facilities	CD5:6
	Art. III. Building Board of Appeals	CD5:10
	Art. IV. Demolition of Buildings	CD5:10.1
6.	Civil Preparedness	CD6:1
7.	Fire Prevention and Protection	CD7:1
	Art. I. In General	CD7:3
	Art. II. Open Burning	CD7:8
7.5.	Food Service	CD7.5:1
8.	Solid Waste	CD8:1
	Art. I. In General	CD8:3
	Art. II. Commercial Solid Waste Collectors	CD8:10
	Art. III. Solid Waste Disposal Facilities	CD8:12
	Art. IV. Recyclable Material Collection and Disposal	CD8:17
	Art. V. Ordinance to Create and Become a Member of the Central Connecticut Solid Waste Authority	CD8:21
8.5.	Historic Preservation	CD8.5:1
9.	Housing	CD9:1
	Art. I. In General	CD9:5
	Art. II. Condominium Conversions	CD9:5
	Art. III. Code	CD9:5
	Div. 1. Generally	CD9:5
	Div. 2. Minimum Standards for Basic Equipment and Facilities	CD9:10

Chapter		Page
	Div. 3. Minimum Standards for Light, Ventilation and Heating	CD9:12
	Div. 4. General Maintenance Requirements	CD9:14
	Div. 5. Minimum Space, Use and Location Requirements	CD9:16
	Div. 6. Security Hardware	CD9:17
	Div. 7. Responsibilities of Owners and Occupants	CD9:18
	Div. 8. Rooming Houses	CD9:19
	Div. 9. Designation and Condemnation of Unfit Dwellings	CD9:22
	Art. IV. Glastonbury Housing Partnership	CD9:23
	Art. V. Blighted Premises	CD9:25
10.	Library	CD10:1
11.	Licenses, Permits and Miscellaneous Business Regulations	CD11:1
	Art. I. In General	CD11:3
	Art. II. Junk Dealers	CD11:3
	Art. III. Massage Establishments	CD11:4
	Div. 1. Generally	CD11:4
	Art. IV. Peddlers, Hawkers, Itinerant Vendors, Solicitors, Canvassers and Salesmen	CD11:6
	Art. V. Salons	CD11:13
12.	Motor Vehicles and Traffic	CD12:1
	Art. I. In General	CD12:3
	Art. II. Stopping, Standing and Parking	CD12:4
	Div. 1. Generally	CD12:4
	Div. 2. Reserved	CD12:7
	Art. III. Abandoned or Inoperable Vehicles	CD12:8
	Art. IV. Obstructing Intersection	CD12:10
13.	Offenses and Miscellaneous Provisions	CD13:1
	Art. I. In General	CD13:3
	Art. II. Minors	CD13:4
	Div. 1. Curfew	CD13:4
	Div. 2. Reserved	CD13:5
	Art. III. Alarm Systems	CD13:5
	Art. IV. Prohibition of Natural Gas Waste From Natural Gas or Oil Extraction Activities	CD13:18
14.	Parks and Recreation	CD14:1
	Art. I. In General	CD14:3
	Art. II. Recreation Commission	CD14:3
	Art. III. Recreational Areas Use Regulations	CD14:3
	Div. 1. Generally	CD14:3
	Div. 2. Cotton Hollow Preserve	CD14:10
	Div. 3. Great Pond Preserve	CD14:11
	Div. 4. Addison Bog and Woodlands/Buckingham Park (also referred to as "Buckingham Recreation Area")	CD14:12

Chapter		Page
	Art. IV. Tobacco-Free and Smoke-Free Recreation Areas	CD14:13
15.	Planning	CD15:1
	Art. I. In General	CD15:3
	Art. II. Conservation Commission	CD15:3
	Art. III. Plan and Zoning Commission	CD15:6
	Art. IV. Redevelopment Agency	CD15:8
	Art. V. Regional Council of Governments	CD15:9
	Art. VI. Regional Planning Authority	CD15:9
	Art. VII. Zoning Board of Appeals	CD15:10
	Art. VIII. Penalties for Violations of Building Zone Regulations	CD15:11
16.	Police	CD16:1
17.	Streets, Sidewalks and Public Places	CD17:1
	Art. I. In General	CD17:5
	Art. II. House Numbering	CD17:6
	Art. III. Private Roads and Streets	CD17:8
	Art. IV. Sidewalks	CD17:10
	Div. 1. Generally	CD17:10
	Div. 2. Reserved	CD17:13
	Art. V. Street Paving	CD17:13
	Art. VI. Work Performed Within Public Rights-of-Way	CD17:16
	Div. 1. Generally	CD17:16
	Div. 2. Curbs	CD17:20
	Div. 3. Drainage Specifications	CD17:21
	Div. 4. Driveways	CD17:22
	Div. 5. Fences	CD17:24
	Div. 6. Materials Specifications	CD17:25
	Div. 7. Moving of Buildings and Other Structures	CD17:26
	Div. 8. Street Excavations	CD17:27
	Div. 9. Tree Removal	CD17:30
	Art. VII. Reserved	CD17:31
18.	Taxation	CD18:1
	Art. I. In General	CD18:3
	Art. II. Tax Abatement to Low and Moderate Income Housing	CD18:8.2
	Art. III. Tax Abatements for Dairy Farms	CD18:9
	Art. IV. Tax Abatement Regulations for Public Safety Volunteers	CD18:11
	Art. V. Tax Payments	CD18:13
19.	Water, Sewers and Sewage Disposal	CD19:1
	Art. I. In General	CD19:7
	Art. II. Sewers and Sewage Disposal	CD19:7
	Div. 1. Generally	CD19:7
	Div. 2. Water Pollution Control Authority	CD19:18
	Div. 3. Construction by And at Expense of Developers	CD19:19

Chapter		Page
	Div. 4. Construction and Assessment of Benefits Against Property Owners	CD19:22
	Div. 5. Deferred Assessments of Trunk Sewer Costs	CD19:27
	Div. 6. Connection Charges in Lieu of Assessments in Certain Cases	CD19:29
	Div. 7. Sewer Assessments Sinking Fund and Sewer Operating Fund	CD19:34
	Div. 8. Installation or Design of Sewers in Subdivisions Under Certain Conditions	CD19:34
	Div. 9. Supplemental Sewer Assessments in Cases of Increased Special Benefits from Sewer System	CD19:38
	Div. 10. Private Disposal System	CD19:39
	Div. 11. Connections	CD19:40
	Div. 12. Use of Public Sewers and Natural Outlets	CD19:45
	Div. 13. Drain Layers	CD19:55
	Div. 14. Permits	CD19:57
	Art. III. Illicit Discharge and Connection Stormwater Ordinance	CD19:59
Code Comparative Table		CCT:1
Statutory Reference Table		SRT:1
Charter Index		CTHi:1
Code Index		CDi:1

Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

Page No.	Supp. No.	Page No.	Supp. No.
Title Page	8	CHT:23, CHT:24	OC
iii	8	CHT:25, CHT:26	OC
iv.i	1	CHT:27, CHT:28	OC
v	OC	CHT:29, CHT:30	OC
vii, viii	OC	CHT:31, CHT:32	OC
ix	OC	CHT:33, CHT:34	OC
xi, xii	OC	CHT:35	OC
xiii, xiv	8	CHTCT:1	OC
xv, xvi	8	CD1:1	OC
xvii	8	CD1:3, CD1:4	OC
CHT:1, CHT:2	OC	CD1:5, CD1:6	OC
CHT:3, CHT:4	OC	CD1:7	OC
CHT:5, CHT:6	OC	CD2:1, CD2:2	6
CHT:7, CHT:8	OC	CD2:3, CD2:4	5
CHT:9, CHT:10	OC	CD2:5	5
CHT:11, CHT:12	OC	CD2:7, CD2:8	OC
CHT:13, CHT:14	OC	CD2:9, CD2:10	6
CHT:15, CHT:16	OC	CD2:11, CD2:12	6
CHT:17, CHT:18	OC	CD2:13, CD2:14	6
CHT:19, CHT:20	OC	CD2:15, CD2:16	6
CHT:21, CHT:22	OC	CD2:17, CD2:18	6

Page No.	Supp. No.	Page No.	Supp. No.
CD2:19, CD2:20	6	CD7:9, CD7:10	4
CD2:21, CD2:22	6	CD7.5:1	OC
CD2:23, CD2:24	6	CD7.5:3, CD7.5:4	7
CD2:24.1, CD2:24.2	6	CD7.5:5, CD7.5:6	7
CD2:24.3, CD2:24.4	6	CD7.5:7, CD7.5:8	8
CD2:24.5, CD2:24.6	6	CD7.5:9, CD7.5:10	7
CD2:24.7	6	CD8:1, CD8:2	5
CD2:25, CD2:26	OC	CD8:2.1	5
CD2:27, CD2:28	OC	CD8:3, CD8:4	3
CD2:29, CD2:30	OC	CD8:5, CD8:6	3
CD2:31, CD2:32	4	CD8:7, CD8:8	4
CD2:33	4	CD8:9, CD8:10	3
CD2:35, CD2:36	3	CD8:11, CD8:12	3
CD2:37, CD2:38	7	CD8:13, CD8:14	3
CD2:39, CD2:40	3	CD8:15, CD8:16	5
CD2:41, CD2:42	3	CD8:16.1	5
CD2:43, CD2:44	3	CD8:17, CD8:18	3
CD2:44.1, CD2:44.2	3	CD8:19, CD8:20	3
CD2:45, CD2:46	OC	CD8:21, CD8:22	5
CD2:47, CD2:48	3	CD8:23, CD8:24	5
CD2:49	3	CD8.5:1	OC
CD3:1	OC	CD8.5:3, CD8.5:4	OC
CD3:3	6	CD8.5:5, CD8.5:6	OC
CD4:1	OC	CD8.5:7, CD8.5:8	OC
CD4:3	OC	CD8.5:9	OC
CD5:1, CD5:2	OC	CD9:1, CD9:2	OC
CD5:3, CD5:4	OC	CD9:3	8
CD5:5, CD5:6	OC	CD9:5, CD9:6	OC
CD5:7, CD5:8	8	CD9:7, CD9:8	OC
CD5:9, CD5:10	8	CD9:9, CD9:10	OC
CD5:10.1	8	CD9:11, CD9:12	OC
CD5:11, CD5:12	OC	CD9:13, CD9:14	OC
CD6:1	OC	CD9:15, CD9:16	OC
CD6:3	OC	CD9:17, CD9:18	OC
CD7:1	4	CD9:19, CD9:20	OC
CD7:3, CD7:4	OC	CD9:21, CD9:22	OC
CD7:5, CD7:6	OC	CD9:23, CD9:24	OC
CD7:7, CD7:8	4	CD9:25, CD9:26	8

Page No.	Supp. No.	Page No.	Supp. No.
CD9:27, CD9:28	8	CD15:1, CD15:2	6
CD9:29, CD9:30	8	CD15:3, CD15:4	OC
CD9:31	8	CD15:5, CD15:6	3
CD10:1	OC	CD15:7, CD15:8	6
CD10:3	OC	CD15:9, CD15:10	6
CD11:1, CD11:2	OC	CD15:11, CD15:12	6
CD11:3, CD11:4	3	CD15:13, CD15:14	6
CD11:5, CD11:6	3	CD16:1	4
CD11:7, CD11:8	3	CD16:3	4
CD11:9, CD11:10	3	CD17:1, CD17:2	4
CD11:11, CD11:12	3	CD17:3, CD17:4	OC
CD11:12.1, CD11:12.2	4	CD17:5, CD17:6	3
CD11:13, CD11:14	OC	CD17:7, CD17:8	3
CD11:15, CD11:16	OC	CD17:9, CD17:10	3
CD11:17	OC	CD17:10.1	3
CD12:1, CD12:2	5	CD17:11, CD17:12	7
CD12:3, CD12:4	OC	CD17:12.1	7
CD12:5, CD12:6	OC	CD17:13, CD17:14	OC
CD12:7, CD12:8	OC	CD17:15, CD17:16	OC
CD12:9, CD12:10	5	CD17:17, CD17:18	OC
CD13:1, CD13:2	8	CD17:19, CD17:20	OC
CD13:3, CD13:4	4	CD17:21, CD17:22	OC
CD13:5, CD13:6	4	CD17:23, CD17:24	OC
CD13:7, CD13:8	4	CD17:25, CD17:26	OC
CD13:9, CD13:10	4	CD17:27, CD17:28	OC
CD13:11, CD13:12	4	CD17:29, CD17:30	OC
CD13:13, CD13:14	4	CD17:31	OC
CD13:15, CD13:16	4	CD18:1, CD18:2	7
CD13:17, CD13:18	8	CD18:3, CD18:4	1
CD13:19, CD13:20	8	CD18:5, CD18:6	1
CD13:21	8	CD18:7, CD18:8	7
CD14:1, CD14:2	8	CD18:8.1, CD18:8.2	7
CD14:3, CD14:4	4	CD18:8.3	7
CD14:5, CD14:6	4	CD18:9, CD18:10	OC
CD14:7, CD14:8	4	CD18:11, CD18:12	OC
CD14:9, CD14:10	4	CD18:13	OC
CD14:11, CD14:12	8	CD19:1, CD19:2	OC
CD14:13, CD14:14	8	CD19:3, CD19:4	OC

Page No.	Supp. No.	Page No.	Supp. No.
CD19:5	4	CCT:11, CCT:12	5
CD19:7, CD19:8	3	CCT:13, CCT:14	5
CD19:9, CD19:10	3	CCT:15	8
CD19:11, CD19:12	3	SRT:1, SRT:2	8
CD19:13, CD19:14	3	SRT:3	8
CD19:15, CD19:16	3	CHTi:1, CHTi:2	OC
CD19:17, CD19:18	3	CHTi:3, CHTi:4	OC
CD19:19, CD19:20	3	CHTi:5, CHTi:6	OC
CD19:21, CD19:22	3	CHTi:7, CHTi:8	OC
CD19:23, CD19:24	3	CHTi:9, CHTi:10	OC
CD19:25, CD19:26	3	CHTi:11, CHTi:12	OC
CD19:27, CD19:28	3	CHTi:13, CHTi:14	OC
CD19:29, CD19:30	3	CHTi:15, CHTi:16	OC
CD19:31, CD19:32	3	CHTi:17, CHTi:18	OC
CD19:33, CD19:34	3	CHTi:19, CHTi:20	OC
CD19:35, CD19:36	3	CHTi:21	OC
CD19:37, CD19:38	3	CDi:1, CDi:2	4
CD19:39, CD19:40	3	CDi:3, CDi:4	8
CD19:41, CD19:42	3	CDi:5, CDi:6	8
CD19:43, CD19:44	3	CDi:7, CDi:8	8
CD19:45, CD19:46	3	CDi:9, CDi:10	8
CD19:47, CD19:48	3	CDi:10.1	8
CD19:49, CD19:50	3	CDi:11, CDi:12	4
CD19:51, CD19:52	3	CDi:13, CDi:14	OC
CD19:53, CD19:54	3	CDi:15, CDi:16	5
CD19:55, CD19:56	3	CDi:17, CDi:18	4
CD19:57, CD19:58	3	CDi:19, CDi:20	OC
CD19:59, CD19:60	4	CDi:21, CDi:22	6
CD19:61, CD19:62	4	CDi:23, CDi:24	8
CD19:63, CD19:64	4	CDi:25, CDi:26	8
CD19:65, CD19:66	4	CDi:27, CDi:28	8
CD19:67, CD19:68	4	CDi:29, CDi:30	8
CD19:69	4	CDi:30.1	8
CCT:1, CCT:2	OC	CDi:31, CDi:32	5
CCT:3, CCT:4	OC	CDi:33, CDi:34	4
CCT:5, CCT:6	OC	CDi:35, CDi:36	4
CCT:7, CCT:8	5	CDi:37, CDi:38	3
CCT:9, CCT:10	5	CDi:39, CDi:40	8

Page No.	Supp. No.
CDi:41, CDi:42	8
CDi:42.1	8
CDi:43, CDi:44	5
CDi:45, CDi:46	6
CDi:47, CDi:48	8
CDi:48.1	8
CDi:49, CDi:50	6
CDi:50.1	6
CDi:51, CDi:52	4
CDi:53, CDi:54	5
CDi:55, CDi:56	OC
CDi:57, CDi:58	5
CDi:59, CDi:60	6
CDi:60.1	6
CDi:61, CDi:62	5
CDi:63, CDi:64	5
CDi:65, CDi:66	5
CDi:67, CDi:68	5
CDi:69, CDi:70	5
CDi:71, CDi:72	5
CDi:73, CDi:74	6
CDi:74.1	6
CDi:75, CDi:76	4
CDi:76.1	4
CDi:77, CDi:78	OC
CDi:79, CDi:80	4
CDi:81, CDi:82	6

PART I

THE CHARTER*

Chapter I. Incorporation and General Powers

Sec. 101. Incorporation.
Sec. 102. Transition.
Sec. 103. General grant of powers.
Sec. 104. Reserved.

Chapter II. Officers and Elections

Sec. 201. Federal, state, county and district officers.
Sec. 202. Town elections.
Sec. 203. Elective officers.
Sec. 204. Vacancies in elective offices.
Sec. 205. Qualifications.
Sec. 206. Polling districts.
Sec. 207. Nomination and election procedure.
Sec. 208. Breaking a tie vote.

Chapter III. The Town Council

Sec. 301. The council.
Sec. 302. Organization.
Sec. 303. Other offices.
Sec. 304. Procedure.
Sec. 305. Definition and introduction of ordinances and resolutions.
Sec. 306. Public hearing on and publication of ordinances and resolutions.
Sec. 307. The council, general powers and duties.
Sec. 308. Investigations.
Sec. 309. Relations with administrative officers and employees.
Sec. 310. Annual audit.
Sec. 311. Emergency ordinances or resolutions.
Sec. 312. Obligatory referendum on bond issues and the sale of real estate by the town.
Sec. 313. Nonbudgeted appropriations.
Sec. 314. Insurance reserve fund.
Sec. 315. Referendum on ordinances and resolutions.
Sec. 316. Initiative.

***Editor's note—**The Town Charter in its current form was first adopted October 5, 1959. It appears herein as amended. Those sections that have been amended by the Charter revisions of November 2, 1982, bear that date in a history note following the section. The Charter Comparative Table lists all previous amendment dates and traces the amendments to the Charter beginning with the revision of November 2, 1982.

A uniform style of punctuation, capitalization and format on the page has been employed, to conform the appearance of the Charter to that of the Code. No substantive changes have been made.

Chapter IV. The Town Manager

Sec. 401. Qualification.
Sec. 402. Tenure and compensation.
Sec. 403. Removal and termination.
Sec. 404. Temporary manager.
Sec. 405. Acting manager.
Sec. 406. Powers and duties of manager, general.
Sec. 407. Powers and duties of manager, specific.

Chapter V. The Board of Finance

Sec. 501. General powers and duties.

Chapter VI. Finance and Taxation

Sec. 601. The fiscal year.
Sec. 602. Departmental estimates.
Sec. 603. Duties of the manager on the budget.
Sec. 604. The school budget.
Sec. 605. Duties of the board of finance on the budget.
Sec. 606. Council action on the budget.
Sec. 607. Referendum on the budget.
Sec. 608. Fixing the tax rate.
Sec. 609. Effect of adoption of town budget.
Sec. 610. Nonbudgeted appropriations.
Sec. 611. Effect of appropriation.
Sec. 612. Transfer of appropriations.
Sec. 613. Lapse of appropriations.
Sec. 614. Purchasing.
Sec. 615. Contracts for design services.
Sec. 616. Contracts for public improvements.
Sec. 617. Payment of claims.
Sec. 618. Town fees collected by town officers and employees.
Sec. 619. Official bonds.
Sec. 620. Tax bills.
Sec. 621. Assessment and collection of taxes.
Sec. 622. Borrowing.

Chapter VII. The Town Meeting

Sec. 701. Annual budget meeting.
Sec. 702. Procedure.
Sec. 703. When action by town meeting required.
Sec. 704. Limitation of powers.
Sec. 705. Reserved.

Chapter VIII. Officers and Boards Directly Responsible to The Council

Sec. 801. Town attorney.
Sec. 802. Council-appointed boards, commissions and committees.

Sec. 803. Powers and duties.

Chapter IX. Administrative Departments and Officers

Sec. 901. Departments and offices.
Sec. 902. Duties.
Sec. 903. Appointment of certain municipal officers.
Sec. 904. Fire commission.

Chapter X. Personnel and the Merit System

Sec. 1001. Manager as personnel officer.
Sec. 1002. The merit system.
Sec. 1003. Personnel appeals.
Sec. 1004. Pensions.
Sec. 1005. Political activity.

Chapter XI. General Provisions

Sec. 1101. Conflict of interest.
Sec. 1102. Voting by elected and appointed bodies.

Chapter XII. Severability

Sec. 1201. Severability.

Appendix. Special Acts Relating to The Town

Special Act No. 283 of the 1965 General Assembly

Sec. 1 [Annual meetings of board of tax review and notice thereof.]
Sec. 2 [Deadline for appeals of assessor's actions.]
Sec. 3 [Notice to public to list property.]
Sec. 4 [Deadline for listing property.]
Sec. 5 [Equalization of assessments.]
Sec. 6 [Transmittal of assessment lists to tax commissioners.]
Sec. 7 [Special provisions for business, industrial, etc., property.]
Sec. 8 [Installment payment of taxes.]
Sec. 9 [Other tax collection dates.]
Sec. 10 [Effective date.]

Special Act No. 306 of the 1965 General Assembly

Sec. 1 [Prior zoning validated.]
Sec. 2 [Prior zoning amendments validated.]
Sec. 3 [Actions of plan and zoning commission validated.]
Sec. 4 [Effect on pending litigations.]

Special Act No. 130 of the 1967 General Assembly

Sec. 1 [Agreements authorized.]
Sec. 2 [Terms.]

Special Act No. 181 of the 1967 General Assembly

Sec. 1 [Special assessments authorized.]
Sec. 2 [Hearing required.]
Sec. 3 [Determination of private benefit.]
Sec. 4 [Payment, etc., of assessments.]
Sec. 5 [Foreclosure of assessment liens.]
Sec. 6 [Application of act to existing work.]
Sec. 7 [Act cumulative.]

Special Act No. 251 of the 1967 General Assembly

Sec. 1 [Contents of registry list.]
Sec. 2 [Application of state law.]

CHAPTER I. INCORPORATION AND GENERAL POWERS

Sec. 101. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of Glastonbury, as the same now are or may hereafter be established by law, shall continue to be a body politic and corporate under the name of "Town of Glastonbury," hereinafter called "the town" and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred, and all powers and privileges conferred upon towns under the general statutes of the State of Connecticut.

Sec. 102. Transition.

The rights and duties of the municipal corporation known as the Town of Glastonbury shall remain as if this Charter had not been adopted, with the exception of such regulations and restrictions as are contained in this Charter. All ordinances, rules and regulations not contrary to or inconsistent with, the provisions of this Charter shall remain in force until they expire by their own limitations or shall be altered or repealed by proper authority, in pursuance of this Charter. The validity of all bonds, debts, contracts of duly authorized individuals, as well as the municipal corporation, and all suits, actions or rights of action, both in law and in equity, shall continue as if no change had taken place. All officers filling any office by election or appointment shall continue to exercise the duties thereof, according to their respective commissions or appointments, until their offices shall have been abolished or their successors selected and qualified in accordance with this Charter or the provisions enacted pursuant hereto.

Sec. 103. General grant of powers.

The town shall have, in addition to the powers specifically granted by this Charter, all powers vested in the town or any officer, board or commission thereof at the effective date of this Charter, all powers fairly implied in or incident to the powers expressly granted herein, and all other powers incident to the management, government and affairs of the town, including all powers now or hereafter conferred upon the towns or town by general statutes or special acts of the State of Connecticut and also including the power to enter into contracts with the United States Government, the State of Connecticut, or any political subdivision thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution of the United States of America or the Constitution and general statutes of the State of Connecticut. The council may contract for services and the use of facilities of the United States or any federal agency, the State of Connecticut and any political subdivision thereof, or may by agreement join with any such political subdivision to provide services and facilities; however, any commitment by the council for the town to participate in any metropolitan, regional or municipal governmental body to which the town's control over its municipal services is transferred in whole or in part, regardless of the town's representation

therein, may only be given by the council by ordinance. The enumeration of particular powers in this and any other chapter of this Charter shall not be construed as limiting this general grant of power but shall be considered as in addition thereto.
(11-2-82)

Sec. 104. Reserved.

Editor's note—The Charter amendments approved Nov. 2, 1982, deleted § 104, the specific grant of powers, and the appendix § 104 which listed the powers, and had derived from section 7-194 of the general statutes.

CHAPTER II. OFFICERS AND ELECTIONS

Sec. 201. Federal, state, county and district officers.

Nomination and/or election of federal, state, county and district officers, and the registrars of voters, and of such elective municipal officers, boards and commissions as are provided for in this Charter, shall be conducted in the manner prescribed in the Constitution and general statutes of the State of Connecticut.

Sec. 202. Town elections.

The regular town elections shall take place on the first Tuesday after the first Monday of November, 1969, and biennially thereafter.

Sec. 203. Elective officers.

The following officers, boards and commissions shall be nominated and elected at town elections for the terms and in the manner as described below:

The council shall be composed of nine (9) members and the members shall serve for terms of two (2) years. At each town election there shall be elected nine (9) members and no political party shall nominate and no elector shall vote for more than six (6) members. The nine (9) candidates receiving the highest number of votes shall be elected.

The board of finance shall be composed of six (6) members and the members shall serve for terms of six (6) years. At each town election there shall be elected two (2) members and no political party shall nominate and no elector shall vote for more than one member.

The board of tax review shall be composed of five (5) members and the members shall serve for four (4) years. With the election of October, 1967, and every four (4) years thereafter, three (3) members shall be elected for terms of four (4) years and no political party shall nominate and no elector shall vote for more than two (2) members. The three (3) candidates receiving the highest number of votes shall be elected. At the town election to be held in November, 1969, and every four (4) years thereafter two (2) members shall be elected and no political party shall nominate and no elector shall vote for more than one member.

The board of fire commissioners shall be composed of six (6) members and the members shall serve for six (6) years. At each town election there shall be elected two (2) members and no political party shall nominate and no elector shall vote for more than one candidate.

The board of education shall be composed of eight (8) members who shall serve for terms of four (4) years. Beginning with the town election of 1969 and every four (4) years thereafter three (3) members shall be elected for terms of four (4) years and no political party shall nominate and no elector shall vote for more than two (2) members. The three (3) candidates receiving the highest number of votes shall be elected. At the town election of 1971 and every four (4) years thereafter, five (5) members shall be elected for terms of four (4) years and no political party shall nominate and no elector shall vote for more than three (3) members. The five (5) candidates receiving the highest number of votes shall be elected. At the town election of 1969, an additional member shall be elected for a term of two (2) years and no political party shall nominate and no elector shall vote for more than one such member.

The zoning board of appeals shall be composed of five (5) members and three (3) alternates. The members and alternates shall serve for terms of four (4) years. At the town election of November, 1971, and every four (4) years thereafter, there shall be elected two (2) members and three (3) alternates and at the town election of November, 1969, and every four (4) years thereafter, there shall be elected three (3) members. At a town election no political party shall nominate and no elector shall vote for more than two (2) members and/or alternates when three (3) are to be elected and one member and/or alternate when two (2) are to be elected.

The registrars of voters shall be two (2) in number. No political party shall nominate and no elector shall vote for more than one registrar. The registrars shall be elected at state elections and shall hold office in accordance with the provision of the general statutes.

In no case shall the term of any elective officer expire before the qualification of his successor by election or appointment.
(11-2-82)

Sec. 204. Vacancies in elective offices.

Vacancies in elective offices, from whatever cause arising, shall be filled by the council. In filling any vacancy the council shall select a person of the same political party as that of the former incumbent, unless the incumbent was not an enrolled member of a political party, in which case his successor shall not be an enrolled member of a political party. All appointments to fill vacancies in any elective town office shall be for the unexpired portion of the term of the elective office so filled. Any vacancy in any elective town office shall be filled within thirty (30) days from the time of its occurrence.
(11-2-82)

Sec. 205. Qualifications.

Each elective officer shall be a resident and an elector of the town and if such officer shall at any time cease to be either a resident of the town or an elector of the town his office shall thereupon be vacated.
(11-2-82)

Sec. 206. Polling districts.

All officers of the Town of Glastonbury who are chosen by election shall be elected at large. The council may, by ordinance, divide and redivide the town into plural polling districts and establish polling places in each such district.
(11-2-82)

Sec. 207. Nomination and election procedure.

Except as otherwise specifically provided in this Charter, candidates for elective office shall be nominated and all regular and special town elections conducted as provided by the general statutes of the state for the nomination and election of town and school officers respectively. Whenever under the provisions of this Charter any proposition is to be submitted to the electors, such election shall be conducted as provided in the general statutes for the conduct of such elections. The council shall have authority to provide by ordinance such regulations concerning nominations and elections not inconsistent with the general statutes and the provisions of this Charter as may be necessary to effect such Charter provisions. All matters relating to the nomination of independent candidates shall be governed by the general statutes.
(11-2-82)

Sec. 208. Breaking a tie vote.

When, as the result of any general or special town election held under the provisions of this Charter, it is necessary to break a tie, a special town election confined to the tied candidates or issues shall be called by the town council not less than fourteen (14) days and not more than twenty-one (21) days after said election to determine which candidate shall be elected, or in the case of a question whether it shall be accepted or rejected. All voting machines concerning the returns for which there is not disagreement may be unlocked and paper ballots may be used in such elections if voting machines are not available in sufficient numbers.
(11-2-82)

CHAPTER III. THE TOWN COUNCIL

Sec. 301. The council.

There shall be a town council consisting of nine (9) members, hereinafter referred to as the "council," the members of which shall serve without compensation except for the reimbursement of actual and reasonable expenses incurred in the performance of official duties.

Sec. 302. Organization.

The organizational meeting of the new council shall be held within one week following its election. The meeting shall be called to order by the town clerk who shall administer the oath of office to all members, provided that in the absence of the town clerk the meeting may be called to order and the oath administered by any citizen of Glastonbury authorized by law to

administer oaths. The council shall then proceed to election of a chairman and vice-chairman to serve for the ensuing two (2) years but such offices shall not deprive such chairman or vice-chairman of his vote on any question.

The chairman of the council shall preside over all meetings of the council and perform such other duties consistent with his office as may be imposed by the council. During his absence or disability his duties shall be performed by the vice-chairman of the council. In the event both the chairman and the vice-chairman are absent or unable to perform their duties, such duties shall be performed during the period of their absence or disability by a member chosen by the council. The chairman or acting chairman of the council shall be the ceremonial head of the town government.

Sec. 303. Other offices.

During the time for which he is elected, no member of the council shall hold any other office, elective or appointive, or employment in or under the town government except by virtue of a federal statute.

Sec. 304. Procedure.

At the organizational meeting the council shall fix the time and place of its regular meetings and provide by resolution a method of calling a special meeting. The council shall determine its own rules of procedure not inconsistent with the provisions of this Charter. All meetings of the council for the transaction of business shall be open to the public unless by an affirmative vote of seven (7) members present the council shall vote that any particular session shall be an executive session. The presence of five (5) members shall constitute a quorum, but no ordinance, resolution or vote, except a vote to adjourn or to fix the time and place of its next meeting, shall be passed by less than five (5) affirmative votes. The affirmative and negative votes on each matter considered by the council shall be recorded as prescribed by the general statutes. No ordinance or resolution shall be passed or appointment or removal made except at a meeting of the council open to the public.

The council shall appoint a clerk of the council who shall receive compensation as fixed by the council. Such clerk shall keep a public record of the proceedings of all regular and special meetings of the council, including all roll call votes, which record shall be kept in the town clerk's office. The record so kept shall be authenticated for each meeting by the signature of the chairman or acting chairman.

Sec. 305. Definition and introduction of ordinances and resolutions.

All ordinances and resolutions except those relating to appointment or designation of officers of the council or its internal procedure shall be introduced in written form. All ordinances and resolutions shall when practicable be confined to one subject which shall be clearly stated in the title. It shall be the duty of the clerk of the council within one week following introduction of such written resolutions and ordinances to prepare at least ten (10)

copies of each such proposed resolution and/or ordinance, one copy of which shall be filed in the town clerk's office for public inspection and one copy to be posted in a public place in the town office building.

No ordinance or resolution shall be considered at any special meeting, notice of which has not been included in the call or the agenda for such meeting.

For purposes of this Charter, an ordinance shall be defined as a municipal legislative enactment which prescribes a permanent rule of conduct.

For purposes of this Charter, a resolution shall be defined as an administrative act which is intended to be of a temporary or terminable character.

Sec. 306. Public hearing on and publication of ordinances and resolutions.

At least one public hearing, five (5) days' notice of which shall be given by publication in a newspaper having a substantial continuous circulation in the town, shall be held by the council before any ordinance or resolution making a nonbudgeted appropriation of more than ten thousand dollars ($10,000.00) shall be passed. Such notice need not publish in full the proposed ordinance or resolution, but in lieu thereof may identify it by title and summarize its provisions. After such public hearing, the council may make such nonsubstantive changes and amendments to the ordinance or resolution as it may deem advisable before passage. Every ordinance shall be given a serial number and be recorded by the town clerk in a book to be kept for that purpose which shall be properly indexed. Within ten (10) days after passage of such an ordinance or resolution, it shall be published once in a newspaper having a substantial, continuous circulation within the town and may be identified by title and with a summary of its provisions in lieu of being published in full, and such ordinance or resolution shall become effective ten (10) days after publication. The foregoing provisions of this section shall not apply to resolutions relating to the appointment or designation of officers of the council or its internal procedure, or requiring approval by referendum vote as provided in section 312.

Sec. 307. The council, general powers and duties.

The legislative power of the town shall be vested exclusively in the council, except as otherwise provided for in the sections of this chapter pertaining to initiative and referendum. The final authority concerning the budget shall be vested exclusively in the council.

The council shall have all the rights, powers, duties and obligations conferred by law upon the town meeting, except as otherwise provided in Chapter VII of this Charter.

The council shall appoint the town manager and shall supervise all of his activities.

The council may authorize the manager to contract for services and the use of facilities of any federal agency or any state agency and any political subdivision thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities. Departments and offices created by this Charter, the functions of which are transferred under the terms of such contract or agreement, may by ordinance be abolished.

The council shall have power to make, alter, and repeal ordinances or resolutions consistent with this Charter and the general statutes for the execution of the powers vested in it by this Charter, for the government of the town and the management of its business and for the preservation of the good order, peace, health, and safety of the town and its inhabitants.

The council is authorized to incorporate, by ordinance, any nationally recognized code, rules or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state, or any portion thereof, by reference thereto in such ordinance; provided upon passage of any such ordinance wherein any such code, rules and regulations have been incorporated by reference, there shall be maintained two (2) copies of such code, rules and regulations in the office of the town clerk for examination by the public.

The council may regulate the internal operation of boards, commissions, committees, and offices which it fills by appointment. The compensation of each administrative department head and of each administrative officer shall be fixed by the council. The charges, if any, to be made for services by the town, for the execution of powers vested in the town as provided in Chapter I of this Charter or for the government of the town and of its business, shall be fixed by the council.

Except as otherwise provided in the general statutes, the council shall have the power to enact, amend or repeal any building or zoning ordinance, provided no such ordinance shall be enacted, amended or repealed, nor any public hearing held thereon, until the council shall have received a recommendation thereon from the town plan and zoning commission, or until thirty (30) days shall have elapsed after the council has requested such a recommendation from such commission.

In enacting zoning regulations the council shall adhere to the procedural requirements of section 8-3 of the general statutes, or as the same may be amended, rather than the enactment procedures of this Charter.
(11-2-82)

Sec. 308. Investigations.

The council shall have power to investigate any and all departments, offices and agencies of the town and for such purposes shall have the power to call witnesses to appear before the council on any matter under investigation. Any officer or employee of the town who, upon receipt of adequate notice and opportunity, fails to appear when so called by the council shall be deemed to resign thereby from such office or position.

Sec. 309. Relations with administrative officers and employees.

Neither the council nor any of its members shall direct or request the appointment of any person to any office or employment which office or employment, by the provisions of this Charter, the manager or any of his appointees are empowered to fill by appointment, provided the manager may seek advice from the council regarding appointments and provided further the council may prefer charges in writing against any officer or employee appointed by the manager in the manner prescribed in section 1002 of this Charter for the removal of officers

and employees. The council and its members shall deal with the administrative service solely through the manager and neither the council nor any member thereof shall give orders to any of the subordinates of the manager either publicly or privately, provided a properly constituted meeting of the council, which the manager has been invited to attend, may call before it any employee or officer for the purposes of investigation. Violation of the provisions of this section shall be considered grounds for censure.

Sec. 310. Annual audit.

The council shall annually designate an independent public accountant or firm of independent public accountants to audit the books and accounts of the town as provided in the general statutes.

Sec. 311. Emergency ordinances or resolutions.

Notwithstanding the provisions of section 306, an ordinance or a resolution stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately upon passage; provided, however, that such emergency ordinance shall be published at the earliest practicable time.

Every such emergency ordinance or resolution, including any amendments thereto, shall automatically stand repealed at the termination of the sixty-first day following passage of said ordinance or resolution. Such emergency ordinance or resolution shall be only for the immediate preservation of the public peace, health and safety, shall contain an explicit statement of the nature of the emergency, and shall be passed, notwithstanding the provisions of section 304, by an affirmative vote of not less than two-thirds of the members present; and in no event shall the annual budget or any appropriation, except as hereinafter provided, constitute an emergency ordinance or resolution. For the purpose of meeting an emergency as herein defined, or to prevent the breakdown of any essential service rendered by a department, board, commission or agency of the town, the council by an affirmative vote of not less than six (6) of its members may appropriate, notwithstanding any other provision of this Charter, a sum not to exceed twenty-five thousand dollars ($25,000.00).

Sec. 312. Obligatory referendum on bond issues and the sale of real estate by the town.

No resolution authorizing the issuance of bonds or the sale or conveyance of real estate by the town shall become effective until the same has been approved by a majority of qualified electors voting thereon at a town election, general election, or special election called by the council for the purpose. At least five (5) days' and no more than fifteen (15) days' notice of such election shall be given by publication in a newspaper having a substantial, continuous circulation in the town and by posting in a public place in the town office building. Notwithstanding the foregoing, the council may approve by resolution the sale or conveyance

of any such property having a value of less than twenty thousand dollars ($20,000.00) without a referendum. In order to determine the value in such a case, the council shall appoint three (3) of its members to act as appraisers.
(11-2-82)

Sec. 313. Nonbudgeted appropriations.

Approval of the board of finance is required before the council may vote on any nonbudgeted appropriation greater than five thousand dollars ($5,000.00) or on any nonbudgeted appropriation which would cause the total of such nonbudgeted appropriations during a given fiscal year to exceed twenty-five thousand dollars ($25,000.00).
(11-2-82)

Sec. 314. Insurance reserve fund.

An insurance reserve fund may be created by ordinance. Appropriations from the insurance reserve fund shall be made only with the approval of the board of finance and the passage of a resolution by the council, except: (a) for payment of deductibles under insured losses, (b) for payment of retrospective rating additional premium charges.

Sec. 315. Referendum on ordinances and resolutions.

(a) If during the ten-day period following the adoption of any ordinance establishing a permanent and continuing rule or regulation of a statutory nature and of general application or any vote making a nonbudgeted appropriation of more than ten thousand dollars ($10,000.00), except an ordinance or resolution requiring approval by referendum vote as provided in section 312, and except any vote adopting an annual budget, there shall be filed with the town clerk in respect of such ordinance or vote a petition signed by qualified electors of the town in number equal to five (5) per cent of the total number of electors in the town as determined by the last effective list of the registrars of voters requesting the reference of such ordinance or vote to the voters and conforming to the requirements of sections 7-9 and 7-9A of the general statutes, and upon certification of the town clerk that the petition complies with this section 315 and that a sufficient number of valid signatures are attached to the petition, the ordinance or vote shall not take effect until the same has been submitted at a special election which the council must call, to be held in not less than ten (10) nor more than twenty (20) days after the filing of such petition and following notice as required by section 312, except as provided hereafter in this section. Following such election, the ordinance or vote shall take effect unless a majority of those voting thereon, such majority being equal to at least five (5) per cent of the qualified electors in the town as determined by the last effective list of the registrars of voters, shall vote in the negative. The submission to the electors provided in this section may be at a municipal election or a state election if the same occurs at least sixty (60) days but no more than ninety (90) days from the filing of the petition. No referendum shall be held during the periods commencing thirty (30) days prior to and ending the day before a municipal or state election, and commencing the day after and ending fifteen (15) days after such an election.

(b) A council resolution to remove the manager from office or termination of the manager's employment by the town pursuant to section 403 shall be subject to a referendum in which the electors may vote for or against a recommendation to the council to retain the manager. The procedure for such referendum shall be as set forth in section 315(a) except that:

(1) The petition must contain a statement of the reasons for the recommendation to the council to retain the manager,

(2) Ten (10) per cent of the registered electors as described in section 315(a) shall be required for the petition,

(3) A majority equal to at least ten (10) per cent of the registered electors as described in section 315(a) shall be required for prevailing affirmative vote, and

(4) A prevailing affirmative vote shall be construed to be an expression of public opinion for the guidance of the council, but shall not be mandatory upon the council to rescind its resolution to remove the manager or to execute a new contract with the manager for an additional term of employment.

(11-2-82)

Sec. 316. Initiative.

The electors of the town shall have the power to propose ordinances to the council. The electors of the town shall also have the power to propose to the council a resolution authorizing the manager to contract for services and the use of facilities of the United States or federal agencies or of the State of Connecticut and any political subdivision thereof or to join by agreement with any such political subdivision to provide services and facilities.

If the council fails to pass such ordinance or resolution without any changes in substance within thirty (30) days after a petition making such a proposal shall have been certified to the council as provided herein, the electors may pass or reject same at a referendum called by the council and held within ninety (90) days after such proposed ordinance or resolution has been certified to the council and following notice as required by section 312; provided, however, that with respect to any initiative petition delivered to the town clerk for certification on a date which is not more than two hundred and forty (240) days and not less than one hundred and twenty (120) days prior to the date of a municipal or state election, any referendum required to be held in connection with the proposed ordinance or resolution which is the subject of such petition shall be held on the date of such municipal or state election. Any such petition may be filed by an elector of the town with the town clerk and such petition shall conform to the requirements of this section 316 and sections 7-9 and 7-9A of the general statutes. Said petition shall contain the full text of such proposed ordinance or resolution and shall be signed in ink or indelible pencil by qualified electors of the town equal in number to at least five (5) per cent of the electors registered at the last regular municipal election. The town clerk, after receipt of said petition within the time provided herein, shall determine that the petition complies with this section 316 and has been signed by a sufficient number of qualified electors and shall certify said petition to the council. The town clerk shall either so certify or deny certification to said petition within thirty (30) days of his receipt thereof from the electors

submitting such petition for passage. A majority vote equal to ten (10) per cent of the electors entitled to vote on the question shall be necessary to pass such proposed ordinance or resolution. Said ordinance or resolution shall become effective upon certification of the results of the voting thereon regardless of any defect in the petition. No ordinance or resolution which shall have been passed in accordance with the provisions of this section shall be repealed or amended by the council except by vote of the electors. No referendum shall be held during the periods commencing thirty (30) days prior to and ending the day before a municipal or state election, and commencing the day after and ending fifteen (15) days after such an election. (11-2-82; 11-7-89)

CHAPTER IV. THE TOWN MANAGER

Sec. 401. Qualification.

The town manager shall be chosen by the council exclusively on the basis of his executive and administrative qualifications, character, education, training and experience. At the time of his appointment he need not be a resident of the town or state but within one year after such appointment he shall become a resident and shall continue to reside in the town during his tenure.

Sec. 402. Tenure and compensation.

The manager shall serve a specified term not to exceed four (4) years as determined by contract between the manager and the town council, which contract shall expire in even-numbered years subject to negotiation and execution of a new contract in the second half of even-numbered years. There shall be no limitation on the number of times the council may execute new contracts with any particular manager. The contract shall make provision for compensation, review procedures and any other matters the council considers appropriate. If at least sixty (60) days prior to the expiration of the term of the contract, the council fails to execute a new contract with the then town manager, the manager's employment by the town shall terminate upon expiration of the term of the contract except upon reconsideration by the council of such termination pursuant to section 403.

Sec. 403. Removal and termination.

The manager may be removed by six (6) affirmative votes of the council or his employment by the town may be terminated by the council's failure to execute a new contract with him at least sixty (60) days prior to the expiration of the term of his contract with the town, provided that the council may reconsider such removal or termination following any referendum or public hearing conducted in accordance with the provisions of section 315(b) or this section. At least thirty (30) days before the effective date of a proposed removal or termination, the council shall give to the manager a statement of the reasons for the removal or termination. Within ten (10) days after his receipt of the council's reasons for removal or termination, the manager may request a public hearing on the reasons for his removal or termination. If the manager requests a public hearing, he shall not be removed or his employment with the town

terminated until the public hearing has been held. During the period between passage of a resolution to remove and the effective date of the removal, the council may suspend the manager from office for a period not to exceed ninety (90) days, but the manager shall receive his regular salary during such period. Subject to reconsideration following a referendum or public hearing, the action of the council in removing the manager or terminating his employment shall be final.

Sec. 404. Temporary manager.

In the event of a vacancy in the office of town manager, or in the event of the removal or suspension of the manager, the council shall appoint a temporary manager to serve at its pleasure.
(11-2-82)

Sec. 405. Acting manager.

The town manager may designate by a letter filed with the council clerk and the town clerk not more than ninety (90) days prior to its effective date a qualified administrative officer of the town to serve as acting manager in the event of his temporary absence or disability. If the manager fails to make such designation, the council shall appoint an acting manager. If the manager shall be absent from his duties for a period of more than thirty (30) consecutive days, the council shall appoint an acting manager. The acting manager shall have all the powers and duties of the town manager with the exception of the powers of appointment and dismissal. Notwithstanding the foregoing provisions, the council may at any time replace an acting manager so designated.
(11-2-82)

Sec. 406. Powers and duties of manager, general.

The manager shall be the chief executive and administrative officer of the town, except the department of education. He shall be responsible to the council in the exercise of his powers and in the performance of his duties. He shall see that all laws and ordinances are properly executed. He shall meet with the council regularly to make reports to the council and to receive instructions from the council. He may recommend to the council such measures as he may deem necessary and expedient. The general powers and duties of the manager shall not be diminished by ordinance or resolution.
(11-2-82)

Sec. 407. Powers and duties of manager, specific.

The manager shall assist the board of finance in the preparation of the annual town budget. He shall assist the council in the preparation and publication of the annual town report. He shall be the personnel officer for town administrative officials and departments, except the department of education, or he may appoint and supervise a personnel officer provided he is directed to do so by the council. The manager may, subject to the approval of the council, perform the duties of any office under his jurisdiction.

The manager shall appoint, supervise, and may remove for cause shown heads of all departments, administrative officers and assistants and such other town officers provided in the Charter or as the council may provide, subject to the applicable provisions of the general statutes.

The manager shall be the legal agent of the town for the purpose of receiving legal process and for any other legal purpose.

The manager shall, on behalf of the town, make application for state and federal aid grants to which the town is entitled.

Other specific powers and duties, if consistent with the general powers and duties conferred by this Charter and by the general statutes, may be conferred upon the manager by ordinance, and such additional powers and duties may be altered or withdrawn by ordinance.

The manager shall have the powers and duties conferred by the general statutes on boards of selectmen except for enrolling new voters and except as otherwise provided in the charter. (11-2-82)

CHAPTER V. THE BOARD OF FINANCE

Sec. 501. General powers and duties.

The board of finance shall hold one or more public hearings on any proposed budget and shall, not later than March 4 in each year, present to the council a complete proposed budget for the ensuing fiscal year.

Upon the establishment of the annual town budget by the council, the board of finance shall fix the tax rate in mills which shall be levied upon the taxable property in the town on the grand list of the previous October 1.

Anything in this Charter to the contrary notwithstanding, before a resolution for a nonbudgeted appropriation becomes effective, such a resolution shall be certified by the board of finance to the effect that sufficient funds are or will be available during the current fiscal year for such appropriation.

The board of finance shall have the final approval of any nonbudgeted appropriation in excess of five thousand dollars ($5,000.00).

The board of finance shall determine the method of financing a capital expenditure including the negotiations necessary for bond issues.

The board of finance may authorize transfers to the reserve fund for capital and nonrecurring expenditures from the general fund surplus or from other surplus funds to the extent of twenty-five thousand dollars ($25,000.00) in a fiscal year. The board may also authorize expenditures from such reserve fund to the extent of twenty-five thousand dollars ($25,000.00) in a fiscal year. Additions to and withdrawals from such reserve fund in excess of twenty-five

thousand dollars ($25,000.00) in a fiscal year shall require the approval of the council by the passage of a resolution, provided that such resolution shall be adopted in the same manner as provided in section 306 for an ordinance.

Any special tax that is authorized by a statute of the State of Connecticut for the benefit of the reserve fund for capital and nonrecurring expenditures shall be subject to approval by the council, on recommendation of the board of finance.
(11-2-82; 11-7-89)

CHAPTER VI. FINANCE AND TAXATION

Sec. 601. The fiscal year.

The fiscal year shall begin on the first day of July and shall end on the thirtieth day of June.

Sec. 602. Departmental estimates.

Not later than January 7 of each year, each department, office, board, commission, committee and agency of the town, excepting the department of education, shall submit to the manager, in such form as he may prescribe, its estimates of receipts and expenditures for the ensuing fiscal year. Each such department, office, board, commission, committee and agency shall be entitled to an opportunity to be heard by the manager with respect to these estimates.
(11-2-82; 11-7-89)

Sec. 603. Duties of the manager on the budget.

Not later than January 29, the manager shall present to the board of finance a budget consisting of (a) total expenditures as estimated for the current fiscal year, and (b) the requests of the several departments, offices, boards, commissions, committees and agencies of the town for the ensuing fiscal year. The manager shall submit his recommendations of the amounts to be appropriated for the ensuing fiscal year for all items, together with such other information as may be required by the board of finance. The manager shall present reasons for all recommendations.
(11-2-82; 11-7-89)

Sec. 604. The school budget.

Not later than January 29, the board of education shall submit to the board of finance its estimates of receipts and expenditures for the ensuing fiscal year. Such estimates shall be in the form prescribed by the state board of education, plus such amplification as may be required by the board of finance.
(11-2-82; 11-7-89)

Sec. 605. Duties of the board of finance on the budget.

The board of finance shall hold one or more public hearings at least ten (10) days after budget submittals by the town manager and the board of education, but no later than February

8, at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. At least five (5) days prior to the aforementioned public hearings, the board of finance shall cause to be published in a newspaper having circulation in the town a notice of such public hearings, provided such newspaper shall have a circulation in the town equal to not less than twenty (20) per cent of the qualified electors of the town as determined by the last effective list of the registrars of voters. The manager and a representative of the board of education shall be present at hearings on their respective budgets and shall be prepared to answer any inquiries concerning such estimated budgets. Following the aforementioned public hearings the board of finance shall prepare its proposed annual town budget and submit it to the council for consideration. This proposed annual town budget shall be submitted to the council not later than March 4.
(11-2-82; 11-7-89)

Sec. 606. Council action on the budget.

On receipt of the annual town budget as proposed by the board of finance, the council shall prepare the annual town budget. The council shall, upon its completion of the town budget, submit this budget to the final budget hearing, which meeting shall be held not later than March 27. At least five (5) days prior to the aforementioned final budget hearing, the council shall cause sufficient copies of its annual town budget to be made available in the town office building for general distribution, and said copies of the annual town budget shall specifically indicate by description and dollar amounts all variations and departures from the proposed annual town budget of the board of finance. After the council has considered the recommendations of the final budget hearing with regard to the council's annual town budget, the council shall adopt an annual town budget for the ensuing fiscal year. Such budget shall be adopted no later than March 28.
(11-2-82; 11-7-89)

Sec. 607. Referendum on the budget.

If during the twenty-one (21) day period following the fixing of the tax rate in accordance with section 608, there is presented to the town clerk at least one budget referendum petition, of the form set forth below and which conforms to the requirements of section 7-9 and 7-9a of the General Statutes, signed by qualified electors of the town in number equal to not less than eight (8) per cent of the total number of electors in the town as determined by the last effective list of the registrars of voters established for the last general election, requesting that a question concerning the annual town budget be referred to the voters, and upon certification by the town clerk within five (5) business days that the petition complies with this section 607 and has been signed by a sufficient number of qualified electors, the council shall within three (3) days call a budget referendum to be held in not less than forty-one (41) nor more than forty-seven (47) days from the aforesaid fixing of the tax rate in accordance with section 608, and following notice as required by section 312, for the purpose of referring said question(s) to the voters. There shall be permitted a maximum of one (1) budget referendum per fiscal year. If a majority of the qualified electors voting at the budget referendum, such majority being

equal to at least eighteen (18) per cent of the qualified electors in the town as determined by the aforesaid list of the registrars of voters, shall vote in the affirmative, the council shall adopt no later than May 26 a new budget that shall be in accordance with the results of the referendum. In the event that two (2) questions on the budget (one to increase and one to decrease) are included in the referendum and both pass, the question obtaining the higher number of affirmative votes shall prevail. Said new budget as adopted by the council shall replace the budget adopted in accordance with the provisions of section 606 and shall be the annual town budget for the ensuing fiscal year.

The petition for a referendum on the budget shall be of the following form and shall be approved by the town clerk in accordance with section 7-9 of the general statutes prior to circulation:

WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL

We, the undersigned electors of the Town of Glastonbury, hereby present this petition requesting that the following question be referred to the voters at a referendum: "Shall the council adopt a new budget that is (here insert the word "less" or "greater") than the annual town budget adopted by the council on (here insert the date of adoption) and we certify that we are electors of the Town of Glastonbury, residing at the addresses set opposite our names and that we have not signed this petition more than once.

SIGNATURE PRINTED NAME NUMBER STREET

(11-2-82; 11-7-89)

Sec. 608. Fixing the tax rate.

Within three (3) business days after the council adopts a budget in accordance with the provisions of section 606, and similarly if a new budget is adopted in accordance with the provisions of section 607, but in any event no later than May 29, the board of finance shall fix the rate of taxation for the ensuing fiscal year on the grand list of the previous October 1 at a rate sufficient in its judgment to meet the requirements of the annual town budget.

(11-2-82; 11-7-89)

Sec. 609. Effect of adoption of town budget.

The annual town budget adopted in accordance with the provisions of section 606, or section 607 if so required, shall be deemed to constitute the appropriation for each item listed separately on the budget of each department, office, board, commission, committee and agency and be the sum estimated in the budget to be expended by each such body, respectively, for such item. Following the adoption of a new budget in accordance with the provisions of section 607, or following a determination that such adoption is not required, the council shall cause to be prepared and published the annual town report which shall include the annual town budget.

(11-7-89)

Sec. 610. Nonbudgeted appropriations.

Subject to the provisions of section 313, the council, with the approval of the board of finance, may at any time appropriate unbudgeted, unencumbered and contingency funds in the town treasury.

Sec. 611. Effect of appropriation.

No money shall be expended or obligation for such expenditure incurred by any department, office, board, commission, committee or agency of the town, except in accordance with an appropriation by the council. No contract, work order, purchase order or other authorization to spend money by any department, office, board, commission, committee or agency, except the board of education, shall be valid until it has been endorsed by the manager or purchasing agent to the effect that there is an unexpended and unencumbered balance of an appropriation applicable thereto sufficient to meet the estimated cost thereof, provided that the board of education shall set up its own system of budgetary control. It shall further be the duty of the manager or purchasing agent after endorsing such authorization to spend money to encumber immediately the appropriation in question with such estimated cost.

Sec. 612. Transfer of appropriations.

The council, with the approval of the board of finance, may transfer the whole or any part of the unencumbered balance of any appropriation, except for department of education appropriations, to any other department for which the council may legally appropriate money. However, such a transfer may be made from budget appropriations only in the last three (3) months of the fiscal year, and there shall be attached to the ordinance making the transfer a certificate of the manager that such transfer is necessary, with the reasons therefor. Transfer of unencumbered funds from one item of a department budget to another item of the same budget may be made by a department head with the approval of the manager and the board of finance.

The manager is authorized to make transfers from one line item to another within any division of a department budget subject to the following guidelines:

(1) No transfers will be made to hire additional staffing that has not been properly authorized by the council.

(2) Transfers will not be made to purchase major pieces of equipment such as vehicles and machinery, or items specifically deleted by the board of finance or council.

(3) The manager's authority to transfer shall be limited to the amount of five thousand dollars ($5,000.00) for any single transfer.

(11-7-89)

Sec. 613. Lapse of appropriations.

Noncapital appropriations shall lapse at the end of the fiscal year for which they were made, and any balance shall be credited to the general fund. An appropriation for a capital outlay

shall not lapse until the object for which the appropriation was made has been accomplished or no expenditure from or encumbrance of the appropriation has been made for three (3) consecutive fiscal years.

Sec. 614. Purchasing.

All supplies, materials and equipment required by all departments, officers, boards, commissions, committees and agencies of the town, hereafter referred to in this chapter as buying units, except the department of education, shall be purchased by the purchasing agent. All purchases shall be made on requisition, describing the kind and quantity of goods or services required, provided that it shall be the duty of the purchasing agent at the beginning of each fiscal year to request requisitions, and of all buying units to prepare and deliver to the purchasing agent such requisitions, covering their normal requirements for the year, so that wholesale purchases may be made on behalf of the town. No requisition shall be honored unless it bears the endorsement provided for in section 611, and nonbudgeted appropriations in excess of five thousand dollars ($5,000.00) the approval of the board of finance as provided for in section 501.

The council by ordinance shall establish rules and regulations which shall apply to purchases made by the town, provided if any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity or service over a period of time, involves the expenditure of more than four thousand dollars ($4,000.00), or such other value as the council upon recommendation of the board of finance may establish by ordinance, the manager shall, whenever possible, provide objective evidence that the purchase or contract was achieved through a competitive process. No transaction essentially a unit shall be divided for the purpose of evading the provisions of this section. Records of all such objective evidence shall be kept in the office of the manager or purchasing agent where they shall be open to public inspection. Records of a public solicitation of at least three (3) sealed bids and award of the purchase or contract to the lowest responsible bidder shall be adequate objective evidence of a competitive process. In addition, the council upon recommendation of the board of finance may by ordinance define other adequate objective evidence of a competitive process for purchases in general or for particular categories of purchase. However, when in the best interest of the town, as determined by the council upon recommendation by the board of finance, such objective evidence need not be required.
(11-2-82; 11-7-89)

Sec. 615. Contracts for design services.

The council by ordinance shall establish rules and regulations which shall apply to all town contracts for professional services for the design of streets, sewers, buildings and other public improvements, provided if any such contract involves the expenditure of four thousand dollars ($4,000.00) or more, a selection board, established in accordance with said rules and

regulations, shall, whenever possible, consider at least three (3) responsible sources of such services and shall select the source most suitable to render said service using technical competence, resources, experience, and cost to the town as major criteria.
(11-2-82)

Sec. 616. Contracts for public improvements.

The council by ordinance shall establish rules and regulations which shall apply to contracts for the construction of streets, sewers, buildings and other public improvements, provided if any such contract involves the expenditure of four thousand dollars ($4,000.00) or more the manager shall, whenever possible, invite at least three (3) sealed bids or proposals, giving ten (10) days' public notice thereof by at least one publication in a daily newspaper having circulation in the town, and shall let the purchase or contract to the lowest responsible bidder thereon, or shall reject all such bids or proposals. All such sealed bids or proposals shall be opened publicly in the presence of at least two (2) witnesses whose names shall be recorded as a permanent record of such procedure. No transaction shall be divided for the purpose of evading the provisions of this section. Records of all bids and of the successful bidder shall be kept in the office of the manager or purchasing agent, where they shall be open to public inspection. However, when in the best interest of the town and recommended by the board of finance and approved by the council, sealed bids need not be required.
(11-2-82)

Sec. 617. Payment of claims.

No payroll, bill or other claim against the town, except those of the department of education, shall be paid until the same has been audited and endorsed for correctness, legality and payment by the manager or purchasing agent. All payments shall be made by check drawn on a town bank account and bearing the signature of the manager and such other officer as the council shall appoint. All payrolls, bills, or other claims against the department of education shall be audited as the board of education may provide, and payments shall be made by check signed by a town officer designated by the council and countersigned by the chairman of the board of education, or such official as may be designated by the board of education for this purpose. If an emergency situation should disable the chairman of the board of education, the vice-chairman of the board of education may countersign such checks during the period of the emergency, unless an official has been designated for this purpose. If an emergency situation should disable the manager, the chairman of the board of finance shall sign checks in his stead.

Notwithstanding the provisions of this section, both the board of education and the council are authorized to contract for services involving volume issuance of bank or other nontown checks in payments of payroll or other town obligations.

Sec. 618. Town fees collected by town officers and employees.

All fees collected by officers and employees of the town in their official capacities shall be paid into the town treasury.

Sec. 619. Official bonds.

The manager, the tax collector, the purchasing agent, and such other officers and employees of the town as the council may determine by resolution, and all persons designated to sign checks for the town shall file with the town clerk surety bonds in such amount as may be designated in such resolution, conditioned upon the faithful performance of their respective duties. The premiums of such bonds shall be paid by the town. This provision shall not prevent the council, if it deems it to be in the best interest of the town, from prescribing a form of blanket bond to cover any or all such persons.

Sec. 620. Tax bills.

It shall be the duty of the tax collector to prepare and mail to each taxpayer before the date when taxes are due and payable a tax bill, the form of which shall be acceptable to the state tax commissioner.

Sec. 621. Assessment and collection of taxes.

Except as specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on as provided in the general statutes or special laws of the state applicable to the Town of Glastonbury.

Sec. 622. Borrowing.

The town shall have the power to incur indebtedness by issuing its bonds or notes as provided by general statute, subject to the limitations thereof and the provisions of this Charter. The issuance of bonds and notes shall be authorized by resolution. Notwithstanding any other provisions of this Charter, resolutions authorizing the issuance of notes in anticipation of taxes to be paid within the fiscal year in which issued shall not be subject to a referendum vote.

CHAPTER VII. THE TOWN MEETING

Sec. 701. Annual budget meeting.

An annual town meeting for the consideration of the proposed budget and the transaction of any other town business which may properly be considered shall be held not later than February 8, at such hour and such place as the council may determine. It may be adjourned from time to time.
(11-2-82; 11-7-89)

Sec. 702. Procedure.

All town meetings shall be called to order by the town clerk, or in his absence by the chairman of the council. A moderator shall be elected and all business conducted in the manner

now or hereafter provided by the general statutes, except as in this Charter otherwise provided. It shall be the duty of the town clerk to serve as clerk of all town meetings, but in his absence an acting clerk may be designated by the meeting.

Sec. 703. When action by town meeting required.

The proposed annual budget shall be presented at a town meeting for a public hearing. After hearing upon the budget, a vote by those present and entitled to vote shall be taken and shall constitute an expression of opinion for the guidance of the council.
(11-7-89)

Sec. 704. Limitation of powers.

Except as provided in this chapter, the town meeting shall have no other powers, duties or obligations and the effects of its actions are limited accordingly.

Sec. 705. Reserved.

Editor's note—The Charter amendments of Nov. 2, 1982, repealed § 705, which pertained to call of special town meetings.

CHAPTER VIII. OFFICERS AND BOARDS DIRECTLY RESPONSIBLE TO THE COUNCIL

Sec. 801. Town attorney.

The council shall appoint a town attorney who shall serve until his successor is appointed.

Sec. 802. Council-appointed boards, commissions and committees.

The council may, by ordinance, establish, consolidate or eliminate any permanent board, committee or commission which it may deem expedient or necessary. The council may appoint alternate members to any such board, committee or commission. The terms of office of the members of all such boards, committees and commissions shall be established by ordinance and no term of office shall be less than two (2) years. All such terms of office shall be for an even number of years and start on the first Monday of December following a regular town election, except as otherwise provided by the general statutes. The terms of office of the members and alternates of any such board, commission or committee shall not all expire at the same time.

All of the officers appointed by the town council under this section shall be electors and residents of the town at the time of their appointment and for the duration of their service in office.

The council may appoint any temporary board, committee or commission which it may deem expedient and necessary, with terms of office not to exceed the term of the appointing council.

In appointing members and alternates of boards, commissions and committees, the council shall not appoint more than a bare majority of any one party on any such body. This shall not

preclude the appointment by the council of any person who is not a member of any political party. A vacancy in a board, commission or committee shall be filled for the unexpired portion of the term of such office, and in filing such a vacancy a person shall be selected of the same political party as that of the former incumbent unless the incumbent was not an enrolled member of a political party, in which case his successor shall not be an enrolled member of a political party. The council may, in accordance with a code of conduct ordinance, remove for cause shown any member or alternate member of any board, committee or commission appointed by the council.
(11-2-82)

Sec. 803. Powers and duties.

All officers, boards, commissions, and committees designated herein as appointed by the council shall have under this Charter all powers and duties conferred or imposed upon such offices by the general statutes and ordinances of the council.

All officers, boards, commissions, committees and agencies appointed by the council shall report to the council at least once a year concerning their activities, recommendations, and plans.

CHAPTER IX. ADMINISTRATIVE DEPARTMENTS AND OFFICERS

Sec. 901. Departments and offices.

The town may establish or abolish departments and offices by ordinances of the council.
(11-2-82)

Sec. 902. Duties.

Such departments and officers shall have the powers and duties prescribed by the general statutes, this Charter, and resolutions of the council, and such other duties as may be assigned by the manager.

Sec. 903. Appointment of certain municipal officers.

The manager shall appoint a town clerk, town treasurer, tax collector and assessor.
(11-2-82; 11-7-89)

Sec. 904. Fire commission.

The fire commission shall be responsible for the protection of life and property in the town from fire and other casualties, and for the enforcement of the laws, ordinances and regulations relating to fire prevention and fire safety. The fire chief and fire marshal shall be appointed by the council upon recommendation of the fire commission. The council may remove the fire chief

or the fire marshal for cause shown, subject to the applicable provisions of the general statutes. The fire commission shall make and enforce the rules and regulations for the conduct and duties of firemen and officers.
(11-2-82)

CHAPTER X. PERSONNEL AND THE MERIT SYSTEM

Sec. 1001. Manager as personnel officer.

The manager shall be personnel officer of the departments and offices of the town, with the exception of the department of education, or he may, if and when directed by the council, appoint a personnel officer. The manager or other personnel officer shall, with the approval and under the supervision of the council, establish and administer standards of personnel administration in conformity with recognized principles of public personnel administration.

Sec. 1002. The merit system.

All the full-time employees of the town, except employees of the department of education and except seasonal employees, shall be selected, appointed, compensated and promoted on the basis of merit, or removed for cause shown, as previously established by the council-approved and manager-administered standards of personnel administration.

Sec. 1003. Personnel appeals.

Any employee in the merit system may appeal a suspension, demotion or dismissal, except during his probationary period, to the personnel appeals board which shall be created by ordinance of the town council. Said appeal must be made in writing within fifteen (15) days of the effective date of such suspension, demotion or dismissal. Said board shall determine the issues and have the authority to affirm, modify or reverse the action that has been appealed. Such action shall be taken within thirty (30) days of the date of the appeal. Said board shall prepare and file with the town clerk as a public document a memorandum of the circumstances leading to the appeal, of the appeal, and of the basis or grounds for its decision.

No member of the board shall hold or be a candidate for any other town public office or position, nor be a member of any local, state or national committee of a political party, nor an officer in any partisan political organization. Members shall serve without compensation. Said board shall have the power to hold investigations, inquiries and hearings concerning any matter on which an appeal under this section has been taken.
(11-2-82)

Sec. 1004. Pensions.

The council may establish, maintain, and revise, by ordinance, an appropriate system of retirement pensions for employees of the town who are in the merit system, provided, however, that no existing pension system shall be changed or altered to the detriment of any pensioner or prospective pensioner thereunder.

Sec. 1005. Political activity.

Employees of the town may engage in such political activity as is compatible with the faithful discharge of their official duties and not in conflict with the provisions of the general statutes.
(11-2-82)

CHAPTER XI. GENERAL PROVISIONS*

Sec. 1101. Conflict of interest.

No elective or appointive officer, official or employee of the town shall have any significant financial interest, direct or indirect, in any contract, transaction or decision to which the town is a party. He shall not in any way condone, promote, encourage, influence or otherwise attempt to affect actions or matters which will or may result in a conflict of interest between his town duties and responsibilities and his private affairs, or which are incompatible with the proper discharge of his official duties.

The council shall by ordinance implement the provisions of this section by providing appropriate definitions, including the definition of a significant financial interest, by providing procedures to be followed in disclosing and determining possible conflicts of interest, and by providing appropriate action to be taken in any situation where an actual conflict of interest is determined to exist.
(11-7-89)

Sec. 1102. Voting by elected and appointed bodies.

No elected or appointed bodies shall adopt any rule or practice that establishes different voting privileges or restrictions for its chairman or presiding officer than for any other member of that body.
(11-2-82)

CHAPTER XII. SEVERABILITY

Sec. 1201. Severability.

If any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which the section or part of the section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

***Editor's note—**Prior to amendment by the Charter revisions of Nov. 2, 1982, Ch. XI was entitled "Conflict of Interest."

APPENDIX. SPECIAL ACTS RELATING TO THE TOWN

MODIFIED—HOUSE BILL NO. 4080

SPECIAL ACT NO. 283 OF THE 1965 GENERAL ASSEMBLY*

AN ACT CHANGING THE ASSESSMENT AND RELATED DATES AND THE FISCAL YEAR OF THE TOWN OF GLASTONBURY.

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

Section 1 [Annual meetings of board of tax review and notice thereof.]

The board of tax review of the town of Glastonbury shall meet at least three times from April fifteenth through May fifteenth, annually, and shall give notice of the time and place of such meetings by posting it at least ten days before the first meeting on the public signposts in such town and publishing it in some newspaper published therein or, if no newspaper is published in such town, in a newspaper published in this state and having a general circulation in such town. Such meetings shall be held on business days, which may be Saturday, the last not later than the fifteenth day of May, on or before which date such board shall complete the duties imposed upon it.

Section 2 [Deadline for appeals of assessor's actions.]

No appeal from the doings of the assessor shall be heard or entertained by the board of tax review unless preferred to it at one of its meetings from April fifteenth through May fifteenth.

Section 3 [Notice to public to list property.]

The assessor shall, on or before the fifteenth day of January, annually, post on the signposts in the town of Glastonbury or shall publish in a newspaper published in the town of Glastonbury, or, if no newspaper is published in said town, then in any newspaper published in the state having a general circulation in said town, a notice requiring all persons therein liable to pay taxes to bring in written or printed lists of the taxable property belonging to them on the first day of January in that year.

Section 4 [Deadline for listing property.]

Each resident of the own of Glastonbury liable to give in a list and pay taxes therein shall, on or before the first day of February, annually, give in his list made as prescribed by law, in accordance with the provisions of section 12-42 of the general statutes.

***Editor's note—**Catchlines for sections of this act have been added by the editor to facilitate indexing.

Section 5 [Equalization of assessments.]

When the lists of said town have been so received or made by the assessor, he shall equalize the same if necessary, and make any assessment omitted by mistake or required by law. The assessor may increase or decrease the valuation of property as named in any of such lists or in the last-preceding grand list, but, in each case of any increase in valuation of such property above the valuation, if any, stated by the person filing such list, if such person has so requested in writing at the time of filing such list, or in each such case of any increase of valuation above the valuation of such property in the last preceding grand list, he shall give written notice, in person or by mail, of such increase, to the person whose list or valuation is so changed. When such lists have been so completed, the assessor shall arrange them in alphabetical order and lodge the same in the town clerk's or assessor's office, on or before the fifteenth day of April, for public inspection. Such assessor shall make an abstract of such list, including the ten per cent added thereto, shall take and subscribe the oath provided by law, which shall be certified by the officer administering the same and endorsed upon or attached to such abstract, and shall lodge such abstract in the town clerk's office, on or before the fifteenth day of April next after the date prescribed for the filing of such lists, for public inspection. If the assessor fails to comply with any provision of this section, he shall be fined five dollars.

Section 6 [Transmittal of assessment lists to tax commissioners.]

The town clerk of said town, after the assessment lists have been examined and corrected by the board of tax review, shall, on or before the fifteenth day of May, annually, transmit to the tax commissioner an abstract of such lists, including the ten per cent added by the assessor, made in accordance with forms which shall be furnished by the tax commissioner on or before the first day of January, annually, to the several town clerks; and the town clerk, in making such abstract, shall correct any clerical error which appears upon any such corrected assessment list. Any town clerk who neglects to transmit to the tax commissioner an abstract of assessment lists as required by this section shall forfeit fifteen dollars to the state.

Section 7 [Special provisions for business, industrial, etc., property.]

The property of any trading, mercantile, manufacturing or mechanical business carried on in said town shall be assessed in the name of the owner or owners; and the list of any such owner or owners shall be given in by the person having charge of such business residing in the town when the owner or owners do not reside therein. The average amount of goods kept on hand during the year, or during any portion of it when the business has not been carried on for a year previous to the first day of January, except as otherwise specifically provided by law, shall be the rule of assessment and taxation, but this rule shall not apply to furniture, fixtures and machinery which are not for sale in the regular course of any such business. Furniture, fixtures and machinery on hand on the assessment date but not for sale in the regular course of business shall be listed for taxation under such of the other provisions of the general statutes as are applicable. This section shall apply to the property of all persons, whether residents of this state or not, and to the property of all corporations, whether domestic or foreign. Traders of any kind, when their business is not located, shall be assessed, as provided

in this section, in the list of said town if they reside therein; but the goods, wares and merchandise of any resident or corporation located in this state, in the hands of any merchant or trade for sale on commission, need not be estimated in making up the average provided for in this section in the list of such merchant or trader.

Section 8 [Installment payment of taxes.]

The town council of the town of Glastonbury, on approving the annual budget, shall determine whether the town property tax shall be due and payable in a single installment or in two semi-annual installments or in four quarterly installments and shall designate the date or dates on which such installment or installments shall be due and payable; provided the last installment of such tax shall be due and payable not later than forty-five days before the end of the fiscal year in which the first installment thereof is due and payable, and provided any special tax shall be due and payable in a single installment, and provided the first tax payment date shall not be later than September first of each year. In case of failure of the town council to determine when such tax shall be due and payable, the tax collector of the town shall fix the date or dates when such tax shall be due according to the practice of such municipality in the same manner as the town council might have done had it acted thereon, and such determination of the tax due date or dates shall have the same force and effect as if made by the town council. The several installments of a tax due in two or four installments shall be equal, but any taxpayer may pay two or more of such installments when the first is due.

Section 9 [Other tax collection dates.]

Notwithstanding the provisions of section 8 hereof, and any decision of the town of Glastonbury establishing a tax collection date or dates other than as called for in section 7-383 of the general statutes, the town of Glastonbury may, by vote of its town council, agree to comply with the provisions of chapter 110 of the general statutes, and be designated as a "complying municipality," within the meaning of said chapter 110. Upon adoption of such a vote agreeing to comply with the provisions of said chapter 110, the town of Glastonbury shall enjoy all the powers and be subject to all the provisions of said chapter 110 except that it shall not be subject to the provisions of said section 7-383.

Section 10 [Effective date.]

This act shall take effect January 1, 1967, provided the Glastonbury fiscal year has been changed through charter amendment not later than said date.

SPECIAL ACT NO. 306 OF THE 1965 GENERAL ASSEMBLY
(Substitute for House Bill No. 4359)*

AN ACT VALIDATING ALLEGED IRREGULARITIES IN ENACTMENT OF AMENDMENTS TO GLASTONBURY ZONING REGULATIONS

Section 1 [Prior zoning validated.]

The action of the town of Glastonbury, the town council thereof, the town plan and zoning commission thereof and any and all officials and agents thereof, in the establishing of zoning districts in said town, are validated with respect to any notices required to be published or to be filed in the town clerk's office in said town, and all building zone regulations or subdivision regulations and zoning districts heretofore established and amendments thereto shall remain in effect as of the date of their original passage so far as any possible or claimed invalidity with regard to any such notices required to be published or filed in said town clerk's office is concerned, or with regard to whether or not said town council shall be considered the zoning commission of the town of Glastonbury, under section 8-3 of the general statutes.

Section 2 [Prior zoning amendments validated.]

The amendments to the zoning regulations and to the boundaries of the zoning districts of the town of Glastonbury which were the subject of public hearings on December 28, 1959, May 9, 1960, September 10, 1962, October 8, 1962, November 12, 1962, January 14, 1963, March 11, 1963, April 4, 1963, April 22, 1963, July 8, 1963, December 9, 1963, three amendments, January 30, 1964, February 11, 1964, May 11, 1964, two amendments, June 29, 1964, October 13, 1964, December 14, 1964, five amendments and February 24, 1965, which amendments to regulations and boundaries as finally adopted are fully set forth in a record book entitled, "Copies of Required Filings of Amendments to Zoning Regulations and Map," on file in the Glastonbury town clerk's office, shall be and remain in effect as of their original effective date so far as any possible or claimed invalidity with regard to possible or claimed defective or omitted notices or filings required by statute to be published or to be filed in the Glastonbury town clerk's office is concerned, and so far as any possible or claimed invalidity with regard to the town council serving as the zoning commission under section 8-3 of the general statutes is concerned, the town council being fully empowered as the Glastonbury zoning commission pursuant to said section 8-3 at the time of said dates and thereafter.

Section 3 [Actions of plan and zoning commission validated.]

The action of town plan and zoning commission and of the zoning board of appeals of said town in exercising their powers and duties regarding applications, appeals and any other such planning and zoning matters are validated in respect to any claimed invalidity because of any notices required to be published or filed in the town clerk's office, and all their actions shall remain in effect so far as any claimed invalidity because of said notices may be concerned.

***Editor's note—**Catchlines for sections of this act have been added by the editor to facilitate indexing.

Section 4 [Effect on pending litigations.]

Nothing in this act shall be construed to affect any litigation pending on the effective date of this act in any court concerning the matters hereinbefore set forth.

SPECIAL ACT NO. 130 OF THE 1967 GENERAL ASSEMBLY
(House Bill No. 3888)*

AN ACT EMPOWERING THE TOWN OF GLASTONBURY TO ENTER INTO AGREEMENTS WITH OTHER MUNICIPAL CORPORATIONS REGARDING TAXATION OF RESERVOIR LAND AND WATER SHED LAND OWNED BY THEM.

Section 1 [Agreements authorized.]

The town of Glastonbury is empowered to enter into agreements with other municipal corporations owning reservoir land and water shed land in the town of Glastonbury providing for the collection of an annual sum in lieu of taxes for any such land.

Section 2 [Terms.]

Such agreements may include covenants regarding use of such land and construction of improvements thereon. Such agreements may also include provisions for reimbursement of town of Glastonbury for the difference between the amounts paid in lieu of taxes and the amounts which would have been levied without regard to the provisions of this act.

SPECIAL ACT NO. 181 OF THE 1967 GENERAL ASSEMBLY
(Modified House Bill No. 5207)*

AN ACT TO CLARIFY THE POWER OF THE TOWN OF GLASTONBURY RELATING TO ASSESSMENTS OF BENEFITS FOR PUBLIC IMPROVEMENTS

Section 1 [Special assessments authorized.]

Except as otherwise provided by special act, the town of Glastonbury shall have the power to defray the whole or any part of the cost of any public work or improvement which it is empowered to construct pursuant to subsection 8 of section 104, of its charter or otherwise, by the assessment of benefits on the owners of real estate, including the state of Connecticut especially benefited by such work or improvement, whether or not such real estate abuts upon such work or improvement and to enforce and collect such assessments as a personal liability of the owner directly as a lien on the lands benefited, provided the owned of any property damaged by such improvements shall be entitled to receive from the town the actual amount

*__Editor's note—__Catchlines for sections of this act have been added by the editor to facilitate indexing.

of such damage apart from any benefits on account of such work or improvement, and the amount of benefits assessed shall be set off against the amount appraised as damages or vice versa, as the case may be.

Section 2 [Hearing required.]

Except as otherwise provided by special act or by the general statutes, no assessment of benefits shall be made unless a hearing on the question of the public necessity and convenience of said public work or improvement and a hearing on the proposed assessments have been held, and the town council shall provide by ordinance for the manner of holding such hearings by it or by some other town authority or official and of giving prior notice of at least ten days to persons affected by the hearing, if known. Said ordinance may provide for the holding of the hearings on public convenience and necessity and on the proposed assessments at the same time.

Section 3 [Determination of private benefit.]

The town may provide by ordinance for the manner in which the proportion of the cost of the public work or improvement that shall be assessed as benefits on the owners of real estate specially benefited by such work or improvement shall be determined.

Section 4 [Payment, etc., of assessments.]

The town shall provide by ordinance for the extension of time for, and the manner of payment of, all such assessments.

Section 5 [Foreclosure of assessment liens.]

When any assessment of benefits has been made by the town, the public work or improvement has been completed, and certificates of lien describing the premises upon which such lien is claimed and stating the amount claimed as a lien thereon have been signed by the town manager, and lodged with the town clerk, such liens may be foreclosed in the manner provided by law for the foreclosure of tax liens in the event of default in their payment.

Section 6 [Application of act to existing work.]

This act shall not apply to the repairing of any existing work or improvement.

Section 7 [Act cumulative.]

The powers granted by this act shall be in addition to and not in derogation of, any power or powers existing or hereafter granted to municipalities under any provision of the general statutes, or granted to the town of Glastonbury by special act.

SPECIAL ACT NO. 251 OF THE 1967 GENERAL ASSEMBLY
(House Bill No. 4346)*

AN ACT CONCERNING THE PREPARATION OF VOTING LISTS IN THE TOWN OF GLASTONBURY

Section 1 [Contents of registry list.]

The registry list of the town of Glastonbury shall contain the names of all electors of said town and shall designate the party affiliation, if any, of each such elector by a proper designation, to be determined by the registrars, opposite his name. Such lists shall replace and be in lieu of the primary enrolment list and electors' voting list provided and in use in the town of Glastonbury on the effective date of this act and shall thereafter be used at all party caucuses, primaries and elections in said town. Such list may be so subdivided by voting districts as the registrars of voters may deem appropriate.

Section 2 [Application of state law.]

Except as provided in section 1 of this act for the manner in which registry and enrolment lists may be provided, all sessions of the registrars of voters of the town of Glastonbury for enrolment for caucuses and primaries and for the making of registry lists shall be held and such lists shall be prepared, in accordance with the provisions of the general statutes relating to sessions of registrars and to preparation of enrolment and registry lists; provided, at any mandatory enrolment session of the registrars of voters for correcting the enrolment lists last perfected required under the general statutes, except for the session required for the second Friday in January in each even-numbered year, the registrars of voters shall also be in session for the purpose of correcting the registry list, and, within three weeks after such session, the registrars of voters shall print the registry list required under section 1 of this act. Such registry list shall be in lieu of the preliminary registry list required to be printed under the provisions of the general statutes.

***Editor's note—**Catchlines for sections of this act have been added by the editor to facilitate indexing.

CHARTER COMPARATIVE TABLE

This table shows the adoption date of the Charter and amendment dates subsequent thereto. Beginning with the amendments of November 2, 1982, the table shows the sections affected by amendments. Rpld means repealed; Rnbd means renumbered.

Approval of Original Charter	
10-5-59	
Amendment Dates	**Sections Affected**
11-8-60	
11-6-62	
10-4-65	
11-5-68	
11-6-79	
11-2-82	103
	Rpld 104, 104
	App. 203
	Rpld 204
	Rnbd 205—208 as 204—207
	Rpld 209
	Rnbd 210 as 208
	307
	312—316
	404
	Added 405
	Rnbd 405, 406 as 406, 407
	501
	602—608
	614
	merged 615 with 614
	Added 615
	616
	701
	Rpld 705
	802
	901
	Added 903
	Rnbd 903 as 904
	1003
	1005
	Ch. XI(title)
	1102
11-7-89	316, 501, 602—609, 612, 614, 701, 703, 903, 1101

PART II

CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. Designated and cited.
Sec. 1-2. Rules of construction and definitions.
Sec. 1-3. Certain ordinances not affected by Code.
Sec. 1-4. Code does not affect prior offenses, rights, etc.
Sec. 1-5. Headings of sections.
Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.
Sec. 1-7. Effect of repeal of ordinances.
Sec. 1-8. Severability of parts of Code.
Sec. 1-9. Altering Code.
Sec. 1-10. General penalty.
Sec. 1-11. Supplementation of Code.

Sec. 1-1. Designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Glastonbury, Connecticut," and may be so cited.

State law reference—Compilations of ordinances, G.S. § 7-148a.

Sec. 1-2. Rules of construction and definitions.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless the context clearly indicates otherwise:

Council. The term "council" or "the council" shall mean the town council of the Town of Glastonbury.

County. The words "the county" or "this county" shall mean the County of Hartford, in the State of Connecticut.

Gender. The use of any gender shall include the other gender.

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Keeper and *proprietor.* The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs, copartnerships and joint venturers, whether acting by themselves or through a servant, agent or employee.

Number. The use of the singular shall include the plural and the use of the plural shall include the singular.

Officers, employees. The title of any officer or employee used herein shall be construed as if the words "of the town" followed it, and shall include his duly authorized representative.

Owner. The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. The word "person" shall include associations, communities, firms, partnerships, corporations and bodies politic and corporate as well as individuals.

Personal property shall include every species of property except real property as herein defined.

Property. The word "property" shall include real and personal property.

Public place. The term "public place" shall include any and all streets, highways and boulevards, alleys or other publicly owned or controlled ways and any and all publicly owned or controlled parks, squares, spaces, grounds and buildings.

Real property shall include lands, tenements and hereditaments.

Shall, may. "Shall" is mandatory; "may" is permissive.

Sidewalk. The word "sidewalk" shall mean the paved portion of a street between the street right-of-way and the adjacent property line, intended for the use of pedestrians.

State. The words "the state" or "this state" shall mean the State of Connecticut.

State law, general law or *general statutes* shall refer to the General Statutes of Connecticut, Revision of 1958, as amended.

Street. The word "street" shall include streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public ways in the town; and may include private ways over which the town exercises jurisdiction.

Tenant, occupant. The word "tenant" or "occupant" applied to a building or land, shall include any person holding a written or oral lease of, or who occupies, the whole or a part of such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Town. The term "town," "this town" or "the town" when used herein shall mean the Town of Glastonbury in the County of Hartford, State of Connecticut.

In the construction of this Code of Ordinances, except as otherwise provided in this Code of Ordinances, words and phrases shall be construed according to the common usage of the language and according to the general statutes; technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly.

State law reference—Rules of construction of terms used in the General Statutes, G.S. § 1-1.

Sec. 1-3. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any ordinance promising or guaranteeing the payment of money for the town, or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness;

(2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget;

(3) Any ordinance annexing territory to the town or excluding territory as a part of the town;

(4) Any ordinance granting any franchise, permit or other right;

(5) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;

(6) Any ordinance adopting a preliminary plan or development plan;

(7) Any temporary or special ordinance;

(8) Any ordinance enacted after May 26, 1981;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Sec. 1-4. Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

Sec. 1-5. Headings of sections.

The headings of the several sections of this Code printed in boldface type are intended to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the headings, are amended or reenacted.

Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, articles, divisions, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.

All ordinances which amend or repeal any provision of this Code shall set forth in full the sections or subsections to be amended or repealed and if to be amended shall indicate matter to be omitted from the revised section or subsection by enclosing the same in brackets and new matter by underscoring.

Sec. 1-7. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. 1-8. Severability of parts of Code.

If any phrase, clause, sentence, paragraph or section of this Code shall be declared invalid or unconstitutional by the valid judgment or decree of any court, such invalidity or unconstitutionality shall not affect any of the remaining provisions of this Code.

Sec. 1-9. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part of this Code of Ordinances or any ordinance of the town or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever with intent that any provision of this Code or other ordinance of the town shall be misrepresented or with intent to commit a fraud thereby.

Sec. 1-10. General penalty.

Whenever in this Code or any other ordinance of the town, or rule or regulation promulgated by any officer thereof under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided, the violation of such ordinance, rule or regulation shall be punished by a fine not exceeding one hundred dollars ($100.00). Each day any such violation shall continue shall constitute a separate offense.

The imposition of any punishment hereunder shall not prevent the enforced abatement of any unlawful condition by the town.

Cross references—Offenses and miscellaneous provisions, Ch. 13; police, Ch. 16.

State law reference—Penalty limitation, G.S. § (c)(10)(a).

Sec. 1-11. Supplementation of Code.

(a) By contract or by town personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the town council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into the unified Code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Chapter 2

ADMINISTRATION*

Article I. In General

Sec. 2-1. Sign post.
Sec. 2-2. Establishment of departments for budget purposes.
Sec. 2-3. Transfers of unencumbered funds.
Sec. 2-4. Establishment of unexpended education funds account; deposits; use of funds.
Secs. 2-5—2-15. Reserved.

Article II. Town Council

Sec. 2-16. Reserved.
Sec. 2-17. Reserved.
Secs. 2-18—2-30. Reserved.

Article III. Officers and Employees

Division 1. Generally

Sec. 2-31. Terms of boards, committees, etc.
Secs. 2-32—2-40. Reserved.

Division 2. Code of Conduct for Boards, Commissions and Committees

Sec. 2-41. Generally.
Sec. 2-42. Attendance.
Sec. 2-43. Conflict of interest.
Sec. 2-44. Notification of changes.
Sec. 2-45. Resignation.
Sec. 2-46. Removal.
Sec. 2-47. Procedures.
Secs. 2-48—2-55. Reserved.

Division 3. Code of Ethics

Sec. 2-56. Declaration of policy and purpose.
Sec. 2-57. Definitions.
Sec. 2-58. Ethics commission.
Sec. 2-59. Consultants.
Sec. 2-60. Confidential information.
Sec. 2-61. Use of influence and/or intentional misrepresentation.

***Cross references—**Building board of appeals, § 5-51 et seq.; civil preparedness, Ch. 6; historic district commission, § 8.5-2 et seq.; recreation commission, § 14-16 et seq.; conservation commission, § 15-16 et seq.; plan and zoning commission, § 15-36 et seq.; regional council of governments, § 15-66 et seq.; regional planning authority, § 15-81 et seq.; zoning board of appeals, § 15-94 et seq.; water pollution control authority, 19-41 et seq.

State law reference—Municipalities, G.S. chs. 90—119.

Sec. 2-62. Gifts and favors.
Sec. 2-63. Equal treatment.
Sec. 2-64. Conflict of interest.
Sec. 2-65. Disclosure and disqualification.
Sec. 2-66. Incompatible employment and activities.
Sec. 2-67. Penalty for violation.
Sec. 2-68. Acknowledgment form.
Sec. 2-69. Ethics commission rules of procedure.
Sec. 2-70, 2-71. Reserved.

Division 4. Pension System

Sec. 2-72. Establishment.
Sec. 2-73. Rights and benefits of participants.
Sec. 2-74. Management and administration of plan.
Sec. 2-75. Effective date.
Secs. 2-76—2-90. Reserved.

Article IV. Commission on Aging

Sec. 2-91. Establishment.
Sec. 2-92. Organization; vacancies; records and reports.
Sec. 2-93. Compensation.
Sec. 2-94. Powers and duties.
Secs. 2-95—2-110. Reserved.

Article V. Community Beautification Committee

Sec. 2-111. Membership.
Sec. 2-112. Duties.
Sec. 2-113. Organization.
Sec. 2-114. Vacancies.
Sec. 2-115. Compensation.
Secs. 2-116—2-130. Reserved.

Article VI. Economic Development Commission

Sec. 2-131. Establishment.
Sec. 2-132. Chairman; vacancies.
Sec. 2-133. Compensation.
Sec. 2-134. Duties.
Secs. 2-135—2-150. Reserved.

Article VII. Fine Arts Commission

Sec. 2-151. Establishment.
Sec. 2-152. Organization and vacancies.
Sec. 2-153. Compensation.
Sec. 2-154. Duties and responsibilities.
Secs. 2-155—2-165. Reserved.

Article VIII. Human Relations Commission

Sec. 2-166. Establishment.
Sec. 2-167. Organization.
Sec. 2-168. Vacancies.
Sec. 2-169. Meetings.
Sec. 2-170. Duties.
Sec. 2-171. Compensation.
Secs. 2-172—2-181. Reserved.

Article IX. Justices of the Peace

Sec. 2-182. Number fixed.
Secs. 2-183—2-195. Reserved.

Article X. Public Buildings Commission

Sec. 2-196. Establishment.
Sec. 2-197. Appointments.
Sec. 2-198. Compensation.
Sec. 2-199. Duties.
Secs. 2-200—2-210. Reserved.

Article XI. Reserved

Secs. 2-211—2-218. Reserved.

Article XI.5. Insurance Advisory Committee

Sec. 2-219. Membership and terms.
Sec. 2-220. Meetings.
Sec. 2-221. Duties.
Secs. 2-222—2-225. Reserved.

Article XII. Youth and Family Resources Commission

Sec. 2-226. Establishment.
Sec. 2-227. Membership.
Sec. 2-228. Reserved.
Sec. 2-229. Vacancies.
Sec. 2-230. Compensation.
Sec. 2-231. Organization.
Sec. 2-232. Duties.
Sec. 2-233. Supervision and control of services.
Secs. 2-234—2-245. Reserved.

Article XIII. Restrictions on Use of Town Property

Sec. 2-246. Definition.
Sec. 2-247. Alcoholic beverages.
Sec. 2-248. Hours.

Sec. 2-249. Obstructing passage.
Secs. 2-250—2-260. Reserved.

Article XIV. Purchasing Regulations

Sec. 2-261. Purpose; objectives.
Sec. 2-262. Bid and proposal thresholds and procedures, generally.
Sec. 2-263. Professional services procurement.
Sec. 2-264. Order of precedence of regulations.
Secs. 2-265—2-270. Reserved.

Article XV. Election Districts

Sec. 2-271. Town to have nine districts.
Sec. 2-272. District 1.
Sec. 2-273. District 2.
Sec. 2-274. District 3.
Sec. 2-275. District 4.
Sec. 2-276. District 5.
Sec. 2-277. District 6.
Sec. 2-278. District 7.
Sec. 2-279. District 8.
Sec. 2-280. District 9.
Secs. 2-281—2-284. Reserved.

Article XVI. Reserve for Land Acquisition and Preservation

Sec. 2-285. Establishment.
Sec. 2-286. Definitions.
Sec. 2-287. Types of land to be considered for acquisition and preservation.
Sec. 2-288. Public hearings.
Sec. 2-289. Approval; administrative.
Sec. 2-290. Funding.
Sec. 2-291. Minimum balance of reserve.
Sec. 2-292. Dissolution of reserve.
Secs. 2-293—2-300. Reserved.

Article XVII. Fair Rent Commission

Sec. 2-301. Created; membership.
Sec. 2-302. Organization and vacancies.
Sec. 2-303. Meetings; rules and regulations.
Sec. 2-304. Powers and duties.
Sec. 2-305. Hearings; complaints.
Sec. 2-306. Conciliation.
Sec. 2-307. Consideration in determining fair rental charge.
Sec. 2-308. Authority to order rent reductions, repairs and other orders.
Sec. 2-309. Appeal.
Sec. 2-310. Penalty for violation.
Sec. 2-311. Amendments to state law or Municipal Charter.

Sec. 2-312. Reserved.
Secs. 2-313—2-320. Reserved.

Article XVIII. Appointment of Additional Members to the Board of Assessment Appeal

Sec. 2-321. [Generally; membership.]
Sec. 2-322. [Appointment of members.]

Article XIX. Other Post-Employment Benefits Trust

Sec. 2-323. Authority; establishment of retiree benefits medical trust.
Sec. 2-324. Establishment of OPEB Board.
Sec. 2-325. Duties of the OPEB Board.

ARTICLE I. IN GENERAL

Sec. 2-1. Sign post.

The sign post of the town shall be located on the premises of the town office building. (Code 1960, § 174; Ord. of 12-8-98)

Sec. 2-2. Establishment of departments for budget purposes.

(a) Solely for the purposes of making budget appropriations and facilitating the transfer of unencumbered appropriated funds within departments pursuant to Section 612 of the Town Charter, the following eight (8) town departments are hereby established, in accordance with Section 901 of the Town Charter:

(1) General government.

(2) Community development.

(3) Administrative services.

(4) Public safety.

(5) Physical services.

(6) Sanitation.

(7) Human services.

(8) Leisure culture.

(b) Each town department shall consist of the offices, boards, commissions, committees and agencies and shall be funded through the appropriations to the town department of which it is a part:

(1) Within the department of general government:

a. Town council.

b. Town manager.

c. Human resources.

d. Facilities maintenance.

(2) Within the department of community development:

a. Community development.

b. Building inspection.

c. Fire marshal.

d. Health.

(3) Within the department of administrative services:

a. Financial administration.

b. Accounting.

c. Property assessment.

d. Revenue collection.

e. Town clerk.

f. Voter registration.

g. Legal services.

h. Probate court.

i. Insurance/pensions.

(4) Within the department of public safety:

a. Police.

b. Volunteer ambulance.

c. Fire.

d. Civil preparedness.

(5) Within the department of physical services:

a. Engineering.

b. Highway.

c. Fleet maintenance.

(6) Within the department of sanitation:

a. Water pollution.

b. Refuse disposal.

(7) Within the department of human services:

a. Human services contributory grants.

b. Senior and community services.

c. Youth/family services.

(8) Within the department of leisure culture:

a. Parks and recreation.

b. Welles-Turner Library.

c. South Glastonbury Library.

d. East Glastonbury Library.

(Ord. of 2-11-85, § 1, 2; Ord. of 12-8-98; Ord. No. 306, 7-13-04)

Editor's note—Inclusion of an ordinance of Feb. 11, 1985, as §§ 2-2 and 2-3 has been at the editor's discretion. Said ordinance did not expressly amend the Code.

Sec. 2-3. Transfers of unencumbered funds.

(a) Each department head shall have the power, upon prior written approval of the town manager and the board of finance, to transfer unencumbered funds of such department from one (1) item of the department's budget to another item of the same budget, including the power to transfer unencumbered funds from one (1) office, board, commission, committee, or agency, which is funded through the appropriations to such department, to another office, board, commission, committee or agency, which is funded through the appropriations to the same department.

(b) For the purposes of transferring unencumbered funds within a department budget as provided in subsection (a) of this section, the town manager is hereby designated the department head of the departments of general government, public safety, human services and leisure culture. As the head of those departments, the town manager shall have the power to transfer unencumbered funds within, but not between or among the departments of general government, public safety, human services and leisure culture, upon prior written approval of the board of finance.

(c) Nothing in this section shall be construed as conferring any powers on the town departments or department heads, other than the power to transfer funds within each respective department as such power is enumerated herein.
(Ord. of 2-11-85, § 3-5; Ord. of 12-8-98)

Sec. 2-4. Establishment of unexpended education funds account; deposits; use of funds.

In accordance with § 10-248a of the Connecticut General Statutes:

(1) The town hereby establishes an unexpended education funds account (the account). The account shall be a nonlapsing account.

(2) The board of education, acting on behalf of the town council as the authority making appropriations for the town school district, is authorized to deposit into the account, all or any portion of the unexpended funds from a prior fiscal year from the budgeted appropriation for education for the town, provided that the amount of unexpended funds from such prior fiscal year does not exceed one (1) per cent of the total budgeted appropriation for education for such prior fiscal year. The board of education may authorize deposits to the account in each fiscal year such that the total amount in the account may accumulate over time if not expended as provided in subsection (3) hereof.

(3) Funds in the account may be used by the board of education in its sole discretion for any operating expenses, capital projects or for any expenses of maintaining public schools in the town as provided for in § 10-248 of the Connecticut General Statutes.

(4) The town council, as part of the annual audit, shall receive a written report of all revenue and expenditures of the account.
(Ord. No. 327, 9-9-13)

Secs. 2-5—2-15. Reserved.

ARTICLE II. TOWN COUNCIL*

Sec. 2-16. Reserved.

Editor's note—An ordinance of Mar. 23, 1982, repealed § 171 of the 1960 Code, concerning special meetings. Said section had been codified as § 2-16 hereof.

Sec. 2-17. Reserved.

Editor's note—An ordinance of Mar. 23, 1982, repealed the consent calendar ordinance, codified as § 2-17. Said section derived from an ordinance of July 8, 1980.

Secs. 2-18—2-30. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-31. Terms of boards, committees, etc.

(a) *Two-year terms.* The terms of office of the members of the heritage committee, the town representatives on the capitol [capital] region planning agency, and the terms of the additional member of the public buildings commission to be appointed from the board of finance shall be two (2) years. Any resignation from the board of finance by any public building commission member whose membership derives from such board shall be deemed a resignation from the public buildings commission.

(b) *Four-year terms.* The terms of office of the members of the recreation commission, commission on aging, youth and family resources commission (except that the terms of the two (2) young people shall be for two (2) years), the conservation commission, public buildings commission, economic development commission, sewer commission, community beautification committee, safety committee, insurance advisory committee, fine arts commission, human relations commission, and the members and alternates of the town plan and zoning commission shall be four (4) years.

(c) *Five-year terms.* The terms of office of the commissioners of the housing authority, the members of the historic district commission, and the members of the building board of appeals (codes review committee) shall be five (5) years. There shall be five (5) commissioners of the housing authority whose terms of office shall be so arranged that one (1) such term shall expire on April 1 in each calendar year.

***Charter references—**Annual audit, § 310; appropriations in excess of budget, § 313; emergency ordinances, § 311; investigations, § 308; ordinances and resolutions, form of, § 305; hearing and publication, § 306; powers generally, §§ 103, 307; referendum, when required, § 312; town council generally, § 301 et seq.

(d) *Six-year terms.* The terms of office of the directors of the public library, the personnel appeals board, and the incorporators of the Free Academy shall be six (6) years.

(e) *Initial.* Initial terms of office of the members of any new commission, committee or agency created by ordinance or resolution of the town council may differ, as determined by such council, from the terms as established herein but in no case shall such initial terms exceed six (6) years.

(f) *Expiration.* All terms of office shall run until the first Monday of December following the biennial town election in the year in which the term expires, except for the terms of office of the housing authority which shall run in accordance with subsection (c) of this section; except for the terms of office of the historic district commission, and building board of appeals (codes review committee) which shall run until the first Monday of December of the year of expiration (five-year terms); and except for the conservation commission which shall run until the first Monday of December of the year of expiration (even-numbered years).

(g) *Removal from office.* Any member of any appointive board, commission, authority, committee or other body of the town created either by the Charter or by vote of the town council now or in the future may be removed in accordance with the Division 2 of this article and Section 802 of the Charter.

(Code 1960, §§ 130—134; Ord. of 10-27-69; Ord. of 1-8-73; Ord. of 4-23-84, § 1; Ord. of 9-11-84; Ord. of 10-23-84, § 3)

Editor's note—The initial terms of the following boards, commissions and committees were constituted as indicated: (1) Building board of appeals: Five (5) members serving terms of one (1), two (2), three (3), four (4) and five (5) years, respectively, starting in 1971; (2) Commission on aging: Seven (7) members, with two (2) serving two (2) years, three (3) serving four (4) years and two (2) serving six (6) years (originally appointed 1-8-72 and 1-22-72); (3) Community beautification committee: Seven (7) members, with three (3) serving two (2) years and four (4) serving four (4) years, starting in 1965; (4) Fine arts commission: After amendment by an ordinance of May 14, 1996, to change from fifteen (15) members to nine (9) members, five (5) members appointed to terms expiring in 1997 and four (4) members for terms expiring in 1999. Effective December 2, 1997, to change from nine (9) members to seven (7) members; four (4) members will have terms expiring in 1999 and three (3) members will have terms expiring in 2001. (5) Human relations commission: Nine (9) members with three (3) members' terms expiring 12-75, three (3) expiring 12-77, and three (3) expiring 12-79; (6) Safety committee: Seven (7) citizen members, with four (4) serving two (2) years and three (3) serving four (4) years, starting in 1973; (7) Conservation commission: Seven (7) members, with two (2) members' terms expiring 12-74, three (3) expiring 12-76 and two (2) expiring 12-78; (8) Parking authority: Five (5) members, with two (2) serving two (2) years and three (3) serving four (4) years, starting in 1959; (9) Sidewalk evaluation and program commission: Seven (7) members, with three (3) serving two (2) years, four (4) serving four (4) years, starting in 1965; (10) Redevelopment agency: Seven (7) members, with five (5) serving one (1), two (2), three (3), four (4) and five (5) years respectively, with further appointments to be made annually, subsequently abolished (see below); (11) Insurance advisory committee: After amendment by an ordinance of April 23, 1984, to change from two-year to four-year terms; three (3) members appointed to terms expiring in 1985 and four (4) members for terms expiring in 1987; (12)

Historic district commission: One (1) member and one (1) alternate each for terms of five (5), four (4) and three (3) years and one (1) member each for two (2) years and one (1) year, beginning Dec. 1, 1984.

As a result of changes to the Charter adopted on Nov. 2, 1982, ratified by a resolution of Mar. 8, 1983, the fence viewing committee and the welfare advisory committee were abolished. Therefore, the editor has deleted references to them in subsections (a) and (d), respectively. An ordinance of Mar. 8, 1983, abolished the parking authority and the sidewalk evaluation and program committee, which were mentioned in subsections (c) and (f), and in subsection (b). An ordinance of Sept. 11, 1984, abolished the redevelopment agency, which was mentioned in subsections (c) and (f). The editor has deleted those references also.

State law references—Housing authority terms, G.S. 8-41(a); redevelopment agency terms, G.S. 8-126.

Secs. 2-32—2-40. Reserved.

DIVISION 2. CODE OF CONDUCT FOR BOARDS, COMMISSIONS AND COMMITTEES

Sec. 2-41. Generally.

Each member of a board, commission or committee shall faithfully perform the duties of his office and shall make a significant contribution to the work of his board, commission or committee. No member shall permit his personal interests or prejudices to affect his actions or decisions in the service of the town.

(Code 1960, § 141; Ord. of 10-14-69)

Sec. 2-42. Attendance.

(a) Members of each board, commission and committee shall regularly attend meetings. If a member shall fail to attend a majority of meetings in a year or shall have three (3) consecutive absences not excused by the chairman of the board, commission, or committee, he shall be asked to resign by such chairman. If such member should fail to submit his resignation, such chairman shall notify the town council.

(b) Alternate members shall attend meetings according to the rules of the committee or as directed by the chairman. Attendance requirements for alternate members shall be established by the committee.

(Code 1960, § 142; Ord. of 10-14-69)

Sec. 2-43. Conflict of interest.

The conduct of boards, commissions or committees shall be governed by the conflict of interest provisions incorporated in Section 1101 of the Town Charter and Division 3 of this article.

(Code 1960, § 143; Ord. of 10-14-69)

Sec. 2-44. Notification of changes.

Each member of a board, commission or committee shall notify the chairman of such board, commission or committee and the chairman of the town council, in writing, when either of the following occurs:

(1) Change of residence of such member from the town.

(2) Enrollment in or change of political party registration.

(Code 1960, § 144; Ord. of 10-14-69)

Sec. 2-45. Resignation.

Any member of any board, commission or committee shall give written notification to the chairman of the board, commission or committee and the chairman of the town council no less than fourteen (14) days before the effective date of resignation.

(Code 1960, § 145; Ord. of 10-14-69)

Sec. 2-46. Removal.

(a) The occurrence of any of the following events or conditions shall be sufficient cause for appropriate action by the town council to remove from office any member of a board, commission or committee:

(1) Conduct by a member when in the discretion of the town council such conduct is determined to be clearly detrimental to the best interests of the town.

(2) Any action by a member which is disruptive to the proper conduct of meetings or other proceedings of the board, commission or committee.

(3) Failure by a member to maintain his principal residence within the town at any time during his term of office.

(4) Change in the political party registration of a member during his term of office which thereby causes the membership of such board, commission or committee to conflict with the minority representation provisions of the Town Charter or the general statutes.

(b) The chairman of the board, commission or committee shall notify the chairman of the town council whenever any of the above occurs.

(Code 1960, § 146; Ord. of 10-14-69)

Sec. 2-47. Procedures.

(a) *Rules.* The conduct of each board, commission and committee shall be governed by the Town Charter, town council rules, Roberts Rules of Order and this division.

(b) *Organization.* By January 15 following each regular election, each board, commission and committee, except the housing authority, shall hold an organizational meeting and shall elect a chairman, vice-chairman and secretary and such other officers as may be considered appropriate.

(c) *Meetings.* Meetings of boards, commissions and committee shall be subject to the following:

(1) At the organization meeting, dates of meetings to be held during the next calendar year shall be established and appropriate notice shall be filed with the town clerk as required by the general statutes.

(2) Meetings shall be held no less frequently than once each three (3) months, except as otherwise directed by the town council.

(3) The chairman or his designee shall give reasonable notice of the board, commission or committee meetings to all members and alternate members.

(4) The chairman shall be responsible for filing notice of each calendar year's meetings with the town clerk as required by the general statutes.

(d) *Quorum and voting.* Boards, commissions and committees shall be subject to the following quorum and voting rules:

(1) A majority of the total number of regular members shall constitute a quorum.

(2) No action shall be taken by a board, commission or committee unless a quorum is present and voting.

(3) No action, except a vote to adjourn or to fix the time and place of its next meeting, shall be taken by any board, commission or committee except upon an affirmative vote equal in number to at least a majority of the regular members of such board, commission or committee; provided, however, that the town council may by resolution provide that a particular board, commission or committee may act by an affirmative vote of a lesser number of members.

(Code 1960, § 147; Ord. of 10-14-69)

Secs. 2-48—2-55. Reserved.

DIVISION 3. CODE OF ETHICS*

Sec. 2-56. Declaration of policy and purpose.

It is the intent of the town council that town officials, employees, and consultants adhere to high standards of ethical conduct, that they act impartially in the performance of their duties, do not abuse their authority or influence, and do not have interests that would be incompatible with the discharge of their official responsibilities. Officials, employees, and consultants are expected to comply with the standards of ethical conduct outlined in sections 2-60 through 2-66 of the town code of ethics (code).

*__Editor's note—__Ord. No. 3296, adopted July 8, 2003, amended Div. 3 in its entirety to read as herein set out in §§ 2-56—2-69. Prior to inclusion of said ordinance, Div. 3 pertained to conflicts of interest. See also the Code Comparative Table.

__State law reference—__Authority to adopt code of ethical conduct, G.S. § 7-148(c)(10)(B).

The purpose of the town code of ethics is to:

(1) Fulfill the requirement of establishing guidelines for ethical conduct, pursuant to section 1101 of the Town Charter;

(2) Identify standards of ethical conduct to guide officials, officers, employees, and consultants as they conduct their public responsibilities;

(3) Clarify the role of the ethics commission;

(4) Outline a process that allows town officials, employees, and consultants to seek guidance and advice about ethical issues connected with their public responsibilities; and

(5) Establish a process that enables citizens to report and the ethics commission to investigate and respond to possible violations of the code.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Div. 3, found at the bottom of CD2:14, for former derivation of Div. 3.

Sec. 2-57. Definitions.

Agency is any board, commission, authority, or committee of the town, including the town council and board of education.

Beneficial interest means any nonfinancial interest or special treatment that is not common to other citizens of the town.

Business associate means a person joined together with another person through employment or to achieve a common financial and/or business-related objective.

Business day means a day other than a Saturday, Sunday or other day on which the office of the town clerk is closed to the public for business.

Complainant is a person or persons who files a sworn statement, pursuant to section 2-69(c)(1), against an official, employee, or consultant containing allegations of prohibited activities under the code.

Consultant is any independent contractor or professional person or firm that is by virtue of an award of a public bid or contract as defined in Glastonbury Code of Ordinances sections 2-262 and 2-263, engaged by and receives compensation from the town or board of education for the purpose of providing professional, scientific, technical or other specialized opinion and is in a position to influence any decision of an agency, official or employee.

Employee is any person receiving a salary, wages or stipend from the town or board of education for services rendered, whether full-time or part-time.

Family means the spouse, domestic partner, fiancé, fiancée, parents, grandparents, great-grandparents, lineal descendants, stepchildren, siblings, lineal descendants of siblings and stepsiblings of an official, employee, or consultant, or of his/her spouse or domestic partner.

Inquiry means a complaint or allegation of a possible violation of the code.

Official is any person holding elective or appointive office in the government of the town and shall include, but not be limited to, the town council, board of education, board of finance, town plan and zoning commission, town attorney, or any other agency.

Respondent is a person who is the subject of an inquiry or complaint.

Significant financial interest means any interest that: (1) has a monetary value of one hundred dollars ($100.00) or more or generates a financial gain or loss of one hundred dollars ($100.00) or more in a calendar year; and (2) is not common to the other citizens of the town. An individual's "significant financial interests" shall include the financial interests of all members of his/her family, but shall not include any duly authorized compensation from the town.

Valuable gift is a gift of more than fifty dollars ($50.00) in value. A valuable gift includes, but is not limited to, entertainment, food, beverage, travel, and lodging to the extent that the gift value exceeds fifty dollars ($50.00) for any one (1) occasion, and one hundred dollars ($100.00) total in any one (1) year from the same person, as well as loans that are not commercially reasonable. A valuable gift may also include donations to a third party on behalf of an official, employee, or consultant for which s/he receives some favor or advantage or consideration.

Valuable gifts do not include:

(1) A political contribution that is otherwise reported in accordance with the law.

(2) A loan made on terms that are commercially reasonable and not more favorable than loans made in the ordinary course of business.

(3) Any gift regardless of value received from: (i) any family member who resides in the same household as the recipient of the gift, or (ii) another family member unless the other family member who makes the gift is interested, directly or indirectly, in a business transaction or pending matter that is within the purview or responsibilities of (a) the recipient of the gift, or (b) another family member residing in the same household as the recipient of the gift.

(4) Certificates, plaques or other ceremonial awards costing less than fifty dollars ($50.00).

(5) Honorary degrees.

(6) A meal, ticket, beverages, and lodging costing less than or equal to fifty dollars ($50.00), but only if the total of all such gifts from a particular person does not exceed one hundred dollars ($100.00) in any one (1) year.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-58. Ethics commission.

(a) *Structure.*

(1) The ethics commission shall consist of five (5) regular members and two (2) alternate members.

(2) No more than two (2) of the regular members may be affiliated with any one (1) political party and the alternate members may not both be affiliated with the same political party. At all times, at least one (1) regular member and one (1) alternate member shall be unaffiliated with any political party.

(3) Members will not be compensated for their service on the commission.

(4) The commission shall elect a chair and vice chair/secretary who shall serve for two-year terms.

(b) *Member and alternate member qualifications.*

(1) Members and alternate members must be residents of the town.

(2) No member or alternate member shall:

a. Be employed by the town.

b. Have been employed by the town for a period of two (2) years prior to being appointed to the commission.

c. Hold or seek any town office.

d. Have campaigned for any other person seeking a town office.

e. Have held any town or state office for a period of two (2) years prior to being appointed to the commission.

f. Serve as a member of another agency.

g. Hold office in a political party or political committee.

h. Have been found in violation of any state, local, or professional code of ethics.

(c) *Method of appointment.* The town council shall appoint commission members in the manner provided in the Town Charter. Members of the ethics commission shall be appointed by a minimum of seven (7) affirmative votes of the town council.

(d) *Terms of appointment.*

(1) Members will be appointed for four-year terms.

(2) If a member is appointed to fill an unexpired term, then that member's term ends at the same time as the term of the person being replaced.

(e) *Powers and duties.*

(1) The commission has the power to render advisory opinions to any official, employee, or consultant on whether conduct by that person would constitute a violation of the Code. Individuals seeking an advisory opinion should follow the procedures outlined in section 2-69(b) of the Code.

(2) The commission has the power to examine inquiries or complaints and to make a determination of probable cause, pursuant to the procedures outlined in sections 2-69(c) and 2-69(d) of the Code.

(3) The commission itself, by majority vote, may initiate an inquiry or complaint.

(4) The commission has the power to hold hearings concerning alleged violations of the Code, may administer oaths, and may compel the attendance of witnesses by subpoena to the extent permitted by law.

(5) The commission has the power to review code policies and procedures on an as-needed basis and will make recommendations to the town council regarding changes to the code policies and procedures.

(6) The commission will make advisory opinions available to the public unless doing so would violate the confidentiality provision of this code, section 2-60, or is otherwise prohibited by law.

(7) The commission will protect the personal privacy rights of any individual who is the subject of an inquiry or complaint, except as necessary to investigate and make determinations of probable cause. If there is a finding of no probable cause, the existence of an inquiry or complaint and any records relating to that inquiry or complaint shall remain confidential pursuant to section 2-60.

(8) The commission may take action to increase public awareness of the code.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

State law reference—Ethics commission, G.S. § 7-148h.

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-59. Consultants.

The code shall be incorporated by reference into all contracts entered into by the town and board of education with a consultant.

Persons or firms who are engaged by and receive compensation from other governmental entities, such as the state or federal government, and who are in a position to influence any decision of an agency, official or employee shall be guided by the code, and the commission may make recommendations to the entity employing such persons.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-60. Confidential information.

Officials, employees, or consultants may not disclose or use any information or records that are not available to the public except in the performance of official duties or as required by law or court order.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-61. Use of influence and/or intentional misrepresentation.

(a) No official, employee, or consultant may seek, demand, or obtain a significant financial interest or a beneficial interest in his/her favor or the favor of any member of his/her family or business associate.

(b) No official, employee, or consultant may use her or his public office or position or disclose or use confidential information, in order to obtain a significant financial or beneficial interest for herself, himself, or for her or his immediate family, or for any business associate.

(c) No official, employee, or consultant, except for police officers in the course of the police investigative process, may intentionally commit or omit any material fact designed to deceive others in the performance of his or her official duties.

(d) No official, employee, or consultant may withhold information or make a dishonest or fraudulent statement with the intent to deceive or to misrepresent material facts in the performance of his or her official duties.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-62. Gifts and favors.

(a) No official, employee or consultant or any business associate or member of his/her family nor any agency, employee organization or group of employees shall solicit or accept any valuable gift, whether in the form of a service, a loan at a less than a commercially available rate, a material thing or a promise, from any person or entity who or which is interested directly or indirectly in any business transaction or pending matter that is within the purview of such official, employee, consultant, agency, employee organization or group of employees. No official, employee or consultant shall accept, or knowingly seek or cause to be given to any member of his/her family, any valuable favor, treatment, consideration or advantage beyond that which is generally available to citizens of the town from any person who, to the knowledge of the official, employee or consultant, is interested directly or indirectly in any business transaction or pending matter that is within the responsibilities of the official, employee or consultant. For purposes of this section, a pending matter includes, but is not limited to, any application to an agency, a bid for work to be performed, an application for employment, and any bid for the furnishing of supplies, equipment or services.

(b) This section shall not apply to any political contribution that is reported as required by law.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-63. Equal treatment.

Without proper authorization, no official, employee or consultant shall accept, seek, grant or cause to be granted any special consideration, treatment or advantage to such individual or his/her family by virtue of his/her position or business association.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-64. Conflict of interest.

An official, employee or consultant has a conflict of interest when that individual engages in or participates in any contract, transaction, decision, employment, or rendering of service that is incompatible with the proper discharge of that individual's official responsibilities in the public interest or would tend to impair his/her independent judgment or action in the performance of official responsibilities.

A significant financial interest or beneficial interest presents a conflict of interest that is incompatible with the proper discharge of official responsibilities in the public interest if the official, employee or consultant has reason to believe or expect that he/she will obtain, secure or advance such interest by reason of his/her actions in performance or nonperformance of his/her official responsibilities.

An official, employee or consultant does not have a significant financial interest or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if the interest accrues to such individual as a member of a profession, occupation, or group to no greater extent than it accrues to any other member of the profession, occupation, or group with which he/she is affiliated as set forth in G.S. § 7-148h(b).

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-65. Disclosure and disqualification.

(a) Any official, employee or consultant who has a conflict of interest, significant financial interest or beneficial interest, direct or indirect, in any contract, transaction or decision within the purview of his/her official responsibilities shall disclose that conflict of interest in accordance with section 2-65(c)(1) through (6). Such disclosure shall disqualify the official, employee or consultant from participation in the matter, transaction, or decision.

(b) No official, employee or consultant shall appear on behalf of any private person or party before any agency in connection with any cause, proceeding, application or other matter in which he/she has a significant financial interest or beneficial interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding.

(c) If there is an uncertainty whether an official, employee or consultant has a conflict of interest, significant financial interest or beneficial interest that could disqualify that individual from participation in a matter, such individual shall disclose such possible conflict of interest to the following:

(1) For an official who is a member of an elective or appointive board, commission, committee, or authority to the particular agency of which such official is a member.

(2) For town employees and officials appointed by the town manager to town manager.

(3) For board of education employees to the superintendent of schools.

(4) The town manager to town council.

(5) The superintendent of schools to the board of education.

(6) For a consultant to the agent executing contract on behalf of the town or board of education.

(d) The appropriate authority to which the disclosure is made shall make an appropriate record of such disclosure and shall recommend to the official, employee or consultant making the report whether such official, employee or consultant should abstain from participating in the transaction or decision to which the possible conflict of interest relates and whatever other appropriate action should be taken.

(e) Any such questions concerning a possible conflict of interest may be referred to the commission for an advisory opinion.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-66. Incompatible employment and activities.

(a) No official or employee shall engage in or accept private employment or render services when the employment or services: (1) are incompatible with the proper discharge of the official duties of the official or employee; or (2) would tend to impair independence of judgment or action by the official or employee in the performance of that individual's official duty. No consultant shall engage in employment or render services for interests other than the town when such employment or services: (1) are incompatible with the proper discharge of his/her consulting duties on behalf of the town; or (2) would tend to impair the independence of the consultant's judgment or action on the matter for which the consultant has been engaged by the town.

(b) No former official, employee or consultant shall appear on behalf of any person or other entity before any agency with which he/she previously was employed or affiliated for a period of one (1) year after the termination of his/her public service or employment; provided, however, that such an individual may be permitted to make such an appearance upon receipt of a favorable prior advisory opinion by the ethics commission following its review of the individual's written application and relevant facts.

(c) No former official, employee or consultant shall appear on behalf of any person or other entity before any agency in regard to a matter in which that individual previously participated in the course of his/her official responsibilities for a period of one (1) year after the termination of his/her public service or employment; provided, however, that such an individual may be permitted to make such an appearance upon receipt of a favorable advisory opinion by the ethics commission.

(d) Subsections (a), (b) and (c) of this section shall not prohibit any current or former official, employee or consultant from appearing before any agency on his/her own behalf. To avoid an actual or perceived conflict, officials are strongly discouraged from appearing before the agency on which they are a member or officer, absent extenuating circumstances, unless s/he has received a prior favorable advisory opinion by the ethics commission prior to appearing.

(e) Nothing in the code shall be interpreted to authorize conduct restricted or prohibited by any provision of the Connecticut General Statutes including, but not limited to, G.S. §§ 8-11, 8-21, and 22a-42(c) that restrict conduct of members of municipal zoning and planning authorities and members of wetlands and watercourses boards or commissions.

(f) To avoid even the appearance of impropriety or creation of a situation that would be contrary to the declared policy and purpose of the code, an official, not otherwise restrained by the code, shall exercise care when appearing before other agencies and shall disclose whether s/he is appearing in his/her official capacity or as a private citizen.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-67. Penalty for violation.

A failure to comply with the code shall be considered grounds for censure, reprimand, suspension, demotion, removal, or dismissal of officials, employees and consultants as applicable. The remedies and procedures specified in applicable statutory and charter provisions, personnel rules, contract grievance rules, or other work rules, policies and procedures, shall be followed in the enforcement of this section.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-68. Acknowledgment form.

(a) The town clerk shall provide a copy of the code and Town Charter section 1101 to every official consultant within sixty (60) days of date that s/he begins his/her official duties. Every town official shall sign and file with the town clerk an acknowledgment form indicating his/her awareness of the provisions of this code and of section 1101 of the Town Charter.

(b) Each consultant shall sign and file with the town clerk an acknowledgment form indicating his/her awareness of the provisions of this code, and section 1101 of the Town Charter on or before being retained by the town, board of education, or other agency.

(c) The town manager and superintendent of schools shall develop a protocol for periodic training of employees concerning this division and Town Charter section 1101. The commission shall develop a protocol for periodic training of officials.

(d) The town council shall approve a procedure for monitoring compliance with this section and approve the training protocols specified in subsection (c).
(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-69. Ethics commission rules of procedure.

(a) These procedures shall be used by the ethics commission established in section 2-58 hereof, and are designed to guide public officials, officers, employees, consultants and citizens of the process to be followed if they seek advice or question the conduct of those in or affiliated with town government. Subsection (b), advisory opinions, describes a process for town officers, officials, employees or consultants, and other parties doing business with the town who are seeking advice about their own conduct or the conduct of a town office or function. Subsection (c), inquiries, describes a process for resolving questions about specific conduct of a current town officer, official, employee or consultant, or about a town office or function. Subsection (d), complaints, describes a formal, public procedure for considering matters that cannot be resolved through the processes outlined in subsection (c) for inquiries. Subsection (e), other communications; miscellaneous, describes the process to be followed by anyone wishing to bring something to the attention of the commission, without requesting an advisory opinion or filing an inquiry.

(b) Advisory opinions.

(1) *Initiation.*

a. Any current, former or prospective town employee, official, or consultant may request an advisory opinion from the commission as to whether conduct by that person or entity would violate the code. Any current town official also may request an advisory opinion concerning the activities of any department over which he or she has jurisdiction or board or commission on which he or she serves.

b. Individuals initiating a request for an advisory opinion must do so by completing a form available through the town clerk's office or through the town's web site

www.glastonbury-ct.gov. The form must contain a statement setting forth the advice requested and the relevant facts known to the individual making the request so that the commission can reasonably be expected to understand the nature of the request. The individual making the request must sign it.

c. Requests must be addressed in a sealed envelope to the commission, c/o the town clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut, who will date stamp, but not open, the envelope and forward same promptly to the chair or vice chair of the commission. On the day said request is received by the town clerk, the town clerk or his or her representative shall notify the chair or vice chair of the commission, or both, of same.

d. The date the request is received by the town clerk will mark the official date of receipt for purposes of deadlines for decisions.

(2) *Proceedings.*

a. The chair will present the request to the commission at its next regular meeting for which no agenda has been filed yet with the town clerk or at a special meeting called by the commission chair or vice chair.

b. The commission will meet to review the request. At that time, it may decide to: (1) seek additional information, (2) create a subcommittee of at least two (2) commission members to make a recommendation for consideration by the full commission, (3) hold an informal hearing to receive comments from the individual who requested the advisory opinion and/or from the public, (4) investigate the relevant facts and issues in order to render the advisory opinion, and/or (5) treat the matter as an inquiry under subsection (c) hereof.

(3) *Decisions.*

a. Advisory opinions will be made by a majority of commission members voting at a meeting at which a quorum is present.

b. The commission will issue an advisory opinion as expeditiously as possible but in any event within ninety (90) days from the day it first considers the request. The commission may extend the time for decision for up to an additional thirty (30) days.

c. All advisory opinions must be in writing and communicated to the individual making the request.

d. The commission may decline to render an advisory opinion if (1) the subject matter is not covered by the code, (2) the known facts are incomplete or incorrect and the omissions or misstatements are material to the advisory opinion requested, or (3) other reasonable grounds exist for not taking action. If the commission decides to so act, it shall state its reasons.

(4) *Confidentiality.*

a. Requests for advisory opinions will be reviewed in open session unless, upon review by the commission chair or vice chair, it is determined that the matter would be more appropriately treated as an inquiry under subsection (c) hereof and pursuant to G.S. § 1-82a.

b. Requests for advisory opinions that are treated as inquiries under subsection (c) hereof will be reviewed in closed session, except upon the request of the person who is the subject of the inquiry.

c. Advisory opinions for matters not treated as inquiries under subsection (c) hereof will be made available for public inspection by delivery to the town clerk's office.

(c) Inquiries.

(1) *Initiation.*

a. Any member of the public may submit an inquiry asking whether a current official, consultant or employee has failed to comply with the code or asking about the appropriateness of conduct of a particular town office, agency, or consultant.

b. The commission may itself initiate an inquiry regarding a possible violation of the code.

c. Individuals initiating an inquiry must do so by completing a form, available through the town clerk's office or through the town's web site at www.glastonbury-ct.gov. The initiating individual must sign the form under penalty of false statement. The form must contain a description of the relevant facts in sufficient detail so that the commission and any person who is the subject of the inquiry can reasonably be expected to understand the nature of the allegations.

d. Inquiries must be addressed in a sealed envelope to the commission, c/o the town clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut, who will date stamp, but not open, the envelope and forward same promptly to the chair or vice chair of the commission.

e. The date an inquiry is received by the town clerk will mark the official date of receipt for purposes of deadlines for decisions.

(2) *Preliminary review.*

a. The chair or vice chair of the commission will conduct a preliminary review of all inquiries to determine whether the matter should be dismissed or reviewed by the entire commission.

b. The chair or vice chair may dismiss a matter on any of these grounds:

1. The complainant does not allege a violation of, or does not give enough information to suggest a violation of, sections 2-60 through 2-66 of the Code.

2. The person who is the subject of the inquiry is a minor.

3. The person who is the subject of the inquiry is no longer an official, employee, or consultant of the town.

4. The matter occurred more than three (3) years earlier or before the enactment of the code by the town.

5. The commission has already taken action on the matter.

c. If a matter is dismissed by the chair or vice chair after a preliminary review, the chair or vice chair will notify the complainant within five (5) business days, by regular mail, of the reasons for the dismissal.

d. If a matter is dismissed by the chair or vice chair after a preliminary review, no further action by the commission, including notice to the respondent(s), is necessary.

e. Complainants may appeal a dismissal by the chair or vice chair by filing with the town clerk a new inquiry form that contains additional evidence that would warrant review by the entire commission.

(3) *Notice.*

a. Within five (5) business days of the town clerk's receipt of the inquiry or initiation of an independent inquiry, the chair or vice chair will notify the respondent(s) by regular mail and will provide the person with a copy of the completed form and the code. The commission will confirm by regular mail to the person who initiates an inquiry that it was received by the commission.

b. In the event that an inquiry contains allegations against multiple respondents, the chair or vice chair must notify each respondent individually. Respondents are subject to the confidentiality provisions of section 2-60 and section 2-69(c)(7) of the code.

c. Respondents may file a written response with the chair of the commission within ten (10) business days after receiving the notice. In response to allegations against multiple respondents, respondents may respond individually or collectively.

(4) *Proceedings.*

a. Unless the inquiry previously was dismissed by action of the chair or vice chair pursuant to section 2-69(c)(2) above, the chair will present the inquiry and any response received from the subject to the commission at its next regular meeting or in a special meeting held after receipt of the inquiry, the mailing of notice to the subject, and the passage of at least ten (10) additional business days.

b. The commission will meet one (1) or more times in closed session from which the public is excluded to review the inquiry and to determine whether or not there exists probable cause that the code has been violated. In those sessions, it may decide to: (1) seek additional information, (2) create a subcommittee of at least two (2) commission members to make a recommendation for consideration by the

full commission, (3) proceed to investigate the relevant facts and issues in order to render a decision, (4) decline to review the matter further, pursuant to subsection (c)(5) hereof, (5) endeavor to resolve the matter by convening a confidential meeting that includes the individual who is the subject of the inquiry and others relevant to the issue, (6) make a finding of probable cause and treat the matter as a complaint under subsection (d) hereof, and/or (7) make a finding of no probable cause. If the commission proceeds under steps (1), (2), (3), or (5) above, it will establish a schedule of meetings for consideration of the inquiry, subject to the provisions of subsection (c)(4)a. hereof.

c. A finding of probable cause means that based on a review of the available information the commission determines that reasonable grounds exist to believe that the respondent engaged in prohibited conduct outlined in sections 2-60 through 2-66 of the code.

(5) The commission may decline to continue to review a matter on any of these grounds:

a. The alleged facts do not evidence the existence of probable cause of a violation of sections 2-60 through 2-66 of the code.

b. The matter is judged to be vexatious, frivolous, groundless, or brought for the purpose of harassment. A vexatious matter is one that lacks any serious purpose or value or that is designed to cause disruption or annoyance.

c. The person who is the subject of the matter has already taken corrective action and the commission believes the action taken was appropriate in the circumstances and the matter should not be pursued.

d. There are other reasonable grounds for not taking action.

(6) *Decisions.*

a. As expeditiously as possible but in any event within one hundred twenty (120) days after the meeting at which the town clerk received the inquiry form, the commission will decide that (1) the inquiry requires no further action because it was resolved or did not require further review under subsection (c)(5) hereof, or (2) probable cause exists that a violation of the code occurred, in which case the inquiry will be treated as a complaint under subsection (d) hereof. The commission may extend the time for decision if circumstances justify a delay.

b. No finding of the existence of probable cause may be made except upon the vote of at least four (4) members of the commission.

c. Within five (5) business days after making a decision under this subsection (c), the commission will inform in writing both complainants and respondents of its decision and its reasons for the decision. It shall be sufficient that the commission cite as a reason for its decision any of the reasons enumerated in section 2-69(c)(5), above.

(7) *Confidentiality.*

a. If the commission does not make a finding of probable cause, then the inquiry and the record of the commission's investigation shall remain confidential, except upon the request of the respondent. If the inquiry alleged violations by multiple respondents, then the request to release information must be made by all respondents.

b. The commission may publish decisions in whole or in part if it decides that publication would serve the public interest and publication can be made in such a way as to protect the personal identity and privacy of persons who were the subject of any evaluation of a possible violation of the code.

(d) Complaints.

(1) *Initiation.*

a. After conducting an investigation of any inquiry under subsection (c) hereof, if the commission finds probable cause exists, then it will make public by providing to the town clerk its findings and its record of the investigation not later than five (5) business days after its decision, except it may postpone public release of the record for up to fourteen (14) days for the purpose of resolving the matter with the person who is the subject of the inquiry. If no resolution is reached, the commission will proceed in the manner described in this subsection (d).

b. The findings and record of the investigation shall include: (1) the inquiry; (2) evidence received or considered; (3) a reference to the particular section of the code involved; and (4) a short and plain statement of the commission's reason for finding probable cause.

c. Any member of the public who desires to file a complaint against a current officer, official, consultant or employee for allegedly violating the Code must first pursue the matter as an inquiry under subsection (c) hereof.

(2) *Public hearings.* If the commission decides, after its investigation under subsection (c) hereof, that probable cause of a violation of the code exists, it will conduct a public hearing to determine whether or not a violation occurred. At the hearing, the person who is the subject of the hearing will have the right to be represented by legal counsel, to present evidence and witnesses and compel attendance of witnesses and the production of books, documents, records and papers, and to examine and cross-examine witnesses and inspect and copy relevant and material records, papers and documents not in such person's possession. Not later than ten (10) days before the start of the hearing, the commission will provide the person with a list of its intended witnesses. The commission will make a record of the proceedings.

(3) *Powers and conduct of hearings.*

a. For the hearing, the commission will have the power to administer oaths, question witnesses, consider oral and documentary evidence, subpoena witnesses under procedural rules adopted by the commission as regulations in accordance

with the provisions of G.S. ch. 54 (Uniform Administrative Procedure Act) to compel attendance before the commission, and require the production for examination by the commission of any books and papers which it deems relevant in any matter under investigation or in question.

b. The commission may require witnesses to testify under oath administered by the presiding officer or any other duly qualified person. The hearings shall be recorded and/or transcribed.

c. Hearings are not governed by the legal rules of evidence and any information relevant to the matter may be considered. The commission will respect the rules of privilege recognized by the law. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and, upon request, parties and the commission will be given an opportunity to compare the copy with the original.

(4) *Decisions.*

a. Decisions by the commission that a person is in violation of the code must result from the concurring vote of four (4) of its members.

b. The commission must render its decision within sixty (60) days of the closing of the hearing.

c. Such finding and memorandum will be deemed to be the final decision of the commission for the purposes of G.S. ch. 54. The person who was the subject of the hearing may appeal to the superior court in accordance with the provisions of G.S. § 4-183.

d. If the commission finds that the code was violated, it will provide the party who was the subject of the hearing and the town council with a copy of its findings and memorandum within ten (10) days after its decision. It will also advise the party of the right of appeal under G.S. § 4-183. At the same time, it will provide a copy of its findings and memorandum to the town manager, if such party is an employee, consultant or official appointed or under the jurisdiction of the town manager, or the superintendent of schools and the board of education of the town if such person is an employee, consultant or official appointed or under the jurisdiction of the superintendent or such board.

e. Other communications; miscellaneous: The commission welcomes communications from the public even if they do not fall within the categories of an advisory opinion, inquiry, or complaint. These should be in writing and should include the name and address of the individual making the communication. The communication should be addressed in a sealed envelope to the chair of the commission, c/o the town clerk, 2155 Main Street, Town Hall, Glastonbury, Connecticut, who will date stamp, but not open, the envelope and forward same promptly to the chair or vice chair of the commission. On the day said communication is received by the

town clerk, the town clerk or his or her representative shall notify the chair or vice chair of the commission, or both, of same. The chair or vice chair shall determine whether said communication should be treated as confidential. Requests that are not treated as confidential will be made available for public inspection by delivery to the town clerk's office. Communications will be handled on a case-by-case basis and at the discretion of the commission.

(Ord. No. 296, 7-8-03; Ord. No. 314, 6-26-07; Ord. No. 328, 10-22-13)

Note—See editor's note for Ch. 2, Div. 3, found at the bottom of page CD2:14, for former derivation of Ch. 2, Div. 3.

Sec. 2-70, 2-71. Reserved.

Editor's note—Ord. No. 328, adopted Oct. 22, 2013, amended the Code by repealing § 2-70 which pertained to effective date and derived from Ord. No. 296, adopted July 8, 2003 and Ord. No. 314, adopted June 26, 2007.

DIVISION 4. PENSION SYSTEM

Sec. 2-72. Establishment.

There shall be in the town a pension system for all town officers and employees participating, as of April 22, 1963, in State Municipal Retirement Fund "A" and all other regular full-time employees except board of education employees who have been, are, or shall be eligible for membership in the state teachers retirement system; officers and employees participating, as of April 22, 1963, in such Fund "A" were eligible as of that date; others on July 1 next following the completion of one (1) year's service, provided the employee has not attained the age of fifty-five (55) or, in the case of police officers, forty-five (45), prior to the expiration of such one (1) year's service.

(Code 1960, § 911; Ord. of 4-22-63)

Sec. 2-73. Rights and benefits of participants.

The rights and benefits of participants under the pension system described in section 2-71 shall be as set forth in such plan, including revisions thereto, as are hereafter approved by the town council; provided, however, that, such rights and benefits including such later revisions shall in no event be less than those enjoyed by those town employees participating, as of April 22, 1963, in Municipal Retirement Fund "A". Such plan shall be funded by a private insurance carrier, or in such other manner as may be approved by the town council and it is understood that amendments and additions to this division will be adopted in connection with and as part of adoption of such pension plan.

(Code 1960, § 912)

Sec. 2-74. Management and administration of plan.

The management and administration of the pension plan described in section 2-71 is hereby vested in the town manager. The town council shall have power to make reasonable rules and

regulations for carrying out the provisions of such plan and of this division and as the same may be so revised and amended hereafter and may employ such assistance as is necessary for the purpose.
(Code 1960, § 913; Ord. of 4-22-63)

Sec. 2-75. Effective date.

The pension system described in section 2-71 became effective upon the date the town's withdrawal from the state municipal retirement fund was complete and the time and manner of election to participate therein by town officials and employees eligible to do so was provided in such plan as approved by the town council and in amendments to this division in association therewith.
(Code 1960, § 914; Ord. of 4-22-63)

Secs. 2-76—2-90. Reserved.

ARTICLE IV. COMMISSION ON AGING*

Sec. 2-91. Establishment.

There shall be a commission on aging of the town consisting of seven (7) regular voting members appointed by the town council. Such commission shall propose and evaluate

*__Charter reference—__Authority to establish commissions, § 802.
__Cross reference—__Terms of officers, etc., § 2-31.

programs and services for the elderly in the community, and shall assist the town staff in the development, initiation, coordination, and implementation of programs and services for the elderly.
(Code 1960, § 1181; Ord. of 12-26-72; Ord. of 5-26-81)

Sec. 2-92. Organization; vacancies; records and reports.

(a) The members of the commission on aging shall elect a chairman and vice-chairman from its members by ballot. Any vacancy in the commission shall be filled by the town council for the unexpired portion of the term.

(b) The commission shall keep appropriate records of its meetings and activities and shall submit an annual report to the town in the manner required for other agencies of the town.
(Code 1960, § 1183; Ord. of 12-26-72; Ord. of 5-26-81)

Sec. 2-93. Compensation.

The members of the commission shall serve without compensation. The necessary expenses of the commission shall be paid by the town through the proper budget and appropriate procedures.
(Code 1960, § 1184; Ord. of 12-26-72; Ord. of 5-26-81)

Sec. 2-94. Powers and duties.

(a) The commission shall work with the town staff to study continuously the conditions and needs of elderly persons in the community. Such studies shall include the areas of housing, economics, health, employment, transportation, recreation, home care services and other matters concerning the life quality of the elderly.

(b) The commission shall assist and advise the town staff in analyzing the services and programs provided and available through public and private agencies and shall make recommendations to the town council regarding the development and coordination of such services and programs in keeping with the needs of the elderly.

(c) The commission will make suggestions to the town staff prior to preparation of a budget by the town manager. The town staff will prepare a proposed budget to be reviewed at the next commission meeting. Two (2) members of the commission will be appointed by the chairman to work with the town staff in the preparation of the final draft budget.

(d) The commission and town staff will be responsible for coordination of all town activities related to the elderly. Such coordination shall not preclude any other town department or agency from involvement in these activities. Town staff or agencies whose programs and services may relate to senior citizen activities include:

(1) Department of senior services;

(2) Department of social services;

(3) Youth and family services—Senior employment program;

(4) Recreation department;

(5) Glastonbury housing authority;

(6) Glastonbury visiting nurses association;

(7) Board of education.

(e) The commission shall develop a rapport with all senior citizen organizations and groups in the community. The commission may request liaison representation from other commissions, committees, town departments or other public or private agencies concerned with the aging.

(f) The commission shall work in conjunction with the other various town agencies to promote awareness of special needs and/or problems of the elderly.

(g) The commission may exchange information with the state department on aging and may request the state department for assistance in planning and coordinating state and local services and programs.
(Code 1960, §§ 1185, 1186; Ord. of 12-26-72; Ord. of 5-26-81)

Secs. 2-95—2-110. Reserved.

ARTICLE V. COMMUNITY BEAUTIFICATION COMMITTEE*

Sec. 2-111. Membership.

There shall be a permanent community beautification committee for the town which shall consist of seven (7) electors appointed by the town council.
(Code 1960, § 1191; Ord. of 11-28-66)

Sec. 2-112. Duties.

The community beautification committee shall establish goals and determine methods for the enhancement of scenic beauty in public areas. Its activities shall include, but not be limited to, the acceptance of gifts of funds or landscaping materials on behalf of the town, the encouragement and direction of the efforts of private groups of individuals, coordination of private and public activities, the setting of standards for and approval of plans of landscaping, and promotion of comprehensive plans for landscaping of public areas. It shall make periodic recommendations to the town council and other appropriate agencies on the subject of community beautification.
(Code 1960, § 1193; Ord. of 11-28-66)

*__Charter reference—__Authority to create committees, § 802.
__Cross reference—__Terms of officers, etc., § 2-31.

Sec. 2-113. Organization.

The community beautification committee shall choose a chairman and secretary from its members by ballot, shall keep records of its meetings and activities, and shall report annually to the town council in the manner required of other agencies of the town.
(Code 1960, § 1194; Ord. of 11-28-66)

Sec. 2-114. Vacancies.

The town council shall fill all vacancies in the membership of the community beautification committee and may remove any member for cause.
(Code 1960, § 1195; Ord. of 11-28-66)

Sec. 2-115. Compensation.

The members of the community beautification committee shall serve without compensation but the necessary expenses of the commission shall be paid by the town through proper appropriations procedures.
(Code 1960, § 1196)

Secs. 2-116—2-130. Reserved.

ARTICLE VI. ECONOMIC DEVELOPMENT COMMISSION*

Sec. 2-131. Establishment.

There shall be an economic development commission of the town which shall consist of seven (7) electors of the town to be appointed by the town council.
(Code 1960, § 1131; Ord. of 1-10-66)

Cross reference—Terms of office, § 2-31.

Sec. 2-132. Chairman; vacancies.

The members of the economic development commission shall choose a chairman and secretary from its members by ballot. Any vacancy in such commission shall be filled for the unexpired portion of the term by the town council.
(Code 1960, § 1132; Ord. of 1-10-66)

Sec. 2-133. Compensation.

The members of the economic development commission shall serve without compensation, but the necessary expenses of the commission shall be paid by the town through proper appropriation procedures.
(Code 1960, § 1133; Ord. of 1-10-66)

***Charter reference—**Authority to establish commissions, § 802.

State law reference—Authority to establish economic development commission, G.S. § 7-136.

Sec. 2-134. Duties.

The economic development commission shall have all the powers granted to economic development commissions by section 7-136, as amended, and by the Town Charter and any amendments to such Charter and to such statutes.
(Code 1960, § 1134; Ord. of 1-10-66)

Secs. 2-135—2-150. Reserved.

ARTICLE VII. FINE ARTS COMMISSION*

Sec. 2-151. Establishment.

There shall be a fine arts commission of the town which shall consist of nine (9) electors of said town to be appointed by the town council for the purpose of promoting and stimulating interest and participation in the fine arts. Effective December 2, 1997, the fine arts commission shall consist of seven (7) electors of the town to be appointed by the town council.
(Code 1960, § 1225; Ord. of 10-9-73; Ord. of 5-14-96)

Sec. 2-152. Organization and vacancies.

The members of the fine arts commission shall choose a chairman, vice-chairman and secretary from among its members by ballot. Any vacancy in the commission shall be filled by the town council for the unexpired portion of the terms.
(Code 1960, § 1227; Ord. of 10-9-73)

Sec. 2-153. Compensation.

The members of the fine arts commission shall serve without compensation, but the necessary expenses of the commission shall be paid by the town by proper appropriation procedures.
(Code 1960, § 1228; Ord. of 10-9-73)

Sec. 2-154. Duties and responsibilities.

The fine arts commission shall undertake, promote and encourage such activities and events as will encourage and expand general interest and participation in the fine arts, and shall coordinate efforts and support by any involved town agencies or departments in such a manner as to promote but not interfere with similar activities by private organizations having the same purposes and goals. Such commission shall report on its doings annually to the town council.
(Code 1960, § 1229; Ord. of 10-9-73)

Secs. 2-155—2-165. Reserved.

***Charter reference—**Authority to establish commissions, § 802.
Cross reference—Terms of office, etc., § 2-31.

ARTICLE VIII. HUMAN RELATIONS COMMISSION*

Sec. 2-166. Establishment.

There shall be a human relations commission consisting of five (5) members who shall be appointed by the town council. All members of the commission shall serve for terms of four (4) years, except for the initial terms.
(Code 1960, § 1235; Ord. of 11-12-74; Ord. of 11-13-90)

Sec. 2-167. Organization.

The human relations commission shall choose a chairman and secretary from its members by ballot, shall keep records of its meetings and activities and shall report annually to the town council in the same manner as other agencies and commissions of the town.
(Code 1960, § 1236; Ord. of 11-12-74; Ord. of 11-13-90)

Sec. 2-168. Vacancies.

Any vacancy on the human relations commission, from whatever cause occurring, shall be filled by appointment by the town council for the unexpired portion of the term in accordance with section 2-167 of this article.
(Code 1960, § 1237; Ord. of 11-12-74; Ord. of 11-13-90)

Sec. 2-169. Meetings.

The human relations commission shall meet at least quarterly and at such other times as the chairman may designate. Any two (2) members of the commission may, in writing, request the chairman to call a special meeting for a specific purpose, or purposes, in accordance with such request.
(Code 1960, § 1238; Ord. of 11-12-74; Ord. of 11-13-90)

Sec. 2-170. Duties.

The duties of the human relations commission shall be as follows:

(1) To receive, investigate and review complaints regarding illegal discrimination in the town under applicable federal, state or local laws, and to refer such complaints, where appropriate, to the proper agency having jurisdiction in the particular matter. To seek, encourage and attempt to accomplish voluntary compliance with all state and federal laws relating to discrimination and equal opportunities, before referring such complaints to proper agencies.

(2) To carry out such projects and to study such problems of discrimination which may be assigned to it by the town council.

***Charter reference—**Authority to establish, § 802.
Cross reference—Terms of boards, commissions, etc., § 2-31.

(3) To recommend to the town council such ordinances or programs as it deems necessary to deal with problems of discrimination as they exist or to prevent such problems before they arise in the town in situations where there is a real and present likelihood they will arise, and such likelihood is demonstrated by complaints or established by such council-assigned projects and studies.

(4) To work with other town agencies and/or commissions or with private, civic, business and other organizations and groups in presenting educational programs for the specific purpose of promoting better understanding among groups and persons in the community.

(Code 1960, § 1239; Ord. of 11-12-74; Ord. of 11-13-90)

Sec. 2-171. Compensation.

The members of the human relations commission shall serve without compensation, but the necessary expenses of the commission shall be paid by the town through proper appropriations procedures.

(Ord. of 11-13-90)

Secs. 2-172—2-181. Reserved.

ARTICLE IX. JUSTICES OF THE PEACE*

Sec. 2-182. Number fixed.

The number of justices of the peace for the town is hereby fixed at thirty (30) to be chosen in accordance with the General Statutes of Connecticut.

(Code 1960, § 175; Ord. of 6-29-64; Ord. of 3-12-96)

State law reference—Authority to provide for lesser number, G.S. § 9-183a.

Secs. 2-183—2-195. Reserved.

ARTICLE X. PUBLIC BUILDINGS COMMISSION†

Sec. 2-196. Establishment.

There shall be a commission of the town to be known as the public buildings commission. This commission shall act at the direction of the town council in matters pertaining to the

*__Charter reference—__Town attorney, § 801.

†__Charter reference—__Authority to establish commissions, § 802.

__Cross references—__Terms of boards, committees, etc., § 2-31; buildings and building regulations, Ch. 5.

acquisition, construction and/or modification of public buildings and land directly associated therewith by the town, and shall perform such other duties as may be assigned from time to time by the town council.
(Code 1960, § 371; Ord. of 1-9-67; Ord. of 3-12-85)

Sec. 2-197. Appointments.

The members of the public buildings commission shall be appointed by the town council. All terms shall be in accordance with section 2-31. Five (5) electors of the town shall be appointed for terms of four (4) years and one (1) member of the board of finance shall be appointed for a term of two (2) years. One (1) additional elector may be appointed by the town council from the "user group" for each public buildings project on which the public buildings commission is acting, for the duration of the project. The "user group" representative shall vote only on matters pertaining to the project for which he/she is serving on the commission.
(Code 1960, § 372; Ord. of 3-12-85)

Sec. 2-198. Compensation.

The members of the public buildings commission shall serve without compensation, but the necessary expenses of the commission shall be paid by the town through appropriation procedures.
(Ord. of 3-12-85)

Sec. 2-199. Duties.

(a) The public buildings commission, on specific assignment from the town council, shall develop feasibility studies and designs. The town manager, or designee, in consultation with the public buildings commission, shall review and evaluate feasibility studies and designs prepared by design professionals to be presented to the town council for approval before a project is advertised for bids for construction. Bids submitted by contractors shall also be reviewed by the town manager, or designee, with the public buildings commission; provided, however, final responsibility and authority for approval of contract documents, and contractor selection shall reside with the town manager.

(b) The town manager, or designee, shall administer and supervise the project during the construction phase. The town manager, or designee, shall meet with the public buildings commission at regular intervals to report on the project status and progress. Responsibility for all project documentation, record keeping, requisitions, change orders, etc., shall be the responsibility of the town manager, or the designee, involved with the project supervision.

(c) The public buildings commission shall give the town council status reports on the project on a regular basis, and may make recommendations and comments to the council on any phase of the project.
(Ord. of 3-12-85)

Secs. 2-200—2-210. Reserved.

ARTICLE XI. RESERVED*

Secs. 2-211—2-218. Reserved.

ARTICLE XI.5. INSURANCE ADVISORY COMMITTEE†

Sec. 2-219. Membership and terms.

(a) The insurance advisory committee shall consist of seven (7) members appointed by the town council.

(b) The terms of office of the committee members should be in accordance with Section 802 of the Town Charter.
(Ord. of 4-23-84, § 1)

Sec. 2-220. Meetings.

Meetings of the insurance advisory committee shall be held pursuant to section 2-47 of the Town Code.
(Ord. of 4-23-84, § 2)

Sec. 2-221. Duties.

It shall be the duty of the insurance advisory committee:

(1) To assist the administration in determining the needs of property, casualty, health and life insurance protection, per directive of the town council.

(2) To identify risks and develop management and funding mechanisms therefor. To prepare recommendations on loss retention by direct funding, deductibles, reserve funds and insurance.

(3) To periodically review insurance coverages and loss data and make recommendations to the town manager with respect to the need to modify and renew insurance policies and programs.

(4) To review insurance bid process and bid cycle terms.‡ Recommend modifications to the insurance bid specifications.

The process shall require agent/broker preselection based on their qualifications, experience and insurance markets utilized. No less than two (2) may be selected to receive bid specifications.

***Editor's note—**Ord. No. 321, adopted Mar. 8, 2011, sunsetted and deleted Art. XI, §§ 2-211—2-214, which pertained to the safety committee and derived from Ord. of 3-12-84.

†**Editor's note—**An ordinance of Apr. 23, 1984, did not expressly amend the code; therefore, inclusion as Art. XI.5 has been at the editor's discretion.

Charter reference—Authority to establish committees, § 802.

Cross reference—Terms of officers, etc., § 2-31.

‡**Cross reference—**Purchasing procedures, § 2-261 et seq.

Final bid specifications must be submitted to agent/brokers four (4) months prior to date of coverage commencement. The bid award shall be made by the town manager one (1) month prior to coverage to provide orderly transitions.

No member of the insurance advisory committee may bid upon or sell insurance coverage to the town while a member of such committee.

(5) If the committee, by majority vote of its membership, determines that the best interests of the town will not be served, said committee may recommend to the town manager that the competitive bids be waived, stating reasons therefor, and specifying an alternative procedure which would better serve the town's interests.

(Ord. of 4-23-84, § 3)

Secs. 2-222—2-225. Reserved.

ARTICLE XII. YOUTH AND FAMILY RESOURCES COMMISSION*

Sec. 2-226. Establishment.

There shall be a youth and family resources commission of the town for the purpose of developing, coordinating and promoting beneficial programs and services for young people in the town, with the cooperation of and in connection with the director of the youth and family resources department.

(Code 1960, § 1201; Ord. of 9-25-72)

Sec. 2-227. Membership.

The youth and family resources commission shall consist of nine (9) members to be appointed by the town council and five (5) nonvoting members to be appointed by the town manager. The latter shall consist of a representative from the police department, from the town public school system, from the clergy, and two (2) young people representing youth interests. Such members may participate fully in the deliberations of the commission.

(Code 1960, § 1202; Ord. of 9-25-72)

***Charter reference—**Authority to establish commissions, § 802.

State law reference—Department of children and youth services, G.S. § 17-410 et seq.

Sec. 2-228. Reserved.

Sec. 2-229. Vacancies.

The town council and the town manager, respectively, shall fill any vacancies in the membership of the youth and family resources commission in accordance with the original appointment set forth above in section 2-227 of this chapter, and shall have the power to remove any member originally appointed by them for cause.
(Code 1960, § 1204; Ord. of 9-25-72; Ord. of 7-11-78)

Sec. 2-230. Compensation.

The members of the youth and family resources commission shall serve without compensation, but the necessary expenses of the commission shall be paid by the town through proper appropriation procedures.
(Code 1960, § 1205; Ord. of 9-25-72)

Sec. 2-231. Organization.

The youth and family resources commission shall choose a chairman and secretary from its voting members by ballot, shall keep records of its meetings and activities, and shall report annually to the town council in the same manner as other agencies and commissions of the town.
(Code 1960, § 1207; Ord. of 9-25-72)

Sec. 2-232. Duties.

The youth and family resources commission shall meet regularly to discuss and review existing and proposed programs, activities and services to meet the needs; encourage the participation; and aid in the solution of existing or potential problem areas of young people. It shall make such reports and recommendations to the town council as may be appropriate to carry on, improve and coordinate all such youth activities and services being conducted or proposed by any town, state or federal agency or department.
(Code 1960, § 1208; Ord. of 9-25-72)

Sec. 2-233. Supervision and control of services.

The director of youth and family resources department shall continue to have the responsibility of direct supervision and control over youth services, activities and facilities, under the general direction of the town manager, in accordance with the Town Charter. The youth and family resources commission and the director shall closely cooperate, regularly consult and work in concert to carry out the goals and purpose hereinabove set forth.
(Code 1960, § 1209; Ord. of 9-25-72)

Secs. 2-234—2-245. Reserved.

ARTICLE XIII. RESTRICTIONS ON USE OF TOWN PROPERTY

Sec. 2-246. Definition.

As used in this article, "developed property" shall mean any property of the town on which buildings and structures are located, including such buildings and structures, except for properties as defined in chapter 14, article III, division 1 of this Code.
(Code 1960, § 1351.1; Ord. of 4-13-76)

Cross reference—Rules of construction and definitions generally, § 1-2.

Sec. 2-247. Alcoholic beverages.

No person shall consume any alcoholic beverages or have any alcoholic beverage in any container in his or her possession within the boundaries of any developed property, except when, in its discretion, the agency or office responsible for such developed property waives the provision of this section by issuing a permit to, or otherwise authorizing in writing any person, association, club, society, or similar organization which applies in writing to such agency or office for such permit or authorization for its members and their guests at least five (5) days prior to that date for which the permit is sought. No such permit or authorization shall be valid for a period of more than twenty-four (24) hours.
(Code 1960, § 1351.2; Ord. of 4-13-76)

Sec. 2-248. Hours.

No person shall enter or remain on developed property between the period of one-half (½) hour after sunset and one-half (½) hour before sunrise except as permitted by the agency and office responsible for such developed property, as part of the normal conduct of the public business, or as part of a program conducted, approved, permitted, or sponsored by such agency or office.
(Code 1960, § 1351.3; Ord. of 4-13-76)

Sec. 2-249. Obstructing passage.

No person shall stand, loiter, or walk on any street, drive, sidewalk, entranceway, patio, terrace, or other public passage or space on developed property so as to obstruct free passage over, on, or along such passage or space or shall, after having been requested by a police officer to move on, refuse to do so and continue to obstruct free passage or space.
(Code 1960, § 1351.4)

Secs. 2-250—2-260. Reserved.

ARTICLE XIV. PURCHASING REGULATIONS*

Sec. 2-261. Purpose; objectives.

(a) This article is enacted to implement and amplify sections 614, 615 and 616 of the Charter of the town, the provisions of which are incorporated into this article, and to guide and control the purchasing of all items and services listed in said Charter sections and utilized by the town in performing its functions as a municipality.

(b) Purchasing objectives:

(1) To procure materials, supplies, equipment, public improvements and services at the lowest cost consistent with the quality and service rendered.

(2) To conduct purchasing without regard to the political affiliation, race, sex, age, religion, national origin, disability, family relationship or business associations of vendors, contractors or consultants.

(Ord. of 8-9-83, §§ 1, 2; Ord. of 3-12-85, §§ 1, 2)

Note—See editor's note for Ch. 2, Art. XIV, found at the bottom of page CD2:37, for former derivation of Ch. 2, Art. XIV.

Sec. 2-262. Bid and proposal thresholds and procedures, generally.

(a) Purchase of goods and services, public improvements and professional services that involve the expenditure of twenty-five thousand dollars ($25,000.00) or more will require a competitive bid or request for proposal process.

(b) Purchasing administration shall be in conformance with the administrative services procedures manual, forms and regulations prepared and published by the director of administrative services, subject to the approval of the town manager. Said manual, forms and supplemental regulations, specifications, conditions, etc., may be amended and modified from time to time, in the same manner as set forth herein.

(Ord. of 8-9-83, § 3; Ord. of 3-12-85, § 3; Ord. of 5-26-98; Ord. No. 329, 6-24-14)

Note—See editor's note for Ch. 2, Art. XIV, found at the bottom of page CD2:37, for former derivation of Ch. 2, Art. XIV.

Sec. 2-263. Professional services procurement.

(a) Professional services procurement is applicable for services of twenty-five thousand dollars ($25,000.00) or over.

(b) Professional services shall mean those services within the scope of practice of architecture, professional engineering, registered land surveying, or any other professional services as defined by the town manager.

***Editor's note—**An ordinance of Aug. 9, 1983, repealed §§ 2-261—2-263, which were derived from the 1960 Code, §§ 2101—2103. In lieu of the repealed provisions, the ordinance enacted new material, which the editor has codified as §§ 2-261—2-264.

Charter reference—Purchasing, § 614 et seq.

(c) There shall be a selection committee of five (5) members, not more than four (4) to be town staff persons. The first member will be the town manager or his/her designee. The second member will be the public works director. The third member will be the town engineer for public works-type projects, or in the case of nonpublic works or building-type projects, the purchasing agent. The fourth member will be a representative from the user board, commission, committee or department. The fifth member will be appointed by the town manager. The manager will designate one (1) of the members to serve as a chairperson.

(d) All meetings of the selection committee will have meeting notices. All meetings will be public except for interviews and fee negotiations.

(e) The request for professional services will be advertised in a newspaper having general audience circulation and in the "Dodge Report." A request will also be sent to firms on file with the purchasing agent.

(f) When professional services are sought for projects assigned to the public buildings commission, the selection committee shall consist of two (2) members appointed by the public buildings commission, two (2) members appointed by the town manager, and one (1) member appointed by the town council. The five (5) appointed members shall elect one (1) of the members to serve as chairman of the selection committee.

(Ord. of 8-9-83, § 4; Ord. of 3-12-85, § 5; Ord. of 5-26-98; Ord. No. 329, 6-24-14)

Note—See editor's note for Ch. 2, Art. XIV, found at the bottom of page CD2:37, for former derivation of Ch. 2, Art. XIV.

Sec. 2-264. Order of precedence of regulations.

The applicable Charter provisions, this article and the above-described manual shall together provide for the management and control of all such purchasing. In the event of a conflict among the provisions of said documents, the order of precedence of said documents shall be the order given above.

(Ord. of 8-9-83, § 5; Ord. of 3-12-85, § 5)

Note—See editor's note for Ch. 2, Art. XIV, found at the bottom of page CD2:37, for former derivation of Ch. 2, Art. XIV.

Secs. 2-265—2-270. Reserved.

ARTICLE XV. ELECTION DISTRICTS*

Sec. 2-271. Town to have nine districts.

The town shall be divided into nine (9) voting districts as shown on a certain map or plan entitled "TOWN OF GLASTONBURY VOTER DISTRICT MAP FEBRUARY 2002."
(Ord. No. 290, 2-26-02)

Note—See editor's note for Ch. 2, Art. XV, found at the bottom of page CD2:39, for former derivation of Ch. 2, Art. XV.

Sec. 2-272. District 1.

District 1 shall consist of properties within the area bounded as follows:

Northerly, by East Hartford town line and the Manchester town line; easterly by a straight line perpendicular to the Manchester town line to a tributary of Salmon Brook where it turns to the east; southerly by a straight line from the tributary of Salmon Brook westerly to another tributary which runs westerly of Belle Woods Drive; easterly again by the tributary of Salmon Brook which runs west of Belle Woods Drive; southerly again by Salmon Brook, Mill Street, Hebron Avenue, entrance ramp to Route 2 from Hebron Avenue and Route 2 westbound; easterly again, by House Street; southerly again, by Salmon Brook Drive and New London Turnpike; westerly by Main Street; northerly again by Griswold Street; westerly again by Prospect Street.

(Ord. No. 290, 2-26-02)

Note—See editor's note for Ch. 2, Art. XV, found at the bottom of page CD2:39, for former derivation of Ch. 2, Art. XV.

Sec. 2-273. District 2.

District 2 shall consist of properties within the area bounded as follows:

Northerly, by Manchester town line; easterly by Manchester Road (aka Route 83); southerly by Hebron Avenue (aka Route 94); westerly by Mill Street, northerly again by Salmon Brook, westerly again by a straight line from the tributary of Salmon Brook which runs westerly of Belle Woods Drive to the Manchester town line at its intersection to a tributary of Salmon Brook where it turns to the east.

(Ord. No. 290, 2-26-02)

Note—See editor's note for Ch. 2, Art. XV, found at the bottom of page CD2:39, for former derivation of Ch. 2, Art. XV.

***Editor's note—**A nonamendatory ordinance of Mar. 23, 1982, has been codified as Art. XV, §§ 2-271—2-278, at the discretion of the editor. Subsequently, Ord. No. 290, adopted Feb. 26, 2002, amended Art. XV, in its entirety, to read as herein set out in §§ 2-271—2-280. See the code Comparative Table.

State law reference—Elections, G.S. chs. 141—154.

Sec. 2-274. District 3.

District 3 shall consist of properties within the area bounded as follows:

Northerly, by Manchester town line; easterly by a tributary of Buckingham Reservoir to its north, through Buckingham Reservoir southerly through Shoddy Mill Pond to Hebron Avenue (aka Route 94); southerly by Hebron Avenue and westerly by Manchester Road (aka Route 83).

(Ord. No. 290, 2-26-02)

Note—See editor's note for Ch. 2, Art. XV, found at the bottom of page CD2:39, for former derivation of Ch. 2, Art. XV.

Sec. 2-275. District 4.

District 4 shall consist of properties within the area bounded as follows:

Northerly, by Manchester town line; easterly by Bolton and Hebron town lines; southerly, easterly, southerly again by the Marlborough town line to the centerline of State of Connecticut Route 2; southwesterly along State of Connecticut Route 2 and New London Turnpike to its intersection with Copley Road proceeding along the center line of Copley Road to its intersection with Chestnut Hill Road; northerly again by Chestnut Hill Road and Quarry Road; easterly again by Manchester Road to its intersection with Roaring Brook; westerly along the centerline of Roaring Brook to its intersection Forest Lane; southerly again by Forest Lane and westerly again by Manchester Road to its intersection with Francis Drive; southerly and westerly again along the center line of Francis Drive to its intersection with Brook Street, northerly again along Brook Street to its intersection of Manchester Road (aka Route 83), westerly again along Manchester Road; northerly again along Hebron Avenue (aka Route 94) to its intersection with Roaring Brook and westerly again by District 3.

(Ord. No. 290, 2-26-02)

Note—See editor's note for Ch. 2, Art. XV, found at the bottom of page CD2:39, for former derivation of Ch. 2, Art. XV.

Sec. 2-276. District 5.

District 5 shall consist of properties within the area bounded as follows:

Southeasterly, by the Marlborough Town Line; southerly by the East Hampton and Portland town lines westerly along the Connecticut River; along Holland Brook northerly, westerly, northerly again, easterly, southerly, easterly and northerly again, from the Connecticut River to where it intersects Main Street; easterly along Main Street; northerly along Chestnut Hill Road; easterly again along Olde Wood Road and Stonepost Road; southerly again along Leigh Gate Road; easterly again along a tributary to Roaring Brook; northerly again by Hopewell Road and Coldbrook Road to its intersection with Roaring Brook; along

Roaring Brook northerly, easterly and northwesterly to New London Turnpike; northeasterly by District 4.

(Ord. No. 290, 2-26-02)

Note—See editor's note for Ch. 2, Art. XV, found at the bottom of page CD2:39, for former derivation of Ch. 2, Art. XV.

Sec. 2-277. District 6.

District 6 shall consist of properties within the area bounded as follows:

Northeasterly along State of Connecticut Route 2; easterly to a line that includes all properties on Karen Lee Road and Lincoln Drive; southerly to a line including all properties on Lincoln Drive to its intersection with Hale Road and New London Turnpike; northeast by New London Turnpike; southerly, easterly and southerly again by Tall Timbers Road; southwesterly by Founders Road; southerly by Farmstead Lane; easterly and southerly again by Buttonball Lane; westerly by State of Connecticut Route 17.

(Ord. No. 290, 2-26-02)

Note—See editor's note for Ch. 2, Art. XV, found at the bottom of page CD2:39, for former derivation of Ch. 2, Art. XV.

Sec. 2-278. District 7.

District 7 shall consist of properties within the area bounded as follows:

Northerly by the East Hartford town line; along District 1 easterly, southerly, easterly again, northerly, westerly and northeasterly to State of Connecticut Route 17; easterly again by Connecticut Route 17 and Main Street; along District 5 and the Holland Brook from Main Street to the Connecticut River.

(Ord. No. 290, 2-26-02)

Note—See editor's note for Ch. 2, Art. XV, found at the bottom of page CD2:39, for former derivation of Ch. 2, Art. XV.

Sec. 2-279. District 8.

District 8 shall consist of properties within the area bounded as follows:

Northerly by Hebron Avenue; easterly and southerly by District 4; westerly and southwesterly by State of Connecticut Route 2.

(Ord. No. 290, 2-26-02)

Note—See editor's note for Ch. 2, Art. XV, found at the bottom of page CD2:39, for former derivation of Ch. 2, Art. XV.

Sec. 2-280. District 9.

District 9 shall consist of properties within the area bounded as follows:

Northerly by District 6; northeasterly by District 8; southerly by District 4 and 5; westerly by District 5 and 7.

(Ord. No. 290, 2-26-02)

Note—See editor's note for Ch. 2, Art. XV, found at the bottom of page CD2:39, for former derivation of Ch. 2, Art. XV.

Secs. 2-281—2-284. Reserved.

ARTICLE XVI. RESERVE FOR LAND ACQUISITION AND PRESERVATION*

Sec. 2-285. Establishment.

In recognition that land is a valuable resource to the town, that land use is important to the general welfare of town residents and that the opportunity to preserve land through acquisition and/or purchase of development rights occurs on an irregular basis, a reserve for land acquisition and preservation is hereby established as part of the fund balance for capital and nonrecurring expenditures.

(Ord. of 6-28-88, § 1)

Note—See editor's note for Ch. 2, Art. XVI, found at the bottom of page CD2:42, for former derivation of Ch. 2, Art. XVI.

Sec. 2-286. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Appropriation shall mean a legal authorization granted by the town council to make expenditures and to incur obligations for specific purposes.

Development rights shall mean the rights or combination of rights of fee simple owners of open, unimproved, forest and agricultural land to develop, construct on, sell, lease or otherwise develop or improve such land for uses that result in rendering such land no longer open, unimproved, forest, or agricultural. The acquisition of development rights is not intended to prevent any development of the land to which the development rights relate, provided that such development is consistent with the public purpose for which such development rights are purchased and provided that such development is permitted pursuant to a written document approved by the town council.

Land shall mean real property with or without improvements thereon located within the Town of Glastonbury.

Reserve shall mean an account used to earmark a portion of fund balance to indicate that it is not appropriated for expenditures; and an account used to earmark a portion of fund equity as legally segregated for specific future use.

Town shall mean the Town of Glastonbury.

(Ord. of 6-28-88, § 2)

***Editor's note—**Nonamendatory Ord. No. 238, §§ 1—8, adopted June 28, 1988, has been included herein as superseding Art. XVI, §§ 2-285—2-292. Former Art. XVI pertained to reserve for land acquisition and derived from Ord. Of Sept. 8, 1987, §§ 1—8.

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 2, Art. XVI, found at the bottom of page CD2:42, for former derivation of Ch. 2, Art. XVI.

Sec. 2-287. Types of land to be considered for acquisition and preservation.

(a) The types of land to be considered for acquisition by the town council must be:

(1) Land that has recreational value as outlined in the park and recreation plan of development; or

(2) Land that has development value for town buildings such as schools or municipal facilities; or

(3) Land that has significant scenic, topographic, conservation or wilderness value based on the characteristics of the land; or

(4) Land that has significant historical archeological value based on the character of the land and/or improvements thereon.

(b) The types of development rights to be considered for purchase by the town council must be consistent with the general purpose of this article and may include one (1) or more of the following:

(1) Development rights which will tend to maintain and enhance the conservation of natural or scenic resources.

(2) Development rights which will tend to protect natural topography, streams or water supply.

(3) Development rights which will tend to enhance public recreation opportunities.

(4) Development rights which will tend to protect historical or archaeological sites.

(5) Development rights which will tend to promote conservation of agricultural soils, particularly prime farmland soil.

(6) Development rights which will tend to contribute towards the preservation of agriculture in the town.

(7) Development rights which will tend to promote orderly development of the town.

(8) Development rights which will tend to promote certain publicly desirable uses of land, at the present time expected to include agricultural, forest and natural uses.

(c) In considering the acquisition of a particular parcel of land or certain development rights thereto, the town council may obtain written recommendations from:

(1) The superintendent of schools as to the development value of the land as a school.

(2) The town manager as to the development value of the land as a municipal facility.

(3) The conservation commission and environmental planner as to the value of the land as a scenic, archeological or wilderness site.

(4) The historic district commission and/or heritage committee as to the value of the land or certain development rights thereto, or improvements thereon as a historic site.

(5) The parks and recreation commission as to the recreational value.

(6) The agricultural advisory committee as to the agricultural value.

(7) A statement from any other advisory committee whose opinion is deemed appropriate by the town council.

(Ord. of 6-28-88, § 3)

Note—See editor's note for Ch. 2, Art. XVI, found at the bottom of page CD2:42, for former derivation of Ch. 2, Art. XVI.

Sec. 2-288. Public hearings.

(a) The town council shall hold one (1) or more advisory public hearings regarding the acquisition of a particular parcel of land, or the development rights thereto.

(b) When a public hearing is to be held, the town council shall cause notice to be published at least five (5) days prior to said public hearing in a newspaper having substantial, continuous circulation in the town.

(Ord. of 6-28-88, § 4)

Note—See editor's note for Ch. 2, Art. XVI, found at the bottom of page CD2:42, for former derivation of Ch. 2, Art. XVI.

Sec. 2-289. Approval; administrative.

Determination that a particular parcel of land or development rights thereto is to be acquired with monies in the reserve shall be made solely by the town council. Referral to the town plan and zoning commission shall be made pursuant to Connecticut General Statute 8-24. The reserve shall be administered by the town manager as directed by the town council in accordance with the provisions of subsection 2-290(c).

(Ord. of 6-28-88, § 5)

Note—See editor's note for Ch. 2, Art. XVI, found at the bottom of page CD2:42, for former derivation of Ch. 2, Art. XVI.

Sec. 2-290. Funding.

(a) In preparing the annual town budget, the town council shall consider additions to the reserve as part of its capital improvement program. The town shall also investigate on a continuing basis the availability of any state and federal money available for land acquisition and development rights.

(b) Contributions to the reserve shall be accepted from individuals, corporations, associations, partnerships and any other legal entities. Said contributions shall be used exclusively for the herein stated purposes of the reserve.

(c) Appropriations will be required from the reserve to acquire land or development rights in accordance with Sections 313 and 610 of the Town Charter.
(Ord. of 6-28-88, § 6)

Note—See editor's note for Ch. 2, Art. XVI, found at the bottom of page CD2:42, for former derivation of Ch. 2, Art. XVI.

Sec. 2-291. Minimum balance of reserve.

A minimum balance of fifteen thousand dollars ($15,000.00) shall be maintained in the reserve at all times. If the balance of the reserve falls below fifteen thousand dollars ($15,000.00), the reserve shall automatically terminate in accordance with section 2-292 below.
(Ord. of 6-28-88, § 7)

Note—See editor's note for Ch. 2, Art. XVI, found at the bottom of page CD2:42, for former derivation of Ch. 2, Art. XVI.

Sec. 2-292. Dissolution of reserve.

If the reserve is terminated for any reason, the balance remaining in the reserve at the time of such termination shall be used exclusively for the benefit of the town's parks and recreation department.
(Ord. of 6-28-88, § 8)

Note—See editor's note for Ch. 2, Art. XVI, found at the bottom of page CD2:42, for former derivation of Ch. 2, Art. XVI.

Secs. 2-293—2-300. Reserved.

ARTICLE XVII. FAIR RENT COMMISSION*

Sec. 2-301. Created; membership.

Pursuant to G.S. §§ 7-148b through 7-148f, and Section 802 of the Town Charter, there is hereby created a fair rent commission which shall consist of seven (7) electors and residents of the town who shall be appointed by town council. All members of the commission shall be appointed by the town council in the manner provided in Section 802 of the Town Charter. The members shall be appointed to serve a term of four (4) years, except for initial terms, which may run for two (2) or four (4) years, with three (3) members' terms expiring after four (4) years. The commission shall include an equal number of landlords and tenants with a minimum of two (2) each. The members of the commission shall serve without compensation

*__Editor's note—__Ord. No. 243, §§ 1—12, adopted Jan. 24, 1989, did not specifically amend the code; hence, inclusion herein as Art. XVII, §§ 2-301—2-312, was at the discretion of the editor.

Cross reference—Housing, Ch. 9.

State law reference—Fair rent commission, G.S. § 7-148b et seq.

but may be reimbursed for necessary and actual expenses incurred in the performance of their official duties. The town staff member assigned to the commission shall serve without vote as an ex officio member of the commission.
(Ord. of 1-24-89, § 1)

Sec. 2-302. Organization and vacancies.

The commission shall choose a chairperson and vice-chairperson from among its members by ballot, shall keep records of its meetings and activities, and shall report annually to the town council in the same manner as other agencies and commissions of the town. Any vacancy on the fair rent commission, from whatever cause occurring, shall be filled by appointment of town council for the unexpired portion of the term, within the guidelines of Section 802 of the Town Charter. The town council may remove any member for cause in accordance with a code of conduct ordinance, and thereafter fill such vacancy. If, during the term of a commission appointment, a member's status changes with respect to whether he/she is a tenant or a landlord, the member shall be disqualified from the commission and the position shall be deemed vacant.
(Ord. of 1-24-89, § 2)

Sec. 2-303. Meetings; rules and regulations.

In addition to any schedule for regular meetings, the commission may establish, the chairperson or any three (3) members of the fair rent commission may call a meeting, provided at least three (3) days' advance notice of the meeting is given. A quorum at any meeting shall consist of four (4) members and the affirmative vote of four (4) members be required for any

action to be taken. The commission shall, with the assistance of town staff and approval of the town attorney, adopt rules and regulations for placing in effect the provisions of this article. The rules and regulations shall not be inconsistent with the provisions hereof.
(Ord. of 1-24-89, § 3)

Sec. 2-304. Powers and duties.

(a) The fair rent commission may make studies and investigations, conduct hearings and receive complaints relative to rental charges on housing accommodations, except those accommodations rented on a seasonal basis, within its jurisdiction, which term shall include mobile home and mobile home park lots, in order to control and eliminate excessive rental charges on housing accommodations, and to carry out the provisions of G.S. §§ 7-148b to 7-148f inclusive, G.S. § 47a-20 and G.S. subsection (b) 47a-23c(b). The commission for such purposes, may compel the attendance of persons at hearings, issue subpoenas and administer oaths, issue orders and continue, review, amend, terminate or suspend any of its orders and decisions.

(b) For purposes of this article, "seasonal basis" means housing accommodations rented for a period or periods aggregating not more than one hundred twenty (120) days in any one (1) calendar year.
(Ord. of 1-24-89, § 4)

Sec. 2-305. Hearings; complaints.

Any tenant residing in the Town of Glastonbury shall be eligible to file a complaint with the commission. A complaint must be made in writing and filed with the Glastonbury Housing Authority on the complaint form provided. A hearing on the complaint shall be scheduled within thirty (30) calendar days of the filing of a complaint. Written notice of the date, time and place of the hearing shall be given by mailing a notice thereof, by certified mail to the landlord and the tenant at least ten (10) calendar days prior to said hearing. In the event that the complaint involves a matter within the jurisdiction of a town department or any other public agency, the matter may be referred to the appropriate agency for action and the commission may concurrently exercise its powers hereunder.
(Ord. of 1-24-89, § 5)

Sec. 2-306. Conciliation.

The chairperson of the fair rent commission may request that two (2) members of the commission and the town staff member assigned to the commission meet with the parties, if the parties consent, to attempt to reconcile the differences between the parties prior to initiating the formal hearing process. The meeting shall be closed to the public and any agreement between the parties as a result of such meeting must be signed by the parties and witnessed by the commission members, and shall be fully enforceable as if it were an order of the commission.
(Ord. of 1-24-89, § 6)

Sec. 2-307. Consideration in determining fair rental charge.

In determining whether a rental charge or a proposed increase in a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, the fair rent commission shall consider such of the following circumstances as are applicable to the type of accommodation:

(1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;

(2) The sanitary conditions existing in the housing accommodation in question;

(3) The number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof;

(4) Services, furniture, furnishings and equipment supplied therein;

(5) The size and number of bedrooms contained therein;

(6) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;

(7) The amount of taxes and overhead expenses, including debt service, thereof;

(8) Whether the accommodations are in compliance with the ordinances of the municipality and the general statutes relating to health and safety;

(9) The income of the petitioner and the availability of accommodations;

(10) The availability of utilities;

(11) Damages done to the premises by the tenant, caused by other than ordinary wear and tear;

(12) The amount and frequency of increases in rental charges;

(13) Whether, and the extent to which, the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations.

(Ord. of 1-24-89, § 7)

Sec. 2-308. Authority to order rent reductions, repairs and other orders.

(a) If the commission determines, after a hearing, that the rental charge or proposed increase in the rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in this article, as to be harsh and unconscionable, it may order a reduction in rent to such an amount as it determines to be fair and equitable.

(b) If the commission determines, after hearing, that the housing accommodation in question fails to comply with any town ordinance or state statute or regulation relating to health and safety, it may order the suspension of further payment of rent by the tenant until such time as the landlord makes the necessary changes, repairs or installations so as to bring

such housing accommodation into compliance with such ordinance, statute or regulation. The rent during said period shall be paid to the commission to be held in an escrow account established with the town treasurer.

(c) If the commission determines, after hearing, that a landlord has retaliated in any manner against a tenant because the tenant has complained to the commission, the commission may order the landlord to cease and desist from such conduct.
(Ord. of 1-24-89, § 8)

Sec. 2-309. Appeal.

Any person aggrieved by any order of the commission may appeal to the superior court. Any such appeal shall be considered a privileged matter with respect to the order of trial as provided in G.S. § 7-148e.
(Ord. of 1-24-89, § 9)

Sec. 2-310. Penalty for violation.

Any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such ordinance remains in effect, no appeal pursuant to section 2-309 of this article is pending, or violates any other provisions of this article, or G.S. § 47a-20, or who refuses to obey any subpoena, order or decision of the commission pursuant thereto, shall be fined twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter.
(Ord. of 1-24-89, § 10)

State law reference—Authorized penalties, G.S. § 7-148(c)(10)(a).

Sec. 2-311. Amendments to state law or Municipal Charter.

Any amendments to the state law referring to fair rent commissions or the Town Charter referring to council appointed commissions shall be automatically incorporated into this article and made a part thereof.
(Ord. of 1-24-89, § 11)

Sec. 2-312. Reserved.

Editor's note—Ord. No. 253, adopted Mar. 12, 1991, repealed § 2-312, which pertained to the sunset provisions derived from Ord. of Jan. 24, 1989, § 1.

Secs. 2-313—2-320. Reserved.

ARTICLE XVIII. APPOINTMENT OF ADDITIONAL MEMBERS TO THE BOARD OF ASSESSMENT APPEAL

Sec. 2-321. [Generally; membership.]

The board of assessment appeals (formerly board of tax review) is constituted in accordance with Section 203 of the Glastonbury Town Charter and consists of five (5) members each elected to four-year terms.
(Ord. No. 286, 6-12-01)

Sec. 2-322. [Appointment of members.]

The town council may appoint two (2) additional members, one (1) from each political party, as may be required to the board of assessment appeals for the assessment year immediately preceding the assessment year in which a revaluation becomes effective, for the assessment year in which the revaluation becomes effective, and for the assessment year immediately following such revaluation, in accordance with G.S. § 9-199(c).
(Ord. No. 286, 6-12-01)

ARTICLE XIX. OTHER POST-EMPLOYMENT BENEFITS TRUST

Sec. 2-323. Authority; establishment of retiree benefits medical trust.

Pursuant to the authority granted to the Town Council of the Town of Glastonbury, Ct. in section 307 of the Glastonbury Charter and G.S. § 7-450(b), there shall be created and established for such town an Other Post-Employment Benefits ("OPEB") Trust to fund certain post-employment benefits, other than pension benefits, pursuant to the terms of previously established plans for the benefit of certain town and board of education employees, retirees, their spouses and dependents. The provision of such OPEB Trust shall be as set forth in the OPEB Declaration of Trust, including revisions thereto, as are hereafter approved by the town council.
(Ord. No. 316, 6-9-09)

Sec. 2-324. Establishment of OPEB Board.

Immediately upon the enactment of this ordinance, the Glastonbury Board of Finance shall constitute the OPEB Board of Trustees for the OPEB Trust, hereinafter referred to as the "OPEB Board." The members of said OPEB Board shall receive no compensation for serving as a trustee. The town manager or his/her designee shall serve as an ex-officio member of the OPEB Board. The other six members shall serve terms coextensive with their respective terms as members of the Glastonbury Board of Finance.
(Ord. No. 316, 6-9-09)

Sec. 2-325. Duties of the OPEB Board.

The OPEB Board shall perform the duties set forth in the OPEB Declaration of Trust, as amended from time to time, relating to the management of the assets held in the OPEB Trust. The town manager or his/her designee shall have the care and custody of all funds in the OPEB Trust and shall have the power, with the approval of the OPEB Board, to invest such funds in securities legal for investment for such trust funds.
(Ord. No. 316, 6-9-09)

Chapter 3

ALCOHOLIC BEVERAGES*

Sec. 3-1. Sunday sales permitted.

*__Cross references—__Administration, ch. 2; licenses, permits and miscellaneous business regulations, Ch. 11; offenses and miscellaneous provisions, Ch. 13.

__State law reference—__Liquor Control Act, G.S. § 30-1 et seq.

Sec. 3-1. Sunday sales permitted.

(a) The sale or dispensing of alcoholic liquor shall be permitted within the town on Sundays in accordance with applicable state statutes.

(Code 1960, § 581; Ord. of 1-11-77; Ord. No. 324, 7-24-12)

State law reference—Authority, G.S. 30-91.

Chapter 4

ANIMALS AND FOWL*

Sec. 4-1. Roaming and barking dogs.

*__State law reference—__General authority relative to animals, G.S. § 7-148(c)(7)(B)(i), (c)(7)(D).

Sec. 4-1. Roaming and barking dogs.

(a) It shall be unlawful for the owner or keeper of any dog to allow such dog to roam on property of others. It shall also be unlawful for the owner or keeper of any dog to allow such dog to bark so as to cause a disturbance.

(b) The presence of a roaming dog on another's property, or the barking of a dog outside a dwelling house, commercial building or licensed commercial kennel shall be prima facie evidence of a violation of this section.

(c) Any person found to have violated this section shall be subject to punishment as provided in section 1-10 of this Code for each offense, and the court or judge may make such order concerning the restraint of such dog or dogs as may be deemed necessary.
(Code 1960, §§ 1951—1953; Ord. of 9-28-76)

State law references—Dogs, G.S. § 22-327 et seq.; regional dog pounds, G.S. § 22-331a.

Chapter 5

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Sec. 5-1. Locking devices in multiple dwelling complexes.
Sec. 5-2. Channel encroachments restricted.
Secs. 5-3—5-15. Reserved.

Article II. Building Permits

Division 1. Generally

Sec. 5-16. Fees—Building permits.
Sec. 5-17. Same—Certificate of occupancy; demolition permits.
Sec. 5-18. Same—Fallout shelters.
Sec. 5-19. Prohibition of certain building permits.
Secs. 5-20—5-25. Reserved.

Division 2. Restrictions Relating to Approval and Installation of Sewerage Facilities

Sec. 5-26. System plan approval prerequisite to issuance of building and occupancy permits.
Sec. 5-27. Building permit issuance authorized if sewer connection permit is obtained.
Sec. 5-28. Plans to be submitted when building is not to be connected to municipal system; contents.
Sec. 5-29. Test; costs.
Sec. 5-30. Plans to show expansion area in certain instances.
Sec. 5-31. Required soil layer.
Sec. 5-32. Plans to be disapproved upon determination of excessive impervious soil, rock, etc.
Sec. 5-33. Well water use permit required.
Sec. 5-34. Installation by licensed contractors only; permits required.
Sec. 5-35. Powers and requirements of division additional to other powers and requirements.
Sec. 5-36. Conflict with public health code.
Secs. 5-37—5-50. Reserved.

Article III. Building Board of Appeals

Sec. 5-51. Establishment.

*__Cross references—__Public buildings commission, § 2-196 et seq.; fire prevention and protection, Ch. 7; housing, Ch. 9; licenses, permits and miscellaneous business regulations, Ch. 11; planning, Ch. 15; streets, sidewalks and public places, Ch. 17; water, sewers and sewage disposal, Ch. 19.

__State law references—__State building code applicable, G.S. § 29-252 et seq.; enforcement of tenement and boarding house regulations, G.S. § 47a-50 et seq.; tenement and lodging houses, G.S. § 19a-355 et seq.; general powers relative to buildings, G.S. § 7-148(c)(7).

Sec. 5-52. Reserved.
Sec. 5-53. Appeals to board.
Sec. 5-54. Appeals from board.
Secs. 5-55—5-60. Reserved.

Article IV. Demolition of Buildings

Sec. 5-61. Permit required; requirements.
Sec. 5-62. Additional requirements.
Sec. 5-63. Legal notice procedures.
Sec. 5-64. Objection procedures.
Sec. 5-65. Fees and costs for demolition permits.
Sec. 5-66. Duration of permit.
Sec. 5-67. Authority of building official.
Sec. 5-68. Authority of historic district commission.

ARTICLE I. IN GENERAL

Sec. 5-1. Locking devices in multiple dwelling complexes.

(a) Every entrance or exit to any multiple dwelling unit complex which is constructed, converted, or established after February 23, 1976 shall be equipped with a positive locking device requiring engagement after closing the door and a door with an optical viewing device. A multiple dwelling unit complex shall mean any group of dwelling units whose entrance or exit to such unit is through a commonly shared corridor.

(b) The positive locking device shall contain a dead bolt which when in locked position shall have a throw of not less than one (1) inch and shall not be bevelled. Such positive locking device shall be so constructed that one (1) motion of the interior doorknob shall disengage all locking devices incorporated in such door.

(c) The optical viewing device shall afford a view of such corridor from the interior of the unit of not less than one hundred sixty (160) degrees and which is so constructed as to prevent viewing from the corridor into the dwelling unit. Each viewer shall be installed within the security portion on the inside of the unit and shall be non-removable from the outside of such dwelling unit.

(d) Alternates to the positive locking device and optical viewing device prescribed herein may be used provided that the design is satisfactory and the material, method, or work is, for the purpose intended, at least equivalent to that prescribed herein in safety, quality, strength, effectiveness, burglary resistance, and durability. Tests may be required as proof of compliance.

(e) The building official shall enforce the provisions of this section and appeals from his decisions may be taken to the building board of appeals in the same manner as provided in section 5-53 of this Code.
(Code 1960, § 307; Ord. of 11-13-75)

Sec. 5-2. Channel encroachments restricted.

(a) For the purpose of this section, the phrase "permanent obstruction or encroachment" shall include any rock or earth fill, or any wall or building or structure of any kind, any bridge, pipe, or culvert, any debris, wreckage, or organic or inorganic waste materials which could alter natural drainage or interfere with water flow.

(b) No person shall place any permanent obstruction or encroachment between the lines designated "channel encroachment line" on maps entitled:

(1) "Town of Glastonbury Water Resources Commission Salmon Brook Phase I Channel Encroachment Lines Glastonbury Mozzochi Associates Civil Engineers Glastonbury, Conn. Providence, R.I. Date: October 12, 1971," and

(2) "Town of Glastonbury Water Resources Commission Salmon Brook Phase II Recommended Channel Encroachment Lines Glastonbury Mozzochi Associates Civil Engineers Glastonbury, Conn. Providence, R.I. Date: May, 1972,"

on file in the town clerk's office, except when permission is granted in writing by the town council.

(c) A request to the town council for such permission must be accompanied by sufficient engineering data, either in writing or drawings or both, to enable the town council or its agents to make a finding that the proposed permanent obstruction or encroachment will not cause or aggravate any problem of flood hazard.

(d) Such request to the town council shall be referred to the town manager or his agent for consideration. He shall report to the town council within thirty (30) days after such referral his recommendations or approval or disapproval of the request.

(e) Any private person or any firm or corporation aggrieved by any decision of the town council on such a request for permission may, within thirty (30) days after notice of such decision, appeal from such decision in the manner provided by G.S. § 8-8 for appeal from the decisions of a municipal zoning board of appeals.

(f) Nothing in this section is intended to affect the powers of agencies of the state, acting pursuant to G.S. § 25-4g and other relevant statutes, to alter any of the channel encroachment lines established by this section.

(g) When any violation of subsections (b) through (d) of this section shall be discovered, the town council shall issue in writing an order to the person responsible for such violations to remove the permanent obstruction or encroachment constituting such violation. If the person to which such order is directed shall fail to comply with such order within the time set for such compliance by such order, not to exceed ninety (90) days, the town council shall instruct the town manager or his agent to cause the removal of such permanent obstruction or encroachment and to recover the cost of such removal by means of legal action against such person, which shall be held liable for such cost by a finding by the town council of responsibility of such person for the placing of such permanent obstruction or encroachment.
(Code 1960, § 303; Ord. of 10-26-71; Ord. of 2-26-73)

Secs. 5-3—5-15. Reserved.

ARTICLE II. BUILDING PERMITS

DIVISION 1. GENERALLY

Sec. 5-16. Fees—Building permits.

(a) Fees for building permits, which shall include permits for erection and alterations of buildings and related work; electrical permits; plumbing permits; heating, ventilation, and air conditioning permits; oil or gas burning furnace permits including tank installation for oil burners; sign permits, and permits for moving of buildings shall be based on the estimated costs of the proposed work as follows:

Estimated Cost	*Fee*
Over $1.00 but not more than $1,000.00	$17.00
Over $1,000.00, per thousand or fraction thereof	17.00

Fees for wood and/or coal-burning stove shall be a flat fee of ten dollars ($10.00) each.

(b) The fees for each class of permit shall be calculated separately.
(Code 1960, § 301.2; Ord. of 6-23-82; Ord. of 4-22-86; Ord. of 5-26-87; Ord. of 6-13-00; Ord. No. 287, 6-26-01; Ord. No. 291, 4-23-02; Ord. No. 295, 6-10-03)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 5-17. Same—Certificate of occupancy; demolition permits.

(a) The fee for the issuance of a certificate of use and/or occupancy shall be twenty-five dollars ($25.00).

(b) The fee for demolition permits shall be based on the assessed valuation of the building or structure with the minimum fee being:

Assessed Value	*Fee*
Over $1.00 but not more than $1,000.00	$10.00
Over $1,000.00, per thousand or fraction thereof	10.00

(c) No fee shall be charged for any permit issued for work to be performed by or for the town.
(Code 1960, § 301.3; Ord of 6-23-82; Ord. of 4-22-86; Ord. of 5-26-87; Ord. No. 294, 6-10-03)

Sec. 5-18. Same—Fallout shelters.

No fees shall be charged for building permits or certificates of occupancy for fallout shelters constructed in accordance with the standards prescribed by the Department of Defense of the United States.
(Code 1960, § 306)

Sec. 5-19. Prohibition of certain building permits.

(a) No building permit shall be issued for the erection of any building or structure in an unapproved subdivision or on a lot not abutting an accepted highway or street; provided, however, that this section shall not prevent the issuance of a building permit for:

(1) The construction of a building or structure on a lot in an approved subdivision;

(2) Construction pursuant to a special permit under section 6.8 of the zoning regulations; or

(3) The construction of farm or accessory buildings which are not in violation of the zoning regulations or building code of the town.

(b) Any person erecting a building or structure in violation of this section may be penalized as provided in section 1-10 of this Code for each building or structure so erected, in addition to the relief otherwise granted to the town by law.
(Code 1960, § 308; Ord. of 5-11-64)

Secs. 5-20—5-25. Reserved.

DIVISION 2. RESTRICTIONS RELATING TO APPROVAL AND INSTALLATION OF SEWERAGE FACILITIES*

Sec. 5-26. System plan approval prerequisite to issuance of building and occupancy permits.

No building permit or occupancy permit for any dwelling, apartment, boarding house, hotel, public building, commercial building or commercial camp, or commercial camping facilities or any other building or structure in which sanitary facilities are to be located shall hereafter be issued unless a plan for the sewage disposal system therefor has been approved by the health officer of the town pursuant to the public health code, and to this division, and other applicable statutes, regulations, and codes, except as provided hereafter.
(Code 1960, § 309.1; Ord. of 1-9-67)

Sec. 5-27. Building permit issuance authorized if sewer connection permit is obtained.

In the event that the dwelling, apartment, boarding house, hotel, commercial building or other building or structure is to be connected to the municipal sewer system, a building permit may be issued if a permit for such connection has been obtained.
(Code 1960, § 309.2; Ord. of 1-9-67)

*__Cross reference—__Sewers and sewage disposal, § 19-16 et seq.

Sec. 5-28. Plans to be submitted when building is not to be connected to municipal system; contents.

If the building or structure is not to be connected to the municipal sewer system, detailed plan of the proposed sewage disposal system shall be submitted, which shall be drawn to acceptable scale and shall furnish the following information for the purpose of ascertaining whether such system complies with the requirements of the public health code:

(1) Type of soil in which the system is to be constructed, as defined in Hartford Soil Survey made by U.S. Dept. of Agriculture 1962;

(2) Percolation rate determined as provided in the state public health code;

(3) Depth of groundwater below the surface of the ground where appropriate or when required by the health officer;

(4) Depth of ledge rock below the surface of the ground where appropriate or required by the health officer;

(5) Contour lines at five-foot intervals over all portions of the lot or as required by the health officer;

(6) Means for the supply of potable water to the building or structure;

(7) The lateral separation of the well, if any, from any part of the sewage disposal system from which contamination of the water supply could be caused;

(8) The vertical distance which the top of the well, if any, is below or above the level of any portion of the sewage disposal system and the means whereby surface contamination will be prevented;

(9) Facts indicating that the proposed sewage disposal system will not endanger the water supply of any existing adjoining residence, where appropriate or required by the health officer.

Plans for proposed subdivision, multi-lot development, and site improvement (B-100a) shall furnish sufficient information for the purpose of ascertaining whether lots under consideration comply with the requirements of the public health code.

Service Provided	*Fee*
Subdivision/multi-lot plan review	$150.00/lot
Each review after first (no fee) revision	$75.00/lot
Single lot and site plan review	$200.00/lot
Each review after first (no fee) revision	$100.00/lot
B-100a site improvement plan	$50.00

(Code 1960, § 309.3; Ord. of 1-9-67; Ord. No. 334, 6-13-17)

Sec. 5-29. Test; costs.

All initial soil tests required under the provisions of section 5-28 or other tests, including observation pits, required and made to determine the adequacy of the soil for on-site sewage

disposal shall be made by the director of health or his authorized agent. The costs of such tests shall be in accordance with a schedule of fees adopted by resolution of the town council and amended from time to time by the town council. This initial fee entitles the owner, developer, or subdivider the following services: Up to four (4) feet deep test pits, two (2) percolation tests, and any subsequent groundwater monitoring. An additional fee, in accordance with the schedule of fees referenced above, shall be paid by the owner, developer or subdivider for additional testing to be necessary by the director of health or his authorized agent, or requested by the owner, developer, or subdivider.

The fee for initial soil testing is two hundred dollars ($200.00) per lot. Any additional soil testing requested by the property owner or representative is one hundred dollars ($100.00) an hour.

There shall be no charge to the homeowner for soil tests made by the town associated with the repair or replacement of an existing on-site sewage disposal system.
(Ord. of 1-14-97; Ord. No. 294, 6-10-03; Ord. No. 334, 6-13-17)

Sec. 5-30. Plans to show expansion area in certain instances.

Where a percolation rate slower than one (1) inch in thirty (30) minutes is indicated, or where ledge rock or high groundwater is encountered, the sewage disposal plan shall show provisions for an additional area for the expansion of the sewage disposal area equal to the area of the original installation and shall comply with all special provisions and requirements ordered by the health officer.
(Code 1960, § 309.5; Ord. of 1-9-67)

Sec. 5-31. Required soil layer.

All sewage disposal plans submitted as provided in this division shall show not less than five (5) feet of soil between the bottom of the leaching system and the top of any ledge or other impervious material, and two (2) feet of soil between the bottom of the leaching system and the high seasonal groundwater table.
(Code 1960, § 309.6; Ord. of 1-9-67; Ord. of 1-14-97)

Sec. 5-32. Plans to be disapproved upon determination of excessive impervious soil, rock, etc.

If the health officer determines that there is too great a quantity of impervious soil, rock, or swamp or wet area, no plan for subsurface sewage disposal shall be approved for the lot in question.
(Code 1960, § 309.7; Ord. of 1-9-67)

Sec. 5-33. Well water use permit required.

No well shall be dug, drilled, or constructed, nor remediated through additional drilling or hydrofracture unless a permit for such use has been approved by the health officer. The fees to be collected for well permits shall be as follows:

Well Permit Activity	*Fee*
New well	$150.00
Geothermal well (one permit can show all well locations)	$150.00
Well deepening or hydrofracture	$30.00
Well abandonment	$30.00
Well water backwash treatment review	$125.00

(Code 1960, § 309.8; Ord. of 1-9-67; Ord. No. 294, 6-10-03; Ord. No. 334, 6-13-17)

Sec. 5-34. Installation by licensed contractors only; permits required.

No subsurface sewage disposal system shall be installed, altered or repaired except by a licensed contractor or the owner/occupant who must first apply for and receive a permit for such construction. The fees to be collected for private sewage disposal permits shall be as follows:

Septic Permit for:	*Fee*
New lot	$225.00
Repair	$175.00
Minor repair	$125.00

(Code 1960, § 309.9; Ord. of 1-9-67; Ord. of 1-11-71; Ord. of 7-9-74; Ord. No. 294, 6-10-03; Ord. No. 334, 6-13-17)

Sec. 5-35. Powers and requirements of division additional to other powers and requirements.

The powers and requirements set forth in this division shall be in addition to those granted and established by the public health code and applicable statutes and regulations, and this division shall not be construed to eliminate or in any way limit powers otherwise possessed by the town or its officers or employees.
(Code 1960, § 309.10; Ord. of 1-9-67)

Sec. 5-36. Conflict with public health code.

In the event any provision of this division shall be more stringent than a provision of the public health code on the same subject, or in the event that a provision of the public health code shall be more stringent than any provision of this division on the same subject, the more stringent requirement shall prevail.
(Code 1960, § 309.11; Ord. of 1-9-67)

Secs. 5-37—5-50. Reserved.

ARTICLE III. BUILDING BOARD OF APPEALS*

Sec. 5-51. Establishment.

In accordance with the provisions of the state building code, there shall be a building board of appeals consisting of five (5) members appointed by the town council. Such members shall be qualified by training to pass upon matters pertaining to building construction and shall have had at least ten (10) years' experience in construction design, construction supervision, or construction of buildings.
(Code 1960, § 391; Ord. of 1-24-72)

Sec. 5-52. Reserved.

Sec. 5-53. Appeals to board.

When the building official rejects or refuses to approve the mode or manner of construction proposed to be followed or the materials to be used in the erection or alteration of the building or structure, or when it is claimed that the provisions of the code do not apply or that an equally good or more desirable form of construction can be employed in a specific case, or when it is claimed that the true intent and meaning of the code and regulations have been misconstrued or wrongly interpreted, and the building official has refused to issue a building permit, the owner of such building or structure, whether already erected or to be erected, or his authorized agent, may appeal in writing the decision of the building official to the building board of appeals. The fee for such appeal shall be fifty dollars ($50.00).
(Code 1960, § 393; Ord. of 1-24-72; Ord. of 6-27-78; Ord. of 6-23-82)

Sec. 5-54. Appeals from board.

Any person aggrieved by the decision of the building board of appeals may appeal to the state building code standards committee within seven (7) days after the filing of the decision with the building official, such appeal to be made in accordance with rules established in the state building code.
(Code 1960, § 394; Ord. of 1-24-72)

Secs. 5-55—5-60. Reserved.

*__Cross references—__Administration generally, Ch. 2; zoning board of appeals, § 15-94 et seq.

ARTICLE IV. DEMOLITION OF BUILDINGS*

Sec. 5-61. Permit required; requirements.

No person, firm, corporation or other entity shall demolish any building, structure, or part thereof, without first obtaining a permit from the building official. No permit shall be issued until the applicant:

(1) Files an application for demolition permit with the building official upon a form provided by the town which shall contain, in addition to other such information which may be required: (i) the name and address of the owner of the building to be demolished; and (ii) the address of the building to be demolished; and

(2) Supplies the building official with a certificate from a licensed exterminator which certifies the premises to be demolished are free from rodent infestation; and

(3) Submits to the building official an affidavit certifying the age of the structure proposed for demolition. If an applicant is unable to certify to the specific age of the structure, the applicant shall supply an affidavit certifying either that: (i) the structure is more than seventy-five (75) years old, or (ii) the structure is seventy-five (75) years old or less than seventy-five (75) years old.

(Ord. of 11-22-88, § 1)

***Editor's note—**Ord. No. 241, §§ 1—5, 7—9, adopted Nov. 22, 1988, did not specifically amend the Code, hence inclusion herein as Art. IV, §§ 5-61—5-68, was at the discretion of the editor. See the Code Comparative Table for a detailed analysis of inclusion.

State law reference—State demolition code, G.S. § 29-401 et seq.

Sec. 5-62. Additional requirements.

No person shall be issued a demolition permit unless the provisions of all state statutes, including, without limitation, the provisions of C.G.S. Section 29-407, the state building code and all town ordinances pertaining to the issue of such permits are fully complied with.
(Ord. of 11-22-88, § 2)

Sec. 5-63. Legal notice procedures.

With respect to any application to demolish a building, structure or part thereof, which is five hundred (500) square feet in size or larger and more than seventy-five (75) years old, in addition to the applicant's complying with the provisions of sections 5-61 and 5-62 above, prior to the issuance of a demolition permit, the building official or his designee shall:

(1) Publish a legal notice of the demolition permit application in a daily or weekly newspaper having substantial circulation in the municipality. The notice shall be published within fifteen (15) days following the filing of the demolition permit application. Such notice shall state the following: that an application has been filed for a demolition permit; the date of the filing of such application; the location of the property; the name of the owner of the property; and that unless written objection is filed with the building official within thirty (30) days following publication of the notice, the permit may be issued after the expiration of such thirty-day period.

(2) Within fifteen (15) days following the filing of the demolition permit application, provide by first-class mail a copy of the legal notice required under subsection (1) above, to the owners of all property adjoining the property on which the building(s) to be demolished is located. The identity of the owners entitled to notification under this provision shall be those adjoining property owners as shown on the then current Glastonbury assessor's map.

(3) Within fifteen (15) days following the filing of the demolition permit application, provide, by first-class mail, a copy of the legal notice required under subsection (1) above to any individual, firm, corporation, organization or other entity concerned with the preservation of structures within the municipality or the social or economic development of the neighborhood in which the building is located. To be entitled to notification under this provision, any such individual, firm, corporation, organization or other entity shall register with the building official and indicate a desire to be notified of demolition permit applications. Such registration must be renewed annually each January 1 following the initial registration.

(Ord. of 11-22-88, § 3)

Sec. 5-64. Objection procedures.

With respect to any application to demolish any building, structure or part thereof covered under section 5-63 above, if a written objection to the issuance of the demolition permit is filed with the building official and a copy mailed by first-class mail to the applicant and to the owner of the property by any individual, firm, corporation, organization or other entity referred to in

subsection 5-63(3) above within thirty (30) days following publication of the legal notice as required under subsection 5-63(1) above, the building official shall delay issuance of the permit for a period of ninety (90) days from the receipt of the application provided, however, that such individual, firm, corporation, organization or other entity is attempting to present some reasonable alternative to demolition. If the application is not withdrawn during the ninety-day period, the demolition permit shall be issued and the demolition may occur. If no objection to the demolition of the subject building, structure or part thereof is filed within thirty (30) days of said publication, the building official may issue the permit forthwith. If an application is filed to demolish any building, structure or part thereof located within the Glastonbury Historic District or within the boundaries of an "historic property", then the provisions of G.S. §§ 7-147j or 7-147y, as amended, shall apply.
(Ord. of 11-22-88, § 4)

Sec. 5-65. Fees and costs for demolition permits.

(a) The fees for demolition shall be in accordance with the fees set forth in Article II, subsection 5-17(b) of the Glastonbury Code as it may be amended from time to time.

(b) Cost of notices. If an application is for demolition of a building or structure or part thereof which is more than seventy-five (75) years old and five hundred (500) square feet in size or larger, in addition to the above, the applicant shall pay the cost of legal notice, the cost of the affidavit of publication, and the cost of certified or registered mail upon receipt of a written statement and request for payment from the building official.

(c) No permit shall be issued until all required fees and costs have been paid.
(Ord. of 11-22-88, § 5)

Sec. 5-66. Duration of permit.

Demolition permits issued under this article shall be valid for a period of not more than one (1) year following the issuance of the permit by the building official. If the demolition approved under the permit is not completed within the one-year time period, a new permit application and permit approval will be required prior to the work being undertaken.
(Ord. of 11-22-88, § 7)

Sec. 5-67. Authority of building official.

Nothing contained in this article shall be deemed to prohibit the building official from issuing demolition permits where a threat to the public health, safety and welfare exists or where a demolition order has been issued by the building official.
(Ord. of 11-22-88, § 8)

Sec. 5-68. Authority of historic district commission.

Nothing contained in this article shall be construed to limit or impair in any way any authority or right granted to the Glastonbury Historic District Commission pursuant to G.S. § 7-147a, et seq., as amended, or Chapter 8.5 of the Glastonbury Code.
(Ord. of 11-22-88, § 9)

Chapter 6

CIVIL PREPAREDNESS*

Sec. 6-1. Local organization—Created; director; advisory council.
Sec. 6-2. Same—Duties of director.
Sec. 6-3. Same—Advisory council's duties; terms.
Sec. 6-4. Disaster emergency.

***Cross references—**Administration generally, Ch. 2; planning, Ch. 15; police, Ch. 16.

State law references—Civil preparedness, G.S. 2-1 et seq.; local organizations for civil preparedness, G.S. 28-7.

Sec. 6-1. Local organization—Created; director; advisory council.

There shall be created a civil preparedness organization consisting of a director and an advisory council. Such director and council shall be appointed by and may be removed by the town manager.
(Code 1960, § 1800)

Sec. 6-2. Same—Duties of director.

(a) The director of the civil preparedness organization shall advise the town manager on matters pertaining to civil preparedness and disaster emergency operations. He will coordinate the activities of all town agencies in disaster emergency situations but in no case will he assume command of any agency or department other than the civil preparedness organization unless directly ordered to do so by the town manager.

(b) He will coordinate the activities of all civil preparedness organization forces, both full-time and volunteer and will be responsible for the recruitment and training of needed civil preparedness personnel. He will assist the town manager in the preparation and updating of town emergency operations plans and standard operating procedures.

(c) He will maintain contact with the state civil preparedness area office designated for the town and will cooperate with the state office of civil preparedness in preparation of required reports, procedures, and other necessary paper work to ensure the town receiving all possible funding, equipment and other benefits available to the town through state and national civil preparedness.

(d) He will perform such other civil preparedness related functions as may, from time to time, be assigned to him by the town manager.
(Code 1960, § 1801)

Sec. 6-3. Same—Advisory council's duties; terms.

The advisory council shall assist the director in the formulation of policy for the governing of the civil preparedness organization. The terms of office for the appointed advisory council shall be two (2) years.
(Code 1960, § 1802)

Sec. 6-4. Disaster emergency.

In the event of disaster, the town manager will assume complete command of all local government functions and facilities. All available local resources will be brought to bear on the disaster existent in an effort to protect and preserve human life and property of the community, to the greatest extent possible. The authority of the town manager shall be limited only by the governor of the state in state-declared emergencies or the President of the United States of America in a declared national emergency.
(Code 1960, § 1803; Ord. of 7-23-73)

Chapter 7

FIRE PREVENTION AND PROTECTION*

Article I. In General

Sec. 7-1. Definitions.
Sec. 7-2. Access to properties.
Sec. 7-3. Fire lanes.
Sec. 7-4. Fire hydrants, fire department connections, dry hydrants.
Secs. 7-5—7-10. Reserved.
Sec. 7-11. Visual alarm indication; special requirements.
Sec. 7-12. Fees—Fire marshal.
Secs. 7-13—7-15. Reserved.

Article II. Open Burning

Sec. 7-16. Control of open burning.
Sec. 7-17. Permits or certificates.
Sec. 7-18. Fires in public rights-of-way.
Sec. 7-19. Fires burning out of control.
Sec. 7-20. Evidence of violations.
Sec. 7-21. Banning of fires during periods of extreme fire danger.
Sec. 7-22. Extinguishing of fires.
Sec. 7-23. Open burning requirements.

***Charter references—**Fire commission, § 902; powers generally, § 104.

Cross references—Administration, Ch. 2; buildings and building regulations, Ch. 5; housing, Ch. 9; offenses and miscellaneous provisions, Ch. 13; parking in fire lanes restricted, § 12-19 et seq.

State law references—General powers relative to fire prevention and protection, G.S. § 7-148(c)(4)(B); appointment of fire marshal required, G.S. § 29-297; assumption of liability for damage caused by firemen, G.S. § 7-308; firemen's work week, G.S. § 7-303; volunteer firemen generally, G.S. § 7-314 et seq.

ARTICLE I. IN GENERAL

Sec. 7-1. Definitions.

The following terms, for the purpose of this chapter shall have the meanings given in this chapter, if not otherwise modified for a specific portion of this Code.

Words used in the present tense include the future; words used in the masculine include the feminine and neuter; the singular includes the plural and the plural includes the singular.

Where terms are not specifically defined in this section, they shall be given their ordinary accepted meanings or such as the context may imply.

Access shall mean a clear, unobstructed area to which fire apparatus can be driven. Access includes public roadways which meet the established criterion, approved emergency access roads, approved driveways, and established fire lanes.

Access road shall mean a paved or adequately stabilized surface which is used for emergency purposes and not subject to vehicular traffic flow.

Aerial access shall mean areas within twenty-five (25) per cent of the measured perimeter of a structure designated for this purpose. These areas shall be constructed of materials capable to support thirty (30) tons sixty thousand (60,000) pounds of dead load. The minimum width of aerial access support bearing surfaces shall be twenty-one (21) feet. Aerial access points shall be measured from the building exterior wall to the near edge of the aerial apparatus outrigger support system. Allowing for difference in grade, this measurement shall be taken from the lowest grade point to the highest building elevation.

Connecticut Fire Safety Code (or CT. Fire Safety Code) shall mean that code which is adopted by G.S. ch. 541.

Construction site shall mean any site for which a foundation or building permit has been issued by the Town of Glastonbury.

Driveway shall mean any surfaces used for the passage or parking of vehicles adjacent to or in conjunction with a residential dwelling.

Fire alarm system shall mean any manual, electrical or radio transmitted device which on activation transmits an alarm condition to an approved central station or to an auxiliary protective signaling system, which prompts the response of the fire department.

Fire hydrant/dry hydrant shall mean the valved connection on a water supply, which is approved for use, having one (1) or more outlets used to supply fire department hose and fire department pumpers with water.

Fire lane shall mean a traffic lane or other area sufficient in width adjacent to the front, rear, or sides of the public buildings or private buildings devoted to public use to permit free passage of heavy fire apparatus and other emergency vehicles to all necessary areas as defined by subsection 7-3(b) in all seasons and all kinds of weather.

N.F.P.A. shall mean the National Fire Protection Association. The codes and standards as written by this organization.

Rapid entry vault shall mean the recognized and approved system utilized by the Town of Glastonbury is produced by the Knox Company of Newport Beach, California. The vault itself is a high security device which attaches to the building enabling the fire department to enter without the use of destructive methods.

Target hazard shall mean area or building used for the storage, handling, processing, refining, generating, manufacture, or disposal of hazardous substances as defined in section 101(14) of the Comprehensive Environmental Response Compensation Liability Act (CERCLA), hazardous material as defined by Code of Federal Regulation (CFR) 49 171.8 or hazardous waste as defined by Code of Federal Regulation (CFR) 40 part 262, or materials especially liable to fire or explosion including but not limited to flammable liquids, gases, or solids, compressed gases, corrosives, radioactive, etiologic, biologic, or poisonous materials.

Water supply shall mean a temporary or permanent water supply or connections for fire protection approved for use by the fire marshal and the fire chief.
(Ord. of 6-25-91)

Cross reference—Rules of construction and definitions generally, § 1-2.

Sec. 7-2. Access to properties.

(a) *General requirements; access.* All buildings for which a building permit is issued on or after the effective date of this ordinance [Ord. No. 254] shall be accessible to fire apparatus. Access shall be provided to at least twenty-five (25) per cent of the building perimeter. Access shall be provided (but not limited to) water supply sources and fire department connections.

(b) *Aerial access.* When required by the fire chief or fire marshal, specified buildings shall have an area(s) which allows for aerial apparatus access to the roof or other parts of the structure. Such increased frontage shall be provided for (but not limited to) buildings which pose a high life safety hazard, or buildings or areas which are target hazards.

Access points shall be according to the following table as a guideline for the aerial support dimensions. Specified final determination shall be directed by the fire marshal and the fire chief.

Building Height (feet)	*Distance from building to near edge aerial outrigger shall be a maximum of: (feet)*
72	10
70	15
68	20
65	25
62	30

Building Height (feet)	*Distance from building to near edge aerial outrigger shall be a maximum of: (feet)*
57½	30
52½	40
46	45
38	50
24	55

(c) *Rapid entry provisions.* Commercial buildings greater than three thousand (3,000) square feet, or any building protected by an automatic sprinkler system, or any building protected by a fire alarm system shall be provided with a rapid access vault.

(d) *Gates.* Gates if utilized for the purpose of restricting access, or providing security shall be provided with a rapid access vault.

(e) *Special requirements.* It shall be the responsibility of the property owner to maintain free of snowfall, debris, natural growth, or obstructions from private roadways, driveway, parking areas, and access roads at all times.
(Ord. of 6-25-91)

Sec. 7-3. Fire lanes.

(a) *General requirements.* Fire lanes shall be provided in accordance with local ordinance.

(b) *Fire department access.* Fire lanes shall be established under the authority of local ordinance 12-19 where access is required to fire department connections, fire hydrants, bodies of water, water sources, access roads, building service controls, pressure relief valves or devices, venting devices, gate valves, post indicator valves, storage magazines, areas used to store explosive materials, fuel tanks, storage tanks or impound areas used for hazardous materials or commodities subject to fire or toxic release, explosion vents, utility vaults or manways, emergency boat launch sites, areas of exit discharge for building occupants, and any other areas or building portions where emergency vehicles may respond.

(c) *Fire lane specifications.* Fire lanes at a minimum shall be at least twenty (20) feet in length and twelve (12) feet in width.

(d) *Building site specifications.* Fire lanes shall be provided for commercial, industrial, educational, health care, or multi-tenant buildings which have a set back greater than one hundred fifty (150) feet from a public road or exceed thirty (30) feet in height measured at any one (1) point from grade and are set back fifty (50) feet from a public road.

(e) *Fire lane markings.* Fire lanes shall be marked according to the recognized criteria utilized by the Town of Glastonbury Police and Public Works Departments, in conformance to the Manual on Uniform Traffic Control Devices and Signs.

(f) *Temporary fire lanes.* A temporary fire lane shall be designated where required by the fire marshal or the fire chief.

(g) *Special requirements.* Roadways, driveways, parking areas, scenic roads.

(h) *Driveways.* The minimum width of a residential driveway surface shall be eight (8) feet.

(i) *Driveways.* The fire marshal may require the installation of pull-off areas on private residential driveways less than fifteen (15) feet in width and greater than five hundred (500) feet in length. Such pull off areas shall provide for a minimum fifteen-foot drive width.

(j) *Parking area.* The fire marshal and the fire chief shall review and recommend the design features of parking areas with consideration given to turning radius, lane widths, and height clearances.

(k) *Parking, public roadways.* The fire marshal and the fire chief shall review and recommend the design and designation of parking on public roadways, prior to such designation.

(l) *Scenic roads.* Prior to the designation of a scenic road, the fire chief and the fire marshal shall review and recommend to the town plan and zoning commission, and town council considerations regarding the impact of the designation on public safety issues.

(m) *Intersection markings.* Any intersection designated by the fire marshal or the fire chief, shall be marked with a directional arrow, and the address sequence of the area. This shall be included on the street signage of all new streets. Signs shall be approved by the public works department.
(Ord. of 6-25-91)

Sec. 7-4. Fire hydrants, fire department connections, dry hydrants.

(a) *General requirements.* In areas served by a public water supply system, hydrants shall be provided. At a minimum there shall be enough hydrants to ensure that two (2) streams of water will be available to every part of the interior of each building not covered by standpipe protection.

(b) *Hydrant spacing.* Hydrants in residence A, A-A, A-A-A, rural residence, or country zones shall be provided at intervals of eight hundred (800) feet maximum.

(c) *Hydrant spacing.* Hydrants in planned business, planned industrial, planned travel, and central district zones shall be provided at intervals of five hundred (500) feet maximum.

(d) *Hydrant spacing.* Hydrants in industrial, planned area development zones, multi-use structure areas, buildings involving hazardous processes, or storage areas considered target hazards by the fire marshal shall be provided with hydrants at intervals of two hundred fifty (250) feet maximum.

(e) *Hydrant specifications.* Fire hydrants shall meet the specifications of the public water companies for the area served.

(f) *Fire department connections.* Fire department connections shall be accessible at all times. Fire department connections shall be arranged and so located such that hose lines can be connected without interference from nearby objects including buildings, fences, posts, trees, shrubbery, power equipment, or other fire department connections.

(g) *Location.* Fire department connections shall be located not less than eighteen (18) inches and not more than four (4) feet above the level of the adjacent grade or access level.

(h) *Protection.* Fire department connections subject to tampering or vandalism shall be suitably protected in a manner approved by the fire marshal.

(i) *Marking.* Fire department connections shall be marked according to the provisions of NFPA 14, 1990. (Section 5-6.9b and c).

(j) *Dry hydrants.* Dry hydrants shall be installed according to NFPA 1231. At a minimum pipe size used in conjunction with a dry hydrant shall be six (6) inches.

(k) *Marking.* Areas adjacent to dry hydrants shall be marked as a fire lane. The cap and uppermost portion of the dry hydrant shall be painted with reflective material to improve nighttime visibility.

(l) *Maintenance.* Dry hydrants shall be maintained annually.
(Ord. of 6-25-91)

Secs. 7-5—7-10. Reserved.

Sec. 7-11. Visual alarm indication; special requirements.

When a building is required by the Connecticut Fire Safety Code to have a fire alarm, such building shall be provided with an external visual alarm indicating device. Such device shall be located on an exterior wall adjacent to the entry door which accesses the alarm annunciator panel. The device shall be a red flashing strobe light which shall be connected to the alarm system such that the visual indication shall not be cancelled by the operation of an audible alarm silencing switch.
(Ord. of 6-25-91)

Sec. 7-12. Fees—Fire marshal.

The following schedule of fees shall be established for inspection services provided by the fire marshal.

(a) Commercial fuel storage tank installation:

Up to 1,000 gallon capacity.....$50.00/tank

Greater than 1,000 gallon capacity.....$80.00/tank

(b) Alcoholic liquor permits—On premises consumption:

New/annual renewals.....$75.00

Temporary (special event).....$25.00

(c) Open burning permit $25.00
Except that owners of property containing five (5) acres or more used wholly or in part for agricultural purposes may apply for a single twenty-five dollar ($25.00) annual fee covering multiple burn events

(d) Propane fuel tank installation:

Greater than 500 gallon capacity $30.00/tank

(e) Underground fuel storage tank removal:

Up to 500 gallon capacity $30.00

501 to 1,000 gallon capacity $50.00

Greater than 1,000 gallon capacity.....$80.00

(Ord. No. 319, 5-11-10)

Secs. 7-13—7-15. Reserved.

ARTICLE II. OPEN BURNING*

Sec. 7-16. Control of open burning.

No person shall ignite, cause to be ignited, permit to be ignited or maintain any open fires except as permitted by regulations promulgated by the state department of environmental protection.
(Code 1960, § 2001; Ord. of 11-13-72)

Sec. 7-17. Permits or certificates.

The town manager shall designate an open burning official(s), who is authorized to issue written permits or certificates as provided in such regulations. No such permits or certificates shall be issued and no person shall ignite, cause or permit to be ignited or maintain any open fire whether or not a permit or certificate has been required or issued during the first or any other stage of an air pollution emergency episode as declared by the commission of the state department of environmental protection except as permitted by such regulations.
(Code 1960, § 2002; Ord. of 11-13-72; Ord. of 2-9-99)

Sec. 7-18. Fires in public rights-of-way.

Under no circumstances, whether or not a permit or certificate has been required or issued, shall a person ignite, cause to be ignited, permit to be ignited or maintain any open fire within the limits of any public road or right-of-way.
(Code 1960, § 2003)

*__State law references—__Burning bans, G.S; § 23-49a; air pollution control, G.S. § 22a-170 et seq.

Sec. 7-19. Fires burning out of control.

Whether or not a permit or certificate has been required or issued, no person shall ignite, cause to be ignited, permit to be ignited or maintain any open fire, nor shall any person authorize others to do so on land owned or controlled by him, in such a manner as to allow such fire to burn out of control so as to require response of fire apparatus and/or personnel.
(Code 1960, § 2004; Ord. of 11-13-72; Ord. of 2-9-99)

Sec. 7-20. Evidence of violations.

A determination by the fire chief or fire marshal on the question of whether a fire has been allowed to burn out of control so as to cause response of fire apparatus and/or personnel shall be prima facie evidence on such question in any prosecution under the provisions of this article.
(Code 1960, § 2005; Ord. of 11-13-72)

Sec. 7-21. Banning of fires during periods of extreme fire danger.

The fire marshal or fire chief shall have power to ban all outside fires during periods of extreme fire danger in his discretion, and it shall be unlawful to ignite or maintain any fire during the period of any such ban.
(Code 1960, § 2006; Ord. of 11-13-72)

Sec. 7-22. Extinguishing of fires.

The fire marshal, fire chief or any officer of the fire department, the director of health, or his designee, or any sworn officer of the police department may require any person who ignites or maintains a fire in violation of the provisions herein to extinguish such fire forthwith. Failure to extinguish such fire shall be a violation of this article.
(Code 1960, § 2007; Ord. of 11-13-72)

Sec. 7-23. Open burning requirements.

Open burning shall be permitted only in accordance with the following standards:

(1) Open burning in accordance with the administrative regulations of the department of environmental protection with the appropriate certificate from the local open burning official. Only fires for the control or destruction of diseases, pests, floodplain brush and debris, vegetation management, control of frost, and warming of livestock are permitted. Fires for the above-listed purposes shall be permitted only during the period September 15 through June 15. The town manager may approve exceptions to this seasonal schedule for emergency situations.

(2) Barbecues or other outdoor fires solely for the cooking of food for human consumption.

(3) Campfires, bonfires, and other fires for ceremonial or recreational purposes. A bonfire that exceeds four (4) feet in any dimension requires verbal approval of the local open

burning official at least twenty-four (24) hours in advance of such fire being ignited. The local open burning official may request prior written permission from the property owner for any of the above-listed fires prior to ignition.

(4) Fires to abate an immediate fire hazard, or fires to abate a health hazard as determined by the director of health, provided such fires are supervised by a responsible fire official.

(5) Fires for training of firefighters, where the fuels are approved by the local open burning official.

(6) Fires used in conjunction with construction activities. Fires in portable heating devices, fires which are essential to street installation of paving activities, the repairing of utilities or similar work, fires used for the destruction of explosive residues or contraband materials, provided such fires are approved by the local open burning official. Warming fires utilized at stationary construction sites shall receive prior approval of the local open burning official.

(7) Fires at the town bulky waste site on Tryon Street or other sites approved by the town manager to dispose of tree limbs and other vegetative debris only. Prior approval shall be required from the State of Connecticut Department of Environmental Protection.

(Ord. of 2-9-99)

Chapter 7.5

FOOD SERVICE*

Sec. 7.5-1. Definitions.
Sec. 7.5-2. License required.
Sec. 7.5-3. Issuance of licenses.
Sec. 7.5-4. Inspection.
Sec. 7.5-5. Food service establishment classification.
Sec. 7.5-6. Annual fees.
Sec. 7.5-7. Reinspection fees.
Sec. 7.5-8. Suspension of licenses.
Sec. 7.5-9. Service of notices.
Sec. 7.5-10. Reinstatement of suspended license.
Sec. 7.5-11. Submission of plans.
Sec. 7.5-12. Pre-operational inspection.
Sec. 7.5-13. Examination and condemnation of food.
Sec. 7.5-14. Establishments outside town limits.
Sec. 7.5-15. Temporary food service licenses.
Sec. 7.5-16. Violations and penalties.

*__Editor's note—__Ordinance of Jan. 14, 1997, replaced Ch. 7.5, in its entirety. Formerly, Ch. 7.5, §§ 7.5-1—7.5-14 pertained to similar subject matter and derived from Ordinance of July 14, 1987. See the Code Comparative Table.

__Cross references—__Administration, Ch. 2; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 7; licenses, permits and miscellaneous business regulations, Ch. 11; streets, sidewalks and public places, Ch. 17; water, sewers and sewage disposal, Ch. 19.

__State law references—__Food generally, G.S. § 21a-13 et seq.; state regulation of food and food establishments required, G.S. §§ 19a-36, 19a-36a.

Sec. 7.5-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Director of health means the director of health for the Town of Glastonbury.

Establishment shall mean a food service establishment, or limited food service establishment, or temporary food service establishment.

Food means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use, or for sale, in whole or in part for human consumption.

Food service establishment shall mean any place where food is prepared or served, for consumption on or off the premises, including but not limited to restaurants, industrial or corporate feeding establishments, commissaries, catering establishments or any eating place, whether fixed or mobile. The term does not include a private home where food is prepared for individual family consumption, or the location of food vending machines.

Food service license shall mean a license issued to a person, corporation, establishment, or firm serving food or drink to the public. A license shall be issued for a specific time period, specific activity, and specific location. Types of food service licenses are as follows:

(1) *Annual food service license* shall mean a license, renewed annually, issued for a food service establishment.

(2) *Temporary food service license* shall mean a license issued to a food service establishment for a period of time not to exceed fourteen (14) consecutive days.

(3) *Seasonal market vendor license* shall mean a license issued to a food service establishment who prepares or serves foods at a Connecticut certified farmer's market. The dates of a seasonal market vendor license shall coincide with the dates of the particular farmer's market for which the food service establishment is applying, but shall not exceed one hundred fifty (150) consecutive days.

(4) *Special vendor license* shall mean a license issued to a mobile food vendor set up at one (1) location for no more than eight (8) weeks. Mobile unit must be removed from property after eight (8) weeks. Mobile unit must have water supply delivered via food grade water line with acceptable backflow prevention. Vendors must comply with all local health, building, zoning, and fire codes.

Licensee shall mean the person designated by the owner of an establishment to receive all notices required to be sent pursuant to this chapter.

Mobile food vendor shall mean a self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle, used to store, prepare, display or serve food intended for individual portion service.

Owner shall mean any individual, partnership, association, corporation, company, governmental agency, club or association of any kind, and includes the plural who owns an establishment.

Potentially hazardous food means any food or food ingredient, natural or synthetic that is in a form capable of supporting:

(1) The rapid and progressive growth of infectious or toxigenic microorganisms, or

(2) The slower growth of clostridium botulinum.

Food service inspector means authorized agent of the director of health certified by the Connecticut State Department of Public Health.

Temporary food service establishment shall mean a food service establishment or food service establishment which operates for fourteen (14) days or less. Nothing in this chapter shall prohibit the sale of food at a noncommercial bake sale or potluck supper. Provided the seller maintains food under conditions which will inhibit the rapid and progressive [growth] of infectious and toxigenic microorganisms.
(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-2. License required.

It shall be unlawful for any owner to operate an establishment, within the Town of Glastonbury, without a valid license issued to him by the director of health. Only an owner who complies with the requirements of this chapter and the Public Health Code of the State of Connecticut shall be entitled to receive or retain such a license. Licenses are not transferable. A license shall be posted in every establishment in a conspicuous public location, visible to the patrons of the establishment and protected from defacement or damage at all times. Licenses for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days.
(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-3. Issuance of licenses.

(a) Any owner desiring to operate an establishment shall, at least ten (10) working days prior to the opening of a new establishment, or at least ten (10) working days prior to the change of ownership, make written application for a license on forms provided by the director of health. In the case of new construction, remodeling or conversion, such application shall be submitted prior to the building permit being issued as required by section 7.5-10 of this chapter. Such application shall include, but not be limited to, the name and address of the owner of the establishment, the name and address of the licensee, if different, the type and

location of the establishment and the signature of each owner or authorized representative. If the application is for a temporary food service establishment, it shall also include the dates of the proposed operation.

(b) The application shall be accompanied by the appropriate annual fee per section 7.5-6.

(c) Prior to the issuance of a license, the director of health, or the food service inspector, shall inspect the establishment to determine compliance with the provisions of this chapter and the Public Health Code of the State of Connecticut.

(d) The director of health shall issue a license to the applicant if the inspection reveals that the establishment complies with the requirements of this chapter and the Public Health Code of the State of Connecticut.

(e) All licenses shall expire on June 30 of each year, and may be renewed for another year upon application and payment of an annual fee, provided that the establishment is in compliance with this chapter and the Public Health Code of the State of Connecticut.
(Ord. of 4-11-89; Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-4. Inspection.

The director of health, or food service inspector, after proper identification, shall be permitted to enter, at any reasonable time, any establishment for the purpose of making inspections, as deemed necessary by the director of health, or the food service inspector, to determine compliance with this chapter and the Public Health Code of the State of Connecticut.
(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-5. Food service establishment classification.

The director of health or food service inspector shall classify each food service establishment by using the criteria outlined in this subdivision. Establishments shall be classified at the time of licensure or otherwise at the time of registration with the local director of health. The classification shall be reviewed by the director of health or food service inspector during each inspection and in no case less than annually. The food service establishment shall be placed into the highest classification that describes any of the food operations conducted. When it comes to the attention of the director of health or food service inspector that the food service establishment has changed to a different class the director of health or food service inspector shall reclassify that food service establishment. No food service establishment shall change operations to a different classification without prior written approval by the director of health. The classes of food service establishment are as follows:

(a) *Class I* is a food service establishment with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours.

(b) *Class II* is a food service establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours and commercially precooked hot dogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four (4) hours.

(c) *Class III* is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation.

(d) *Class IV* is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public.

(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-6. Annual fees.

There shall be a schedule of food service license fees adopted by resolution of the town council and amended from time to time by the town council.

Municipality and state owned facilities, private schools, nonprofit organizations and churches shall be exempt from payment of annual fees.

The fees for the issuance of a food service license are as follows:

Class 1—Prepackaged food/beverages only (gas stations)	$100.00
Class 2—Ready to eat food/beverages (minimart)	175.00
Class 3—Fast food	275.00
Class 4a—Restaurant up to 24 seats and mobile vendors	300.00
Class 4b—Restaurant up to 49 seats	350.00
Class 4c—Restaurant (50 + seats)	400.00
Class 4d—Caterers, wholesalers	400.00
Seasonal market vendor	95.00
Temporary	60.00
Reinspection	150.00

Late fee—An application of annual food service license received more than five (5) days after the end of the licensing year will be charged an additional fee of one-quarter (¼) of the fee for the Class.

Prorated fee—Applications submitted for new food service establishments after January 1 are charged one-half (½) fee of class. Applications submitted after May 1 are charged full fee of class, and provided a license for the remainder of the fiscal year plus a license for the entire next fiscal year.

(Ord. of 1-14-97; Ord. No. 294, 6-10-03; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-7. Reinspection fees.

There shall be a fee, as established in the Town of Glastonbury fee schedule referenced in section 7.5-6, for a failed reinspection when required by the Connecticut Public Health Code or by this chapter.

(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-8. Suspension of licenses.

(a) The director of health, or the food service inspector may suspend any license if the owner does not comply with the requirements of this chapter. If the director of health, or the food service inspector finds that an establishment does not meet the requirements of this chapter, or finds unsanitary or other conditions in the establishment which, in his judgment, constitute an immediate and substantial hazard to public health, he may immediately issue a written notice to the licensee citing such conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken, and if deemed necessary, order immediate correction. If correction is not made within the stated time, the licensee shall be served a notice of intention to suspend the license. When a license is suspended, food service operations immediately cease.

(b) Whenever a notice of intent to suspend the license is served, the owner or licensee may, within forty-eight (48) hours, file a written appeal to the director of health. If an appeal is filed, the director of health shall thereupon immediately examine into the merits of such suspension and may vacate, modify or affirm such suspension. The owner or licensee may, within three (3) business days after the receiving of such decision, appeal to the state commissioner of public health, who shall thereupon immediately notify the authority from whose order the appeal was taken and examine into the merits of such case and may vacate, modify or affirm such order.

(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-9. Service of notices.

A notice provided for in this chapter is properly served when it is delivered to the licensee, or when it is sent by registered or certified mail, return receipt requested, to the address as specified in the application. A copy of any notice shall be filed in the records of the director of health.

(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-10. Reinstatement of suspended license.

Whenever a license has been suspended, the owner of the suspended license may make a written request for reinstatement of the suspended license. Such request shall include a statement indicating how the conditions causing the suspension have been corrected. Within ten (10) days following receipt of such written request, the director of health, or the restaurant inspector, shall make a reinspection. If the owner is found to be in compliance with the requirements of this chapter and the Public Health Code of the State of Connecticut, and to have corrected all conditions responsible for the suspension, the license shall be reinstated upon payment of the reinspection fee.

(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-11. Submission of plans.

Whenever an establishment is constructed, or extensively remodeled, or whenever an existing structure is converted to use as an establishment, properly prepared plans and specifications for the public health related aspects of such construction, remodeling or conversion shall be submitted to the director of health or food service inspector, for review and approval before a building permit is issued. The plans and specifications shall include, but not be limited to, the proposed layout, arrangement and construction materials of work areas and the type and model of proposed fixed equipment and facilities, as they pertain to public health standards. The director of health, or food service inspector, shall approve the plans and specifications in writing if they meet the requirements of this chapter and the Public Health Code of the State of Connecticut. No establishment shall be constructed, extensively remodeled or converted except in accordance with plans and specifications approved by the director of health or the food service inspector. The fee for such plan review shall be one hundred fifty dollars ($150.00), and plan review for subsequent significant revisions shall be seventy-five dollars ($75.00).

(Ord. of 1-14-97; Ord. No. 332, 9-22-15; Ord. No. 334, 6-13-17)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-12. Pre-operational inspection.

Whenever plans and specifications are required by section 7.5-11 of this chapter to be submitted to the director of health, or the food service inspector, the director of health, or the

food service inspector, shall inspect the establishment prior to its beginning operation to determine compliance with the approved plans and specifications, and with the requirements of this chapter and the Public Health Code of the State of Connecticut. No certificate of occupancy shall be issued for an establishment until approval is granted by the director of health.

(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-13. Examination and condemnation of food.

Food may be examined or sampled by the director of health, or the food service inspector, as often as necessary for enforcement of this chapter or the Public Health Code of the State of Connecticut. The director of health, or the food service inspector, upon notice to the licensee specifying with particularity the reasons therefore, place a "hold order" on any food or beverage which he believes is unfit for human consumption. The director of health, or food service inspector, shall tag, label or otherwise identify any food subject to the hold order. No food subject to the hold order shall be used, served or moved from the establishment. The director of health shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for a hearing may be filed with the director of health within forty-eight (48) hours and that if no hearing is requested the food may be destroyed. The director of health shall examine the merits of such hold order and shall order or direct the owner or licensee to denature or destroy such food or bring it into compliance with provisions of this chapter.

(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-14. Establishments outside town limits.

Food from establishments outside the jurisdiction of the director of health may be sold within the Town of Glastonbury if such establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the director of health may accept reports from reasonable authorities in other jurisdictions where such establishments are located.

(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-15. Temporary food service licenses.

No license shall be granted to conduct a temporary food service operation unless the licensee or other responsible person has completed a seminar on food protection is or otherwise recognized by the director of health as possessing knowledge of food protection and safety.

(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Sec. 7.5-16. Violations and penalties.

Any owner or licensee who shall violate any of the provisions of this chapter and/or the Public Health Code of the State of Connecticut shall pay a fine not more than ninety dollars ($90.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

(Ord. of 1-14-97; Ord. No. 332, 9-22-15)

Note—See editor's note for Ch. 7.5, found at the bottom of page CD7.5:1, for former derivation of Ch. 7.5.

Chapter 8

SOLID WASTE*

Article I. In General

Sec. 8-1. Declaration of policy.
Sec. 8-2. Definitions.
Sec. 8-3. Storing of solid waste.
Sec. 8-4. Disposal of solid waste along or in watercourses.
Sec. 8-5. Throwing solid waste in streets, sidewalks, and drains.
Sec. 8-6. Deposit of solid waste in public trash receptacles.
Sec. 8-7. Deposit of solid waste in containers of others.
Sec. 8-8. Disposal of solid waste by owner or occupants on premises.
Sec. 8-9. Non-local solid waste prohibited.
Sec. 8-10. Acceptable proof of source and class of solid waste.
Sec. 8-11. Vehicles to be covered.
Sec. 8-12. Solid waste containers.
Sec. 8-13. Setting out solid waste container for collection.
Sec. 8-14. Enforcement of provisions.
Secs. 8-15—8-20. Reserved.

Article II. Commercial Solid Waste Collectors

Sec. 8-21. Permit—Required.
Sec. 8-22. Same—Applications.
Sec. 8-23. Same—Issuance; fees; expiration date.
Sec. 8-24. Identification of vehicles and containers.
Sec. 8-25. Denial, revocation or suspension of permit.
Sec. 8-26. Hours of solid waste collection.
Sec. 8-27. Violations and penalties.
Secs. 8-28—8-40. Reserved.

Article III. Solid Waste Disposal Facilities

Sec. 8-41. Purpose.
Sec. 8-42. Hours of operation.
Sec. 8-43. Days closed.

***Editor's note—**An ordinance of June 9, 1992, amended Ch. 8 in its entirety to read as herein set out. See the Code Comparative Table. Former Ch. 8 pertained to similar subject matter and was entitled "Garbage, Trash and Refuse."

Cross references—Administration, Ch. 2; garbage and rubbish storage requirements of housing code, § 9-53; disposal responsibilities of housing occupants, § 9-124; junk dealers, § 11-16 et seq.; offenses and miscellaneous provisions, Ch. 13; abandoned iceboxes, § 13-3; rubbish in parks generally, § 14-35; littering in Cotton Hollow, § 14-60; streets, sidewalks and public places, Ch. 17; water, sewers and sewage disposal, Ch. 19.

State law references—Solid waste management, G.S. § 22a-207 et seq.; municipal powers and duties relative to solid waste generally, G.S. §§ 220a-220 et seq., 7-148(c)(4)(H); garbage disposal plants and transportation, G.S. 7-161, 7-162.

Sec. 8-44. Regulation of daily operation.
Sec. 8-45. Use by residents.
Sec. 8-46. Use by nonresidents.
Sec. 8-47. Use by collectors.
Sec. 8-48. Disposal area.
Sec. 8-49. User restrictions.
Sec. 8-50. Permit types.
Sec. 8-51. Certain types of solid waste prohibited.
Sec. 8-52. Scavenging prohibited.
Sec. 8-53. Trespassing.
Sec. 8-54. Schedule of fees.
Sec. 8-55. Violations.
Sec. 8-56. Interpretation.
Sec. 8-57. State law.
Secs. 8-58—8-60. Reserved.

Article IV. Recyclable Material Collection and Disposal

Sec. 8-61. Declaration of policy.
Sec. 8-62. Program established.
Sec. 8-63. Preparation of recyclables for collection and disposal.
Sec. 8-64. Failure to source separate solid waste.
Sec. 8-65. Alternate means of recycling.
Sec. 8-66. Collection by unauthorized persons; scavenging.
Sec. 8-67. Documentation of recycling activities.
Sec. 8-68. Receptacles to be labeled.
Sec. 8-69. Responsibilities of collectors.
Sec. 8-70. Enforcement of chapter.
Sec. 8-71. Violations and penalties.
Sec. 8-72. Severability.
Sec. 8-73. Repeal of provision of ordinances inconsistent.
Sec. 8-74. Effective date.
Sec. 8-75. Satellite recycling centers.
Secs. 8-76—8-79. Reserved.

Article V. Ordinance to Create and Become a Member of the Central Connecticut Solid Waste Authority

Sec. 8-80. Statement of purpose.
Sec. 8-81. Creation of the regional solid waste authority.
Sec. 8-82. Designation of regional solid waste authority.
Sec. 8-83. Purpose of the authority.
Sec. 8-84. Principal address of the authority.
Sec. 8-85. Members of the authority.
Sec. 8-86. Voting system for meetings of the authority's full membership.
Sec. 8-87. Appointment, removal and term of office of a municipal member representative.
Sec. 8-88. Annual meeting and by-laws of the authority.
Sec. 8-89. Prohibition against member monetary compensation other than host community compensation.

Sec. 8-90. Executive committee of the authority.
Sec. 8-91. Adoption.

ARTICLE I. IN GENERAL

Sec. 8-1. Declaration of policy.

The accumulation, collection, removal, and disposal of solid waste must be controlled by this town for the protection of the public health, safety, and welfare. It is consequently found and declared that:

(1) This town is authorized by law to regulate the disposition of solid waste generated within its boundaries and to collect a charge therefor and to permit collectors; and

(2) This town is also authorized by G.S. § 22a-220a to designate the area where solid waste generated within its boundaries shall be disposed; and

(3) This town has executed the municipal service agreement requiring it to cause all solid waste generated within its boundaries and which meets the Contractual Standards to be delivered to the Mid-Connecticut System operated by CRRA; and

(4) The enactment of this chapter is in furtherance of this town's regional solid waste management plan as filed with the DEP.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-2. Definitions.

The following terms shall have the following meanings:

Antifreeze shall mean a substance of low freezing point added to a liquid, especially to the water in a radiator of an automobile, i.e. ethylene glycol, or to gasoline in the tank to prevent freezing.

Apartment shall mean a group of rooms located within a structure comprising a single, habitable unit used, or intended to be used, for living, sleeping, cooking, and eating in a building.

Authority shall mean the Connecticut Resources Recovery Authority established pursuant to G.S. ch. 446e, as amended.

Battery (dry-cell storage type) shall mean a device used for generating electric current through a chemical reaction, including, but not limited to, nickel-cadmium batteries, carbon batteries, and alkaline batteries.

Bulky waste shall mean tree trunks, stumps, building materials, and such other items as are defined as bulky waste per DEP regulations.

Bulky waste site shall mean any facility owned, rented, or leased by the town, now or in the future, which is specifically set aside for the disposal of bulky waste.

Brush shall mean bushes, shrubs, small trees, or tree branches.

Cardboard shall mean corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

Collector shall mean any person who hires himself out to collect solid waste from residential, business, commercial, or other establishments.

Commercial solid waste collection shall mean the collection and/or disposal of solid waste for purposes of making a profit.

Commingled recyclable materials shall mean source-separated, non-putrescible recyclable materials that have been mixed at the source of generation, i.e. placed in the same container.

Condominium shall mean individual ownership in fee simple of a residential dwelling unit located in a detached dwelling, an attached dwelling, a semi-attached dwelling, or a multifamily dwelling, with ownership of an undivided interest held in common with all of the other owners of the dwelling units contained in a community housing development.

CRRA shall mean the Connecticut Resources Recovery Authority established pursuant to G.S. ch. 446e, as amended.

DEP shall mean the State of Connecticut Department of Environmental Protection.

Director shall mean the director of public works or his designated agent.

Dumping shall mean depositing, discharging, placing, and disposing of solid waste.

Garbage shall mean all putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

Glass food container shall mean any glass container used to package food or beverage products suitable for human or animal consumption.

Grass clippings shall mean grass and other trimmings from the care of a lawn, with a minimum of contamination by pesticides.

Hazardous waste shall mean pathological, biological, cesspool, or other human wastes, human and animal remains, radioactive, toxic, and other hazardous wastes which according to federal, state, or local rules or regulations from time to time in effect require special handling in their collection, treatment, or disposal.

HDPE shall mean a high-density polyethylene bottle or jar used to package food, household laundry products, or crankcase oil. The acronym "HDPE" and the code number "2" appear on the base of these containers.

Intermediate processing center (IPC) shall mean a facility which can recycle any item or items and market or deliver for reuse the resulting material product or products.

Leaves shall mean the foliage of trees, bushes, and other plants with a minimum of contamination by rocks, sticks or branches, plastic and pesticides.

Magazines shall mean catalogs, magazines, or other similar printed matter.

Metal food container shall mean an aluminum, bi-metal, steel, tin-plated steel, or other metallic cans, or any plate or tray used to package food or liquid products suitable for human or animal consumption.

Mid-Connecticut System shall mean the system for the processing of solid waste and the recovery of energy therefrom constructed by the CRRA pursuant to the municipal service agreement.

Municipal service agreement shall mean the municipal solid waste management services contract between this town and the CRRA.

Municipal solid waste or *MSW* shall mean solid waste from residential, commercial, and industrial sources, excluding hazardous waste, approved recyclable items, bulky waste, sewage sludge, and scrap metal, as determined by DEP.

Newspaper shall mean any used or discarded unsoiled newsprint, including all parts of the newspaper.

Nonresidential source shall mean any source of solid waste that is not considered "residential." Business, hospitals, motels, hotels, and schools are examples of non-residential sources.

Permittee shall mean a person, or a person's agent or employee, who has obtained a permit pursuant to Article III.

Person shall mean any institution, public or private corporation, individual, partnership, or other entity.

PET or *PETE* shall mean a polyethylene terephthalate container used to package beverages. The acronym "PET" and code number "1" appear on these containers.

Recyclables or *recyclable materials* shall mean materials which have been so designated to include, but not be limited to, those materials designated as recyclable under the Connecticut General Statutes, as amended, and the regulations of the DEP, as amended.

Recycling shall mean the processing of solid waste to reclaim material therefrom.

Recycling container shall mean a specifically marked container for collecting recyclable materials separate from the solid waste collection.

Regulations shall mean a set of requirements adopted and amended from time to time by resolution of the town council as to the collection and disposal of municipal solid waste at town facilities.

Resident shall mean (a) in the case of individuals, those who reside, own real property, or operate a business in the town; (b) in the case of all other persons, those having a place of business in the town.

Residential dwelling unit shall mean each individual home or a group of rooms located within a structure comprising a single, habitable unit used, or intended to be used, for living, sleeping, cooking, and eating, and so occupied by one (1) family.

Rubbish shall mean any ashes, cans, bottles, earth, wire, glass, broken kitchenware, appliances, boxes, papers, mattresses, and other materials of like nature that is not garbage nor recyclable materials.

Schedule of fees shall mean the schedule adopted and amended from time to time by resolution of the town council.

Scrap metal shall mean used or discarded items made of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof including, but not limited to, appliances and metal containers.

Scrap tires shall mean discarded rubber or synthetic rubber tires.

Solid waste shall mean unwanted or discarded materials, including, but not limited to, garbage, rubbish, recyclables, bulky waste, and other separately identified waste streams.

Solid waste disposal area shall mean any facility approved by the town for ultimate disposal of wastes.

Source separate shall mean to separate recyclable materials from the solid waste stream at the point of waste generation.

Superintendent shall mean public works superintendent of sanitation.

Town shall mean the Town of Glastonbury, a municipal corporation located in Hartford County, in the State of Connecticut.

Town manager shall mean the town manager or any other town employee as the town manager may designate.

Transfer station shall mean the solid waste transfer facility area or areas within the town as designated by the town council.

Waste oil shall mean crankcase oil that has been utilized in internal combustion engines.

White office paper shall mean used or discarded high-grade white paper including, but not limited to, white paper utilized for envelopes, writing, typing, printing, green bar computer printer, and photocopying which is suitable for recycling and which has a minimum of contamination. Office paper generated by households is excluded.

Yard waste shall mean leaves, grass clippings, branches, and other vegetation matter.
(Ord. of 6-9-92)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-3. Storing of solid waste.

(a) *Public and private places.* No person having custody or control of residential, industrial, business, or any other type of premises within the town shall permit or cause any garbage, rubbish, or other solid waste within his control to become a hazard or potential hazard to

public travel, health, or safety or to become a nuisance of any sort. No person shall place any solid waste in any street, alley, or other public place or upon any private property, whether owned by such person or not, within this town except in proper containers or otherwise properly prepared for collection or under express approval granted by the director.

(b) *Accumulation of solid waste.* It shall be unlawful for any owner or occupant of premises in the town to throw, drop, pile, bury, place, or otherwise dump or deposit solid waste on such premises or allow them to accumulate on premises under his control in an offensive, unsightly, or unsanitary manner. Any uncontainerized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any accumulation of solid waste within ten (10) calendar days after written notice by registered mail to remove same shall be deemed a violation of this chapter.

(c) *Scattering of solid waste.* No person shall cast, place, sweep, or deposit anywhere within this town any solid waste in such a manner that it may be carried or deposited by the natural elements upon the property of others. Except as provided in article III of this chapter, it shall be unlawful to throw or cause solid waste to fall in or onto any land, buildings, or structures owned by the town.

(d) *Hazardous wastes.* It shall be unlawful for any person to place or dispose of any hazardous wastes or similarly dangerous substances except in a manner approved by federal, state, or town authorities.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-4. Disposal of solid waste along or in watercourses.

It shall be unlawful for any person to permit to be deposited or to deposit any solid waste into or upon the banks or margin of any watercourse for any purpose whatsoever, nor shall any person throw or deposit any solid waste in any stream or other body of water.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-5. Throwing solid waste in streets, sidewalks, and drains.

It shall be unlawful for any person to throw any solid waste upon the sidewalks or streets, or in any catch basin or drain in the town. It shall be unlawful for any person to sweep any solid waste from any premises into or upon any sidewalk or street.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-6. Deposit of solid waste in public trash receptacles.

It shall be unlawful for any person or corporation to deposit any solid waste in excess of one (1) cubic foot in any public trash receptacle maintained by the town, except for those

receptacles provided for authorized events, sanctioned parks activities or provided for bulk trash disposal at the transfer station or other facility as designated by the town manager or his authorized agent.

(Ord. of 6-9-92; Ord. No. 318, 4-13-10)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-7. Deposit of solid waste in containers of others.

It shall be unlawful for any person to place solid waste in any container, dumpster, bin, etc. belonging to others without their permission to do so.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-8. Disposal of solid waste by owner or occupants on premises.

Nothing in this chapter shall be construed as forbidding the operation on private premises of any device for grinding garbage and flushing same into the public or a private sanitary sewer system or any device for burning solid waste provided such device has been approved by and installed under the supervision of the appropriate town department/official and does not create a nuisance or fire hazard.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-9. Non-local solid waste prohibited.

No person may dispose of solid waste in a town solid waste disposal facility if such solid waste is the direct result of work, operations, or business undertaken, whether by contract or otherwise, in a location or area outside the town, except with prior approval of the town manager.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-10. Acceptable proof of source and class of solid waste.

(a) The town manager may, prior to allowing disposal, require the permittee to certify in writing, under penalties of false statement as provided in the Connecticut General Statutes, as to source and class of each load of solid waste brought to any town-owned solid waste disposal facility.

(b) If any permittee, its agent, or employee fails or refuses, upon request by the town manager to provide the certification or other means of acceptable proof of solid waste origin and class as to any load of solid waste, the permittee, its agent, or employee shall not be permitted to dispose of the solid waste on the vehicle in the solid waste disposal area and shall be ordered to remove the vehicle from the area immediately.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-11. Vehicles to be covered.

All vehicles conveying solid waste in the town shall be properly covered so as to prevent such objects from being blown from and falling from such vehicle. The section of such vehicle used for storage of solid waste shall be solidly constructed so as to prevent the escape of liquids and to prevent easy access of insects or vermin.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-12. Solid waste containers.

The owner of each premise in which solid waste is created or generated shall provide, at a suitable place upon such premises, sufficient receptacles for receiving and holding such solid waste during the intervals between collections. The occupant or owner shall keep all receptacles clean and in good condition.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-13. Setting out solid waste container for collection.

Receptacles or other items to be disposed of shall be placed behind the curb after 6:00 p.m. of the day immediately preceding the day of collection. After collection, any empty containers shall be removed from curbside promptly, but no later than 7:00 p.m. of the day of collection. All recyclables and non-recyclables shall be set out for collection in an orderly, sanitary condition so as not to constitute a nuisance or otherwise be objectionable.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-14. Enforcement of provisions.

It shall be the duty of the town manager to enforce the provisions of this article.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Secs. 8-15—8-20. Reserved.

ARTICLE II. COMMERCIAL SOLID WASTE COLLECTORS

Sec. 8-21. Permit—Required.

No person shall engage in commercial solid waste collection in the town without first obtaining a Type 4 permit for such purpose from the director.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-22. Same—Applications.

Permits required by section 8-21 shall be applied for upon forms prescribed by the town manager, which forms may call for the providing of the home and business addresses of the applicant, and of all partners, stockholders, directors, and officers thereof; the vehicles to be used for solid waste collection; all places and methods of disposal of solid waste; municipalities in which the applicant operates; and such other information as the town manager deems necessary to determine the applicant's qualifications for collecting solid waste.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-23. Same—Issuance; fees; expiration date.

(a) If the applicant for a permit required by section 8-21 has the capability to collect solid waste and to fulfill contracts involved therein, such permit shall be issued by the director upon payment of the fee set forth in the schedule of fees in section 8-54. The collector shall obtain a permit for each vehicle used or proposed to be used in the town for the purpose of solid waste collection. The collector is required to affix the required permit on each vehicle permitted in the manner prescribed. Each permittee shall give immediate written notice to the town of each change in vehicle used to transport solid waste.

(b) All permits, except Type III permits, shall expire on July 31 of each year. All renewals shall be made during the months of June and July.

(c) If any permittee shall sell or transfer all or part of his route to another collector licensed to collect solid waste in this town, he shall forthwith give written notice to the director at least seven (7) business days before the date of the sale or transfer stating the name of the buyer or transferee and the intended date of sale.

(d) Permits are not transferable. When any permittee shall sell or transfer all or part of his route to any collector not licensed in this town, he shall first notify the director, in writing within seven (7) business days, of his intent to sell and the transferee shall, at the same time, make application for a permit to operate in this town.

(e) The director may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle.

(f) Each collector shall apply for a permit from the director on such a form as the director shall prescribe to engage in the business of solid waste collection in this town.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-24. Identification of vehicles and containers.

Each permittee shall prominently display at all times on each registered vehicle or container, in a contrasting color, in letters at least four (4) inches in height, his name and telephone number.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-25. Denial, revocation or suspension of permit.

(a) *[In general.]* Generally, a permit to engage in solid waste collection in this town, or to utilize town disposal facilities provided by this town, is a privilege, not a right. Failure to comply with the provisions of this chapter shall be grounds for denial, revocation or suspension of any permit issued under the provisions of this chapter in addition to any other penalty imposed by law.

(b) *Notice required.* Revocation or suspensions shall only become effective seven (7) calendar days following written notice from the director to the permittee at the permittee's place of business.

(c) *Request for review; filing; effect of failure to file.* If a collector objects to the director's action described in subsection (b) above to revoke or suspend his permit, he may, within the seven (7) calendar days of sending said notice, file a written request for review with the town manager. Failure to timely file such request for review shall make the director's action final and binding upon the collector.

(d) *Denial of permit.* If a collector is denied a permit pursuant to section 8-23, he may, within ten (10) business days of receiving the notice of denial, file a written request for review with the town manager who shall have the power to grant a permit. Failure to timely file such request for review shall make the director's action final and binding upon the collector.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-26. Hours of solid waste collection.

No solid waste shall be collected from 6:00 p.m. to 6:00 a.m. The town manager may modify collection hours in response to emergencies or exigent circumstances effecting public health, safety or welfare.

(Ord. of 3-23-99; Ord. No. 289, 1-22-02)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-27. Violations and penalties.

Any person violating any provision of this article shall be fined not more than ninety-nine dollars ($99.00) for each offense, in addition to any other penalty imposed hereunder.

(Ord. of 6-9-92; Ord. of 3-23-99)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Secs. 8-28—8-40. Reserved.

ARTICLE III. SOLID WASTE DISPOSAL FACILITIES

Sec. 8-41. Purpose.

In order to protect the health, safety, and general welfare of the residents of Glastonbury, this article shall govern the operation and use of any town-operated solid waste disposal facility.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-42. Hours of operation.

Days and hours during which any solid waste disposal facility shall normally be open for the disposal of solid waste shall be established by the town manager, as approved by the town council.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-43. Days closed.

Each solid waste disposal facility shall be closed for the disposal of solid waste on legal holidays and such other day or days that the town manager may designate, as approved by the town council.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-44. Regulation of daily operation.

The town manager have [has] the authority to issue appropriate rules or regulations concerning the uses and daily operation of each solid waste disposal facility, including requiring permit holders to affix stickers to their vehicles or to otherwise provide evidence they hold a current valid permit, provided such rules and regulations are not inconsistent with laws and regulations of the State of Connecticut.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-45. Use by residents.

Any person residing, or paying taxes, or having a place of business in the town, may use the solid waste disposal facilities subject to the provisions of sections 8-49 and 8-50, provided that the solid waste is not from commercial solid waste collection and provided that the person obtains a Type 1, Type 2, Type 5 or Type 6 disposal permit from the town manager. The fee for such permit shall be set forth in the schedule of fees in section 8-54.

(Ord. of 6-9-92; Ord. of 7-23-96; Ord. of 7-28-98)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-46. Use by nonresidents.

A person who neither resides nor pays taxes, nor has a place of business in the town may use any solid waste disposal facility provided that the solid waste is not from commercial solid waste collection, that the solid waste is a direct result of work, operations, or business undertaken, whether by contract or otherwise, in the town, and that said person obtains a Type 3 disposal permit from the director. The permit fee shall be set forth in the schedule of fees in section 8-54.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-47. Use by collectors.

Any collector as defined in section 8-2 shall not dispose of solid wastes at any town solid waste disposal facility unless written permission to do so is given by the town manager. Any collector generating solid waste within the town must obtain a Type 4 disposal permit from the town manager. The fee for such permit shall be set forth in the schedule of fees in section 8-54.

(Ord. of 6-9-92; Ord. No. 308, 10-12-04)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-48. Disposal area.

(a) Any person disposing of solid waste in any solid waste disposal facility shall dispose of such solid waste by dumping or otherwise placing in specific locations as determined by, and under the supervision of, the operator of the solid waste disposal facility. All permittees shall

obey all the orders and directions of employees of the town employed or in charge of town-maintained solid waste disposal area, shall dispose of their collections at the points designated by such employees and shall comply with all the regulations issued by the town for the collection of solid waste and disposal thereof in the town solid waste disposal areas.

(b) Each load shall be subject to inspection by the attendant prior to disposing at the town solid waste facilities. Access to the town's solid waste disposal facilities shall be denied without a valid permit.

(c) Any permittee who knowingly disposes of solid waste containing items designated as recyclable shall be required to remove the load deposited and separate the recyclables according to the State of Connecticut General Statutes in effect. The permittee shall be suspended by the director from the solid waste disposal facility and his permit revoked by the director until the deposited load is separated or removed.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-49. User restrictions.

(a) Users of the solid waste transfer station shall be restricted to Type 1, Type 3, Type 5 and Type 6 permit holders who deposit solid waste.

(b) Users at the bulky waste disposal facility shall be restricted to Type 1, Type 2, Type 3, Type 5 and Type 6 permit holders.
(Ord. of 6-9-92; Ord. of 7-23-96; Ord. of 7-28-98)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-50. Permit types.

The following permit types may be issued by the town manager:

(1) *Type 1:* A permit for those persons described in section 8-45, "Residents," with a vehicle which is currently registered for a gross weight of less than nine thousand five hundred (9,500) pounds which shall expire on July 31 of each year.

(2) *Type 2:* A permit for those persons described in section 8-45, "Residents," with a vehicle having more than four (4) wheels or which is currently registered for a gross weight of nine thousand five hundred (9,500) pounds or more, which shall expire on July 31 of each year.

(3) *Type 3:* A ten-business day permit for those persons described in section 8-46, "Nonresidents."

(4) *Type 4:* A permit for those persons described in section 8-47, "Collectors," which shall expire on July 31 of each year.

(5) *Type 5:* A permit up to thirty (30) days to nonprofit organizations.

(6) *Type 6:* A single business day permit for those persons described in section 8-45, "Residents", which shall expire each day.

A waiver of the section 8-50 weight provisions for household rubbish may be granted by the town manager, or an authorized agent, for those with a hardship in handling solid waste in an efficient manner.

(Ord. of 6-9-92; Ord. of 7-23-96; Ord. of 7-28-98)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-51. Certain types of solid waste prohibited.

The town manager may prohibit the disposal of any solid waste by any person in any solid waste disposal facility when said solid waste is of such nature and quantity as to be, in his opinion, dangerous to public health, welfare, or safety, or prejudicial to the proper operation of the solid waste disposal facility.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-52. Scavenging prohibited.

Scavenging at any solid waste disposal facility without express written authorization by the town manager shall be prohibited.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-53. Trespassing.

No person shall enter or be permitted within any solid waste disposal facility except during the hours when the area is open to the public and the operator is on duty.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-54. Schedule of fees.

(a) There shall be a schedule of fees adopted by resolution of the town council and amended from time to time by the town council. Such schedule shall indicate the various fees for the types of permits described in section 8-50. Said resolution may also include a schedule of user fees for solid waste disposal facilities.

(b) Methods of accounting and billing for such fees shall be governed by appropriate rules and regulations adopted by the town manager.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-55. Violations.

(a) Violations of any section of this article by any person shall be punishable by a fine of not more than twenty-five dollars ($25.00) for each offense, and each day that the violations shall exist or continue shall be deemed a separate offense.

(b) In addition to the foregoing penalty, upon being informed that a person has violated this article, the director shall mail or deliver to that person a written notice that a violation has occurred, and shall include a reference to the penalties for violation provided in this section.

(c) If a second violation occurs, the director shall mail or deliver to that person written notice that the person's permit shall be suspended for a period of seven (7) business days, such period to begin ten (10) business days after such notice is sent. A person receiving a notice from the director that a violation has occurred, or that the person's permit shall be suspended, shall be entitled to a hearing before the town manager at which time the person may deny any violation has occurred.

(d) Requests for a hearing must be made in writing to the town manager within ten (10) business days after the notice of violation is sent. If no hearing is requested, or if a hearing is held and the town manager decides that such violation has occurred, the written notice of initial violation shall remain valid, or if it is a subsequent violation by a person, the suspension shall take effect. If a hearing is held and the town manager decides that a violation has not occurred, the written notice of initial violation or notice of suspension, as the case may be, shall be void and have no effect. The town manager shall send a written notice advising the appropriate parties of his action. For purposes of this section, the power to suspend a permit shall also include the power to refuse to issue or reissue a permit, provided the same procedural requirements are set.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-56. Interpretation.

The provisions of this article with respect to the meaning of technical terms and phrases, and to the intent thereof, shall be interpreted and administered by the town manager or an authorized agent thereof.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-57. State law.

To the extent that any section of this article is or becomes inconsistent with applicable laws of the State of Connecticut, the town manager is authorized to issue appropriate rules, regulations and operating procedures to manage the solid waste disposal facilities in full compliance with the laws of the State of Connecticut, as approved by the town council.
(Ord. No. 322, 6-14-11)

Secs. 8-58—8-60. Reserved.

ARTICLE IV. RECYCLABLE MATERIAL COLLECTION AND DISPOSAL

Sec. 8-61. Declaration of policy.

The accumulation, collection, removal, and disposal of designated recyclable material must be controlled by this town for the protection of the public health, safety, and welfare. It is consequently found and declared that:

(1) This town is authorized by law to regulate the collection and the disposition of designated recyclable material generated within its boundaries and to collect a charge therefor and to license recycling collectors; and

(2) This town is to provide for the separation, collection, processing, and marketing of recyclable materials and monitoring progress in recycling; and

(3) This town is further authorized to impose a penalty not to exceed five hundred dollars ($500.00) for each violation by a commercial establishment of the requirements of G.S. § 22a-226 or 22a-226a, as amended; and

(4) The enactment of this chapter is in furtherance of this town's regional solid waste management plan.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-62. Program established.

(a) The intent of this regulation is to reduce the volume of solid waste generated by the community through recycling and achieve compliance with these regulations by generators or collectors of solid waste. On and after the effective date of this chapter, and under regulations issued by the town manager in accordance with the terms of this chapter, there is hereby established a program for the mandatory separation from municipal solid waste in the town for recyclable materials.

(b) In addition to those recyclables mandated by the State of Connecticut, other recyclable materials, as listed in the current regulations as approved by the town and made available to the public at the town public works office, may be accepted at the town solid waste disposal facility.

(c) Any persons who generate solid waste shall separate recyclable items from putrescible garbage and other solid waste as defined by the town ordinances now in effect, or as amended.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-63. Preparation of recyclables for collection and disposal.

(a) *Private collector pickup.* Recyclable items shall be prepared and set out for curbside pickup as directed by the collector and in compliance with local ordinances.

(b) *Town-operated disposal facility.* Recyclable items to be disposed of at a town-operated facility shall be prepared in accordance with the regulations made available to the public by the town public works department.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-64. Failure to source separate solid waste.

(a) It shall be unlawful to combine designated, unsoiled recyclables with other solid waste. Failure to source separate designated materials for recycling is a violation of this chapter.

(b) It shall be unlawful for collectors to collect solid waste that contains visible signs of designated recyclable materials. It is unlawful for collectors to remove for disposal those bags or containers of solid waste/recyclables which visibly display a warning notice, sticker, or some other device indicating that the load of solid waste contains designated recyclable materials and, therefore, should not be removed for disposal.

(c) Any person whose solid waste was not removed because it contained recyclables shall properly segregate the uncollected waste for proper recycling.

(d) Any permittee who knowingly disposes of solid waste containing items designated as recyclables shall be required to remove the load deposited and separate the recyclables according to the State Statutes and town regulations in effect. Such person shall be suspended from the solid waste facility and his permit revoked until the deposited load is separated or removed.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-65. Alternate means of recycling.

Nothing in this chapter shall abridge the right of any person to give or sell his recyclables to any other person.

(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-66. Collection by unauthorized persons; scavenging.

(a) Upon placement of recyclables at the curb, it shall be a violation of this chapter for any person other than depositor, permitted collector, or non-profit entity with a Type 5 permit to collect or pick up, or cause to be collected or picked up, such recyclables.

(b) Each and every such collection or pick up in violation of this section from one (1) or more locations shall constitute a separate and distinct offense.

(c) Any person violating this section shall be fined not more than ninety dollars ($90.00) for each offense.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-67. Documentation of recycling activities.

(a) All collectors must file information on solid waste materials collected and delivered to disposal sites on forms provided by the director. These forms shall be submitted to the director in accordance with the schedule adopted by the town.

(b) Failure to comply with these reporting requirements shall subject the collector to revocation of permit or other penalties as provided by law.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-68. Receptacles to be labeled.

Every person owning or operating multifamily units, public housing units, commercial, industrial, or other nonresidential premises where recyclables are created or generated shall provide, or cause to be provided, sufficient areas and/or receptacles on the premises for the separation and storage of recyclable materials. All recycling receptacles must be clearly labeled.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-69. Responsibilities of collectors.

(a) Any collector who has reason to believe that the person from whom the solid waste was collected has violated the requirements of this chapter shall issue a warning notice (provided by the department of public works) to such person and promptly notify the director of the alleged violation. Collectors shall also assist the director in the identification of individuals responsible for creating mixed recyclables and solid waste.

(b) The collector is not required to collect solid waste from any occupant or owner who includes materials mandated for recycling with his solid waste or does not place and contain the separated items for collection in accordance with this chapter or as directed by his collector.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-70. Enforcement of chapter.

The director shall receive notice of violation from the collector under this chapter and solid waste facilities pursuant to G.S. ch. 446d entitled "Solid Waste Management".
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-71. Violations and penalties.

(a) Unless otherwise provided herein, a violation of any provision of this chapter shall be considered an infraction pursuant to the State Statutes governing infractions, and subject the violator to a fine of ninety dollars ($90.00).

(b) Any person who generates solid waste from residential property, and who fails to separate recyclables from other wastes, shall be subject to written warning for the first offense, a fine of forty dollars ($40.00) for the second offense, and a fine of ninety dollars ($90.00) for all subsequent offenses.

(c) Any commercial establishment that generates solid waste, which fails to make provision for a separation from other solid waste, shall receive written notice for the first offense, or for any subsequent offense, it shall be subject to a fine not to exceed five hundred dollars ($500.00) for each violation.

(d) Any collector who knowingly mixes recyclables with other solid waste shall have his permit revoked for a period of one (1) year from the effective date of notice. No collector, or any of its partners, officers, stockholders, or directors whose permit has been revoked shall be allowed to defeat these regulations by seeking or obtaining a permit under an assumed name of another person, or by forming another corporation, partnership, or association of any other entity, or engage the services of any other person to collect solid waste previously collected by the permittee.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-72. Severability.

In case, for any reason, any section or provision of this chapter shall be held to be unconstitutional or invalid, the same shall not effect any other section or provision of this chapter, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder of any portion thereof.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-73. Repeal of provision of ordinances inconsistent.

All ordinances or parts of ordinances inconsistent with the provisions of this chapter are hereby repealed to the extent of such inconsistency.
(Ord. of 6-9-92)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Sec. 8-74. Effective date.

This ordinance shall take effect after publication as provided by law.
(Ord. of 6-9-92)

Sec. 8-75. Satellite recycling centers.

It shall be unlawful for any person or corporation to deposit any materials, other than those specified, in any designated town satellite recycling station container, and it shall be unlawful to deposit or abandon any materials outside of such containers at any satellite recycling location.
(Ord. No. 318, 4-13-10)

Note—See editor's note for Ch. 8, found at the bottom of page CD:8:1, for former derivation of Ch. 8.

Secs. 8-76—8-79. Reserved.

ARTICLE V. ORDINANCE TO CREATE AND BECOME A MEMBER OF THE CENTRAL CONNECTICUT SOLID WASTE AUTHORITY

Sec. 8-80. Statement of purpose.

Pursuant to § 7-273aa of the Connecticut General Statutes Annotated, which provides that any two (2) or more Connecticut municipalities may, by concurrent ordinances of their legislative bodies, create a regional solid waste authority under the provisions of §§ 7-273aa to 7-273oo, inclusive ("Chapter 103b"), to jointly manage solid waste and recycling services on behalf of its members, the purpose of this article is to create such a regional authority to be known as the Central Connecticut Solid Waste Authority ("CCSWA"). Upon adoption of this article by two (2) or more municipalities, CCSWA shall be created.
(Ord. No. 320, 7-27-10)

Sec. 8-81. Creation of the regional solid waste authority.

CCSWA is hereby created as a regional authority under the provisions of Chapter 103b and shall have all the rights, powers, duties and obligations of a regional authority pursuant to Chapter 103b and Chapters 446d and 446e of the Connecticut General Statutes Annotated.
(Ord. No. 320, 7-27-10)

Sec. 8-82. Designation of regional solid waste authority.

The Town of Glastonbury, Connecticut (the "municipality") hereby designates CCSWA as its regional solid waste authority, including its regional resource recovery authority, and adopts the provisions of Chapter 103b in connection with this election to become a member of CCSWA; provided, however, that this designation and membership election shall not constitute a commitment of the municipality's solid waste or recycling streams, and provided further that the municipality agrees that it shall take no action, now or in the future, contrary to its currently existing legal obligations and commitments, including, without limitation, making any pledge of its municipal solid waste or recycling streams to a disposal or recycling option chosen through CCSWA which has an effective date commencing prior to the expiration date of any currently existing waste stream commitment to another disposal or recycling arrangement. By adopting this article, the municipality shall not be obligated now or in the future to make any such commitment of its solid waste or recycling streams, or to commit any funding toward CCSWA, without further express authorization by its legislative body.
(Ord. No. 320, 7-27-10)

Sec. 8-83. Purpose of the authority.

The purpose of CCSWA shall be to solicit and jointly manage solid waste and recycling services on behalf of its members.
(Ord. No. 320, 7-27-10)

Sec. 8-84. Principal address of the authority.

The principal address of CCSWA shall be 241 Main Street, Hartford, Connecticut 06106, c/o the Capitol Region Council of Governments.
(Ord. No. 320, 7-27-10)

Sec. 8-85. Members of the authority.

The members of CCSWA shall be the municipalities, including the municipality, which adopt this article. Each member municipality shall be assigned to one of four (4) sub-regions of CCSWA:

(1) the Northwest Sub-Region;

(2) the Naugatuck Valley Sub-Region;

(3) the Greater Capitol Sub-Region; or

(4) the Shoreline Sub-Region.

(Ord. No. 320, 7-27-10)

Sec. 8-86. Voting system for meetings of the authority's full membership.

The number of votes to be cast by each municipal member of CCSWA at any meeting of the authority's full membership shall be determined in accordance with the following five-tiered voting system based on the individual population of each municipal member compared to the

total population of all CCSWA municipal members (all such population figures to be derived from the most recent annual data published by the Connecticut Department of Public Health):

(a) Each municipal member whose individual population is less than one (1) percent of the total population of all CCSWA municipal members shall have one (1) vote;

(b) Each municipal member whose individual population is equal to or greater than one (1) percent, but less than two (2) percent, of the total population of all CCSWA municipal members shall have two (2) votes;

(c) Each municipal member whose individual population is equal to or greater than two (2) percent, but less than five (5) percent, of the total population of all CCSWA municipal members shall have three (3) votes;

(d) Each municipal member whose individual population is equal to or greater than five (5) percent, but less than ten (10) percent, of the total population of all CCSWA municipal members shall have four (4) votes; and

(e) Each municipal member whose individual population is equal to or greater than ten (10) percent of the total population of all CCSWA municipal members shall have five (5) votes.

(Ord. No. 320, 7-27-10)

Sec. 8-87. Appointment, removal and term of office of a municipal member representative.

Each municipal member shall appoint one (1) representative to CCSWA, which shall be the current chief elected official of the municipality or that official's designee, and that representative shall exercise the voting powers established for that municipal member as set forth in this article. As long as the method of appointment and removal and the term of office of each municipal member representative shall be consistent with the first sentence of this section, the details of such appointment, removal and term of office shall be as determined by the appointing municipality; provided however, that not more than half of the terms of all such municipal representatives shall expire within any one fiscal year.

(Ord. No. 320, 7-27-10)

Sec. 8-88. Annual meeting and by-laws of the authority.

There shall be at least one (1) annual meeting of all municipal members of CCSWA, to elect the members of the executive committee and enact such other business as shall be deemed advisable at such meeting, all as provided in the by-laws of CCSWA to be adopted after its formation. It shall require the affirmative vote of a majority of all CCSWA municipal members to enact the authority by-laws or adopt any amendments thereto, such vote to take place at a duly-called meeting of the full membership of CCSWA, with proxy voting to be permitted at such meeting.

(Ord. No. 320, 7-27-10)

Sec. 8-89. Prohibition against member monetary compensation other than host community compensation.

The members and member representatives of CCSWA shall receive no monetary compensation solely for their service as members and member representatives of CCSWA; provided, however, that the ability of CCSWA, if it chooses to do so in its sole discretion, to pay host community compensation to municipal members which agree to host facilities owned or used by CCSWA within their municipal borders shall not be affected by this prohibition.
(Ord. No. 320, 7-27-10)

Sec. 8-90. Executive committee of the authority.

The full membership of CCSWA shall elect an executive committee to manage the operations of CCSWA, provided, however, that the specific division of responsibilities for such management between the executive committee, the full membership of CCSWA and any other body or officer of CCSWA shall be consistent with the by-laws of CCSWA to be adopted after its formation. No member of CCSWA shall have more than one (1) representative on the executive committee, and each member of the executive committee shall have one (1) vote, without regard to the voting system established by section 8-86 of this article for meetings of the authority's full membership. The members of such executive committee shall constitute an odd number, shall include at least one (1) representative of each of the five (5) voting tiers established pursuant to section 8-86 of this article for meetings of the authority's full membership, and shall also be determined by considerations of geographical representation based on the four (4) sub-regions established under section 8-85 of this article, all such matters and the terms of office and appointment of such executive committee members and other matters pertaining thereto to be specifically determined in a manner consistent with the by-laws of CCSWA to be adopted after its formation.
(Ord. No. 320, 7-27-10)

Sec. 8-91. Adoption.

This article is hereby adopted pursuant to and in compliance with all laws governing the municipality's adoption of ordinances.
(Ord. No. 320, 7-27-10)

Chapter 8.5

HISTORIC PRESERVATION*

Sec. 8.5-1. Purpose.
Sec. 8.5-2. Commission—Establishment.
Sec. 8.5-3. Same—Composition; appointment; vacancies.
Sec. 8.5-4. Same—Compensation.
Sec. 8.5-5. Same—Election of officers.
Sec. 8.5-6. Same—Regular reports; annual report; permanent record.
Sec. 8.5-7. Same—Authority of commission.
Sec. 8.5-8. Establishment of historic district(s).
Sec. 8.5-9. Action by commission to prevent illegal acts or to obtain compliance.
Sec. 8.5-10. Maintenance of properties.
Sec. 8.5-11. Hardship.
Sec. 8.5-12. Appeals.
Sec. 8.5-13. Preexisting rights not affected.

***Editor's note—**An ordinance adopted Oct. 31, 1984, and effective Nov. 10, 1984, did not expressly amend the Code; therefore, codification as Ch. 8.5 has been at the editor's discretion. The map mentioned in § 8.5-8 has not been reproduced in the Code but may be found on file in town records.

Cross references—Community beautification committee, § 2-111 et seq.; buildings and building regulations, Ch. 5; demolition of buildings, § 5-61 et seq.; planning, Ch. 15.

State law reference—Historic districts and historic properties, G.S. § 7-147a et seq.

Sec. 8.5-1. Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of structures, districts and neighborhoods of special historical interest or value is a public necessity and of financial, cultural and aesthetic benefit to the town. The purpose of this chapter is to:

(1) Accomplish the protection, enhancement and perpetuation of such structures, districts and neighborhoods which represent or reflect elements of the town's cultural, economic and architectural history;

(2) Safeguard the town's historic, cultural and aesthetic heritage as embodied and reflected in such structures, districts and neighborhoods;

(3) Stabilize and improve property values in such districts and neighborhoods; and

(4) Encourage the designation of landmarks, landmark sites or historic structures for the education, pleasure and welfare of the people of the town.

(Ord. of 10-23-84, § 1)

Sec. 8.5-2. Commission—Establishment.

A commission of five (5) members to be known as the "Glastonbury Historic District Commission" hereby is established pursuant to G.S; § 7-147a et seq., as amended, to establish and otherwise administer one (1) or more historic districts for the purpose of promoting the educational, cultural, economic and general welfare of the town by the preservation and protection of structures, districts and neighborhoods of historic interest and to achieve the other purposes set forth in section 8.5-1 above.

(Ord. of 10-23-84, § 2)

State law reference—Historic district commission, G.S. 7-147c.

Sec. 8.5-3. Same—Composition; appointment; vacancies.

(a) The commission shall consist of five (5) regular members and three (3) alternate members, all of whom shall be electors in the town and appointed by the town council, and none of whom shall hold any salaried office of the town. At least three (3) regular members and two (2) alternate members shall be residents within the historic district hereby established. There shall be appointed to the commission at least one (1) architect, historian, lawyer or real estate appraiser, it being the intention of this requirement that at all times the membership of the commission include at least one (1) such representative.

(b) Commissioners shall be sworn to the faithful performance of their duties.

(c) A majority of the commission shall constitute a quorum for the transaction of its business or the performance of its functions and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendations, motions, or other acts of the commission; except that the affirmative vote of at least three (3) members shall be necessary for the approval of a certificate of appropriateness.

(d) In the event of any vacancy on the commission created by any reason other than the expiration of a term, the town council shall promptly appoint a commissioner to fill the vacancy for the unexpired portion of the term.

(e) When a member of the commission is unable to act at a particular time due to absence, sickness, conflict of interest or other good reason, he shall notify the chairman of the commission and the chairman shall designate an alternate member to act in place of such member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible.
(Ord. of 10-23-84, § 3)

Cross reference—Terms of office, § 2-31.

Sec. 8.5-4. Same—Compensation.

Commissioners shall serve without compensation, except that their actual expenses and disbursements, where incurred with the approval of the town manager and in the performance of their duties, shall be paid from the town treasury.
(Ord. of 10-23-84, § 4)

Sec. 8.5-5. Same—Election of officers.

The commission, annually at its first meeting in December, shall elect one (1) of its number to be chairman; one (1) of its number to be vice-chairman and one (1) of its number to be secretary. No commissioner shall serve as chairman more than two (2) consecutive years.
(Ord. of 10-23-84, § 5)

Sec. 8.5-6. Same—Regular reports; annual report; permanent record.

(a) The commission shall submit to the Connecticut Historical Commission a copy of any ordinance creating an historic district adopted under G.S. § 7-147a to 7-147k, inclusive, amendments to any such ordinance, maps of any districts created under G.S. § 7-147a to 7-147k, inclusive, annual reports and other publications of the historic district commission and the roster of membership of such commission.

(b) The commission shall submit to the Connecticut Historical Commission at least once every year, a brief summary of its actions during that year, including a statement of the number and nature of certificates of appropriateness issued, any change in the membership of the commission, and any other information deemed appropriate by the commission. Such a summary shall also be submitted to the town council, the town manager and the town plan and zoning commission on an annual basis.

(c) The commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein.
(Ord. of 10-23-84, § 6)

Sec. 8.5-7. Same—Authority of commission.

(a) *Regulations.* The commission hereby is empowered to adopt from time to time, and shall adopt, not later than six (6) months after its initial members are appointed, regulations to implement the provisions of this chapter. The commission shall have the authority and act in all respects as permitted by G.S. §§ 7-147a through 7-147k, inclusive, as amended, and such other statutes as may be adopted hereafter by the Connecticut General Assembly to amend, supersede or supplement the foregoing statutes.

(b) *Definitions; criteria.* For the purposes of this section, the word "structure" means and includes any building, structure or other physical betterment of real property and the word "construction" means and includes construction, erection, alteration, restoration, moving or demolition of any structure. No structure shall be constructed within the historic district until after an application for a certificate of appropriateness as to exterior architectural features has been approved by the commission. "Exterior architectural features" shall include only the location, architectural style, general design and general arrangement of such portion of the exterior of a building structure or physical betterment as is open to view from a public road, way or place. "Exterior architectural features" shall not include alterations or renovations to the rear exterior of a building, structure or physical betterment which is not open to view from a public road, way or place. In passing upon appropriateness, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture and material of the exterior architectural features involved and the relationship of such to the exterior architectural system and pertinent features of the surroundings, including other structures in the immediate neighborhood. A certificate of appropriateness may be refused for any structure construction of which, in the opinion of the commission, would be detrimental to the interests of the historic district, unless as a result of such action the owner of such structure will be deprived of reasonable use of the structure. When a certificate of appropriateness is denied, the commission shall place upon its records and in the notice to the applicant the reasons for its determination, and to the extent practical, the commission shall identify what changes or modifications might be undertaken by the applicant in order to obtain approval of a new application. The style, material, size and location of fences, outdoor signs or similar devices within a historic district shall be under the control of the commission.

(c) *Exclusions.* The provisions of this chapter shall not be construed to extend to (i) the color of material used or (ii) the use of aluminum or vinyl exterior siding in lieu of wood clapboard siding on the exterior of any structure within the district. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature which does not involve a change of design or appearance thereof. In addition, in its deliberations the commission shall not consider arrangement or use of the interior of any improvement and shall take no action except for the purpose of preventing the construction of a structure obviously incongruous with the historical and aesthetic aspects of the other structures in the historic district.

(d) *Application for certificate of appropriateness.* An application for a certificate of appropriateness shall be filed with the commission through the office of community development (or whatever town agency or official is then performing the functions of such body). For purposes

of this chapter, the office of community development shall require the applicant to provide such information on those forms devised by the commission as may be adopted or modified from time to time by the commission. Prior to considering each application for a certificate of appropriateness, the commission shall set a date for a public hearing to be held within thirty-five (35) days of receipt of a completed application.

(e) *Hearing on application.* Notice of the time and place of said hearing shall be given by publication in the form of a legal advertisement, at least twice at intervals of not less than two (2) days, appearing in a newspaper having substantial circulation in the municipality. The first such advertisement shall be no more than fifteen (15) days nor less than ten (10) days and the second not less than two (2) days before such hearing. Within sixty (60) days of the filing of an application, the commission shall act upon such application and shall give written notice of its decision to the applicant. Failure to act within sixty (60) days after receipt of a completed application shall constitute approval of the application. All hearings and all meetings of the commission shall be open to the public.

(f) *Plan of appropriateness and protection.* Within twelve (12) months after its initial members are appointed, the commission shall prepare, and update as necessary from time to time thereafter, a plan of appropriateness and protection for the historic district, as a standard by which to determine the appropriateness of historic exterior architectural features of any structure or of any modification of an existing structure within the district. The plan shall comprehend construction materials and architectural arrangements considered appropriate for the district, to be illustrative but not necessarily comprehensive or extensive and to serve as a general guide for the information of persons contemplating work involving historic exterior architectural features within the district. Copies of the plan shall be available to the public in the office of community development.

(g) *How to construe chapter.* The provisions of this chapter are separable from and in addition to whatever provisions of the zoning laws of the town also may affect any structure or use thereof within the district.

(h) *Exceptions for public safety; "grandfathering."* Nothing in this chapter shall be construed to prevent the erection or alteration of any such feature which the building inspector or a similar agent certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration; nor to prevent the erection or alteration of any such feature under a permit issued by a building inspector or similar agent prior to the effective date of the establishment of such district.
(Ord. of 10-23-84, § 7; Ord. of 6-25-85)

Sec. 8.5-8. Establishment of historic district(s).

There are hereby established within the town the following historic district(s):

On the west side of Main Street, extending from and including 2247 Main Street to and including 1855 Main Street, but excluding the following parcels:

(1) That parcel shown as No. W71B on the tax assessor's map ("map") which is the access way to certain rear land now or formerly of Charles Pezzente; and

(2) That parcel shown as No. W78AA on the map which is wetland now or formerly of Joseph Raffa, Harvey Katz, and Frank Raffa.

On the east side of Main Street, extending from and including 2300 Main Street to and including 1864 Main Street, but excluding the following parcels:

(1) Nos. 2234, 2228, 2220, 2210, 2160, 2146, 2140, 2134, 2130, and 2126 Main Street; and

(2) That parcel which is the 50-foot-wide access way to certain rear land now or formerly of T. James Murray known as "Stonegate Subdivision" (Which access way was formerly a portion of the parcel shown as No. E73 on the map).

With respect to those properties on the west side of Main Street within the district other than the parcel owned by the town on which is situated the town office building and Academy Junior High School (the "Town Hall parcel"), the district extends from the center line of Main Street (i) a distance of two hundred (200) feet west or (ii) the rear property line, whichever is closer to the center line. With respect to those properties on the east side of Main Street other than the parcel owned by the town on which is situated the police department building (the "police department parcel"), the parcel owned by the Cemetery Green Association (the "cemetery parcel") and the parcel owned by the town on which is situated the Historical Society Museum (the "Green parcel), the district extends from the center line of Main Street (i) a distance of two hundred (200) feet east or (ii) to the rear property line, whichever is closer to the center line. With respect to the police department parcel, the cemetery parcel and the Green parcel the district extends to the rear property line. With respect to the Town Hall parcel the district extends to the west end of the parking lot behind the Academy Junior High School.

Reference is made to the map attached to the original of the ordinance from which this chapter derives for a further depiction of said boundaries.
(Ord. of 10-23-84, § 8)

Sec. 8.5-9. Action by commission to prevent illegal acts or to obtain compliance.

In the event of a violation by any person of any provision of this chapter, the commission may, in addition to other remedies, institute an action or proceeding to prevent, restrain, correct or abate such violation. Regulations and orders of the commission issued pursuant to this chapter shall be enforced by the director of the office of community development which is hereby authorized to inspect and examine any structure and to require in writing the remedying of any condition found to exist therein or thereon in violation of any provision of this chapter. The owner or other person then legally responsible for the construction or maintenance of any structure where such a violation has been committed or exists shall be fined not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00) for each day that such violation continues, but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars ($100.00) nor more than two hundred fifty dollars ($250.00) for each day that such violation continues, and the superior court for the judicial district wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute

a separate offense. Any funds collected as fines pursuant to this section shall be used by the commission to restore the affected buildings, structures, or places to their condition prior to the violation wherever possible and any excess shall be paid to the town treasury.
(Ord. of 10-23-84, § 9)

Sec. 8.5-10. Maintenance of properties.

(a) Every owner of a structure within the historic district shall maintain such in good order and repair. It is the intent of this chapter that the objectives hereof will best be achieved by way of voluntary compliance between the owner of an affected premises and the commission.

(b) Where premises are included within the historic district, the issued valuation of such premises after the formation of such district shall take into account the limitations upon use or improvement of the premises and the unique or extraordinary expenses, if any, necessarily incurred by an owner in maintaining the structure.

(c) In any case where the commission deems an owner to be in violation of this section, it shall submit to the owner a specification of the violations and allow the owner an appropriate amount of time to remedy such violations. In the event of a violation which remains uncorrected and subject to the right of appeal as provided herein, the commission may issue a final order directing compliance, which thereafter shall be subject to enforcement in the manner provided by section 8.5-9.
(Ord. of 10-23-84, § 10)

Sec. 8.5-11. Hardship.

Any other provision of this chapter to the contrary, the commission shall have the power, pursuant to G.S. § 7-147g, to waive or vary compliance with any of the provisions of the chapter or to waive the institution of enforcement proceedings if such compliance or enforcement proceedings would result in the depreciation of reasonable use of the structure by the owner thereof or otherwise result in undue hardship to the owner of the structure. No such waiver or variance shall be granted until after a written request, detailing the basis upon which the claim of hardship is made, has been made to the commission by the person seeking such waiver or variance and a public hearing held by the commission within forty-five (45) days thereafter. No waiver or variance may be granted for construction of a structure initiated without compliance with the requirements of this chapter, that is, construction initiated before the commission has held a public hearing and acted upon the certificate of appropriateness or waiver requested, as the case may be, with respect to such structure.
(Ord. of 10-23-84, § 11)

Sec. 8.5-12. Appeals.

Any person or persons aggrieved by any decision, resolution or determination of the commission shall have the right to appeal, in the manner and subject to the conditions set forth in G.S. § 7-147i, as amended.
(Ord. of 10-23-84, § 12)

Sec. 8.5-13. Preexisting rights not affected.

Nothing in this chapter shall affect any right, interest, claim, obligation, liability or defense of, by or against the town of whatever description and whether or not matured, existing at the effective date of this chapter.
(Ord. of 10-23-84, § 13)

Chapter 9

HOUSING*

Article I. In General

Secs. 9-1—9-15. Reserved.

Article II. Condominium Conversions

Sec. 9-16. Determination of income level for protection against certain landlord actions.
Sec. 9-17. Determination of moving and relocation expenses.
Secs. 9-18—9-30. Reserved.

Article III. Code

Division 1. Generally

Sec. 9-31. Definitions.
Sec. 9-32. Permit to create certain dwellings and rooming units.
Sec. 9-33. Inspection of dwellings, dwelling units, rooming units and premises.
Sec. 9-34. Appeals committee created.
Sec. 9-35. Notice of violation required; contents.
Sec. 9-36. Hearing on notice required.
Sec. 9-37. Quorum for hearing; action after hearing.
Sec. 9-38. Final order.
Sec. 9-39. Record of hearing.
Sec. 9-40. Appeal from committee action.
Sec. 9-41. Conflict with other ordinances.
Secs. 9-42—9-50. Reserved.

Division 2. Minimum Standards for Basic Equipment and Facilities

Sec. 9-51. Kitchen facilities.
Sec. 9-52. Bathroom facilities.
Sec. 9-53. Garbage and rubbish storage facilities.
Sec. 9-54. Means of egress.
Sec. 9-55. Locks.
Secs. 9-56—9-65. Reserved.

Division 3. Minimum Standards for Light, Ventilation and Heating

Sec. 9-66. Compliance with division prerequisite to occupancy.
Sec. 9-67. Window glass area.
Sec. 9-68. Openable window area.

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*__Cross references—__Administration, Ch. 2; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 7; licenses, permits and miscellaneous business regulations, Ch. 11; planning, Ch. 15; streets, sidewalks and public places, Ch. 17.

__State law references—__Enforcement of tenement and boarding house regulations, G.S. § 47a-50; tenement and lodging houses, G.S. § 19a-355 et seq.

Sec. 9-69. Lighting, ventilation of bathrooms.
Sec. 9-70. Electrical facilities.
Sec. 9-71. Heating facilities.
Sec. 9-72. Lighting of common areas.
Sec. 9-73. Screening against insects.
Sec. 9-74. Screening against rodents.
Secs. 9-75—9-80. Reserved.

Division 4. General Maintenance Requirements

Sec. 9-81. Compliance with division prerequisite to occupancy.
Sec. 9-82. Generally.
Sec. 9-83. Required facilities.
Sec. 9-84. Discontinuance of required facilities.
Sec. 9-85. Foundations, floors, walls, ceilings, rooms.
Sec. 9-86. Openings to outside.
Sec. 9-87. Stairs, porches.
Sec. 9-88. Plumbing.
Sec. 9-89. Bathroom and water closet floors.
Sec. 9-90. Rainwater drainage.
Secs. 9-91—9-95. Reserved.

Division 5. Minimum Space, Use and Location Requirements

Sec. 9-96. Compliance with division prerequisite to occupancy.
Sec. 9-97. Sleeping room area.
Sec. 9-98. Ceiling height.
Sec. 9-99. Use of cellar as habitable room or dwelling.
Sec. 9-100. Use of basement space as habitable room or dwelling.
Sec. 9-101. Area of rooms.
Secs. 9-102—9-110. Reserved.

Division 6. Security Hardware

Sec. 9-111. Compliance with division prerequisite to occupancy.
Sec. 9-112. Multiple dwelling units to be equipped with positive locking devices.
Sec. 9-113. Multiple dwelling units opening on common corridor to have optical viewing device.
Sec. 9-114. Alternative positive locking and optical viewing devices.
Secs. 9-115—9-120. Reserved.

Division 7. Responsibilities of Owners and Occupants

Sec. 9-121. Provisions declared additional.
Sec. 9-122. Maintenance of common areas.
Sec. 9-123. Maintenance of dwelling or unit.
Sec. 9-124. Disposal of garbage and rubbish.
Sec. 9-125. Plumbing maintenance.
Sec. 9-126. Screens.
Sec. 9-127. Pest extermination.
Secs. 9-128—9-135. Reserved.

Division 8. Rooming Houses

Sec. 9-136. Compliance with other provisions of article.
Sec. 9-137. Permits generally.
Sec. 9-138. Bathroom facilities.
Sec. 9-139. Cooking.
Sec. 9-140. Locks.
Sec. 9-141. Linens, towels, bedding.
Sec. 9-142. Sleeping room floor area.
Sec. 9-143. Window shades, etc.
Sec. 9-144. Means of egress.
Sec. 9-145. Provisions applicable to hotels, etc.
Sec. 9-146. Access to rooming units.
Secs. 9-147—9-150. Reserved.

Division 9. Designation and Condemnation of Unfit Dwellings

Sec. 9-151. Applicability.
Sec. 9-152. Defects requiring condemnation.
Sec. 9-153. Vacating required.
Sec. 9-154. Approval prerequisite to reoccupancy; procedure upon owner's or occupant's failure to take corrective action.
Sec. 9-155. Removing, defacing placard.
Sec. 9-156. Hearing on condemnation.
Sec. 9-157. Liability of transferees for violations.
Secs. 9-158—9-170. Reserved.

Article IV. Glastonbury Housing Partnership

Sec. 9-171. Housing partnership created.
Sec. 9-172. Responsibilities of the Town of Glastonbury.
Sec. 9-173. Duties of the Glastonbury Housing Partnership.
Sec. 9-174. Conflicting resolutions, orders, rules and regulations suspended.
Sec. 9-175. No conflict with state or federal statutes.
Sec. 9-176. Expenses of the Glastonbury Housing Partnership.
Secs. 9-177—9-199. Reserved.

Article V. Blighted Premises

Sec. 9-200. Purpose; legislative authority.
Sec. 9-201. Definitions.
Sec. 9-202. Prohibition against creating or maintaining blighted premises.
Sec. 9-203. Minimum standards.
Sec. 9-204. Appointment of citation hearing officers.
Sec. 9-205. Inquiries.
Sec. 9-206. Notice of violations.
Sec. 9-207. Preliminary meeting.
Sec. 9-208. Penalties and enforcement; appeals.
Sec. 9-209. Lien on real estate where penalty for violation of blight ordinance is unpaid.

ARTICLE I. IN GENERAL

Secs. 9-1—9-15. Reserved.

ARTICLE II. CONDOMINIUM CONVERSIONS

Sec. 9-16. Determination of income level for protection against certain landlord actions.

For the purposes of G.S. § 47a—23c, it is determined that the adjusted gross income for federal income tax purposes shall be twenty-one thousand dollars ($21,000.00) if the lessee is unmarried, or twenty-five thousand dollars ($25,000.00) jointly with spouse if married.
(Ord. of 9-30-80, § 2)

Sec. 9-17. Determination of moving and relocation expenses.

For the purposes of G.S. § 47-88d, it is determined that moving and relocation expenses of five hundred dollars ($500.00) be paid if the monthly rental payment is less than five hundred dollars ($500.00).
(Ord. of 9-30-80, § 3)

Secs. 9-18—9-30. Reserved.

ARTICLE III. CODE*

DIVISION 1. GENERALLY

Sec. 9-31. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Basement shall mean a portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Building inspector shall mean the legally designated building inspector of the town or his designated assistant.

Cellar shall mean a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Director of health shall mean the legally designated health authority of the town or his designated agent.

***State law references—**Authority to provide for safe and sanitary housing, G.S. § 7-148(c)(4)(i); grants-in-aid for housing code enforcement, G.S. § 8-208.

Dwelling shall mean any building which is used or intended to be used in whole or in part for living or sleeping by human occupants; provided that temporary housing as hereinafter defined in this section shall not be regarded as a dwelling.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Extermination shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods approved by the director of health and the state department of health.

Fire marshal shall mean the legally designated fire marshal of the town or his designated agent.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, foyers or hallways, closets, recreation rooms (but not excluding "living rooms"), private workshops or hobby rooms and storage spaces.

Heated water shall mean water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit, at the outlet.

Infestation shall mean the presence, within or around a dwelling, of any insects, rodents or other pests.

Multiple dwelling shall mean any dwelling containing more than two (2) dwelling units.

Occupant shall mean any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner shall mean any person who, alone or jointly or severally with others:

(1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter, and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

Plumbing shall mean and include all of the following supplied facilities and equipment: Gas pipes, gas-burning equipment, waterpipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rooming house shall mean any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to more than three (3) persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator; provided that hospitals, homes for the aged, and other institutions licensed by the state department of health under G.S. ch. 333 shall not be regarded as rooming houses or as subject to the provisions of this chapter.

Rubbish shall mean combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust or other items as specified by the director of health.

Sewage system shall mean a system of approved piping, constructed in compliance with all state and local codes, to either a public sanitary sewer or a subsurface sewage disposal system which shall consist of a septic tank followed by leaching trenches, pits or galleries.

Temporary housing shall mean any tent, trailer or similar structure which is used for human shelter.

Meaning of certain words. Whenever the words dwelling, dwelling unit, rooming house, rooming unit, premises, are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."
(Code 1960, § 401; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Cross reference—Rules of construction and definitions generally, § 1-2.

Sec. 9-32. Permit to create certain dwellings and rooming units.

No dwelling unit or rooming unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling unit or rooming unit, unless the building inspector has issued a written permit certifying that the plans and specifications for such work indicate that the provisions of this article will be complied with.
(Code 1960, § 414; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-33. Inspection of dwellings, dwelling units, rooming units and premises.

The director of health is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the town, in order that he may perform his duty of safeguarding the health and safety of the occupants of

dwellings and of the general public. For the purpose of making such inspections, the director of health is hereby authorized to enter, examine, and survey at all reasonable times, following prior written notice to owner or occupant, all dwellings, dwelling units, or rooming unit, or the person in charge thereof shall refuse to permit entry for such an inspection. Entry for such purpose shall be allowed only through a properly issued warrant in accordance with the law. Each occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit or its premises, at all reasonable times for the purpose of making such repairs and/or alterations as are necessary to effect compliance with the provisions of this article or any lawful order issued pursuant to the provisions of this article.
(Code 1960, § 402; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-34. Appeals committee created.

There is hereby created a housing code appeals committee which shall consist of the building inspector, the town engineer and the town fire marshal and four (4) electors of the town who shall be appointed by resolution of the town council for terms of two (2) years. The building inspector shall serve as chairman. Any ex-officio member of the committee may designate an official of his department to represent him at meetings of the committee.
(Code 1960, § 403.1; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-35. Notice of violation required; contents.

Whenever the director of health determines that there are reasonable grounds to believe that there has been a violation of any provision of this article, he shall give written notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

(1) Set forth the violation;

(2) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article and with rules and regulations adopted pursuant thereto;

(3) Allow a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, that, such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally or if a copy thereof is sent by certified mail to his last known address; or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice; or if he is served with such notice by any other method authorized or required under the laws of this state.

(Code 1960, § 403.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-36. Hearing on notice required.

(a) Any person affected by any notice which has been issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the housing code appeals committee; provided that such person shall file in the

office of the chairman of the housing code appeals committee (building official) a written petition requesting such hearing and setting forth a brief statement of the grounds for such appeal within fifteen (15) days after the day the notice was served. Upon receipt of such petition, the chairman of the housing code appeals committee shall set a time and place for such hearing and shall give the petitioner five (5) days' written notice thereof. The fee for such an appeal shall be fifty dollars ($50.00).

(b) At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified, extended, or withdrawn or a variance granted.

(c) The hearing shall be commenced not later than thirty (30) days after the day on which the petition was filed; provided that upon application of the petitioner the committee may postpone the date of the hearing for a reasonable time beyond such thirty-day period if, in its judgment, the petitioner has submitted a good and sufficient reason for such postponement, but in no event shall such hearing be postponed longer than thirty (30) additional days.
(Code 1960, § 403.3; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74; Ord. of 7-25-78; Ord. of 6-23-82)

Sec. 9-37. Quorum for hearing; action after hearing.

Such hearing shall be had before the housing code appeals committee. Appropriate notice to the parties and the public shall be made. Such committee by a majority vote, shall sustain, modify or withdraw the notice of alleged violations and may also grant an extension or variance in accordance with the following conditions:

(a) The time for performance of any act required by the notice may be extended for not more than twelve (12) months subject to appropriate conditions and where the committee makes specific findings of fact based on evidence relating to the particular case:

(1) That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any provisions of this article; and

(2) That such extension is in harmony with the general purpose and intent of this article in securing the public health, safety and general welfare.

(b) A variance may be granted in a specific case and from a specific provision of this article subject to appropriate conditions and where the committee makes specific findings of fact based on evidence relating to the particular case:

(1) That there are practical difficulties or unnecessary hardships in carrying out the strict letter of the provision;

(2) That the effect of the application of the provision would be arbitrary in the specific case;

(3) That an extension would not constitute an appropriate relief from the practical difficulties, unnecessary hardships or this arbitrary effect; and

(4) That such variance is in harmony with the general purpose and intent of this article in securing the public health, safety and general welfare.

(c) A written notice of any decision made by the committee shall be sent to the petitioner.
(Code 1960, § 403.4; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-38. Final order.

If the notice issued pursuant to section 9-35 is sustained, modified, or extended, it shall become an order as so sustained, modified or extended. Any notice served pursuant to such section shall automatically become an order if a written petition for a hearing is not filed in the office of the chairman of the housing code appeals committee within fifteen (15) days after such notice is served.
(Code 1960, § 403.5; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-39. Record of hearing.

The proceedings at such hearings, including the findings and decisions of the housing code appeals committee, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the director of health, and open to reasonable public inspection. Such record shall also include a copy of every notice or order issued in connection with the matter.
(Code 1960, § 403.6; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-40. Appeal from committee action.

Any person aggrieved by a decision of the housing code appeals committee may seek relief therefrom in any court of competent jurisdiction, within fifteen (15) days of the sending of notice of the decision of the housing code appeals committee.
(Code 1960, § 403.7; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-41. Conflict with other ordinances.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety, health or other ordinance or code of the town the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
(Code 1960, § 413; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Secs. 9-42—9-50. Reserved.

DIVISION 2. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

Sec. 9-51. Kitchen facilities.

Every dwelling unit shall contain a room or space for the storage, preparation and cooking of food, which shall include space for a stove or other cooking facilities and space for dry storage and space for refrigerated food storage; and shall include a kitchen sink installed. The

sink shall be in good working condition and properly connected to a pressure water system and sewerage system, which sink and system shall be installed and maintained in a manner prescribed by ordinances, rules and regulations of the town.
(Code 1960, § 404.1; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-52. Bathroom facilities.

Every dwelling unit shall be equipped with a complete bathroom fixture group consisting of a flush water closet, lavatory basin, and bathtub or shower in good working condition and installed and maintained in a manner prescribed by ordinances, rules and regulations of the town. Such fixture group shall be properly connected to an approved sewerage system and to an approved pressure water system. The flush water closet, lavatory basin and bathtub or shower need not be installed in the same room, but such room or rooms shall afford privacy to a person within such room or rooms.
(Code 1960, § 404.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-53. Garbage and rubbish storage facilities.

Every dwelling unit shall be supplied with adequate rubbish storage facilities and with adequate garbage disposal facilities or garbage storage containers whose type and location are approved by the director of health. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a multiple dwelling. In all other cases it shall be the responsibility of the occupants to furnish such facilities or containers.
(Code 1960, § 404.3; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-54. Means of egress.

Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level as required by the statutes, ordinances and regulations of the state and the town.
(Code 1960, § 404.4; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-55. Locks.

No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices.
(Code 1960, § 404.5; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Secs. 9-56—9-65. Reserved.

DIVISION 3. MINIMUM STANDARDS FOR LIGHT, VENTILATION AND HEATING

Sec. 9-66. Compliance with division prerequisite to occupancy.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this division.
(Code 1960, § 405; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-67. Window glass area.

Every habitable room shall have at least one (1) window facing directly to the outdoors. The minimum aggregate glass area of windows for habitable rooms shall be adequate to provide sufficient light to the room served by them. Whenever light-obstructing structures are located less than three (3) feet from the window and extend to a level above the ceiling of the room, such window shall not be included as contributing to the required minimum total window area.
(Code 1960, § 405.1; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-68. Openable window area.

Every habitable room shall have at least one (1) window which can be easily opened, or such other device as will adequately ventilate the room. Every bedroom shall have an accessible window with at least an openable area of six (6) square feet.
(Code 1960, § 405.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-69. Lighting, ventilation of bathrooms.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in sections 9-67 and 9-68 except where the bathroom or water closet compartment is adequately ventilated by a ventilation system approved by the director of health.
(Code 1960, § 405.3; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-70. Electrical facilities.

Where there is electrical service available, every dwelling unit and all public and common areas shall be equipped with electric service, outlets and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a manner prescribed by the ordinances, rules and regulations of the town. The capacity of such service and the number of outlets and fixtures shall be:

(1) Every habitable room shall have an electric service and outlets and/or fixture capable of providing at least three (3) watts per square foot of floor area;

(2) Every habitable room shall have at least one (1) floor-or-wall type electric convenience outlet for each sixty (60) square feet or fraction thereof of floor area, and in no case less than two (2) such outlets;

(3) Every water closet compartment, bathroom, laundry room, furnace room and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture.

(Code 1960, § 405.4; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-71. Heating facilities.

Every dwelling or dwelling unit shall be equipped with heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein. Such heating facilities shall adequately heat the room to a temperature of at least seventy (70) degrees Fahrenheit, the reading to be taken at a distance eighteen (18) inches above the floor level of each such room. Either central or space heating facilities may be used, but must meet the following requirements:

(a) Every central heating unit and/or central hot water heating unit shall:

(1) Have every duct, steam pipe and/or hot water pipe free of leaks and functioning properly to provide an adequate amount of heat and/or hot water to the intended place of delivery;

(2) Be provided with seals between sections of hot air furnaces to prevent the escape of noxious gases into heat ducts;

(3) If employing electricity, be connected to an electric circuit of adequate capacity in an approved manner; and

(4) Be provided with automatic or safety devices and be installed and operated in the manner required by the statutes, ordinances, and regulations of the state and the town.

(b) Every space heating unit and/or unit hot water facility shall:

(1) Not use gasoline as fuel;

(2) Not be of the portable type if using solid, liquid or gaseous fuel;

(3) If employing a flame, be connected to a flue or vent in the manner required by the statutes, ordinances and regulations of the state and the town;

(4) If employing solid or liquid fuels, have a fire-resistant panel beneath it;

(5) Be located at least two (2) feet away from any wall or be equipped in an approved manner with insulation sufficient to prevent over-heating of any part of the building structure;

(6) If employing gaseous fuel, be equipped with other than rubber tube or armored rubber tube connector;

(7) If employing electricity, be connected to an electric circuit of adequate capacity in an approved manner;

(8) Be installed and operated in the manner required by the statutes, ordinances and regulations of the state and the town.

(Code 1960, § 405.5; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-72. Lighting of common areas.

Every common hallway and stairway in every multiple dwelling shall be adequately lighted. Every common hallway and stairway in structures devoted solely to dwelling occupancy and containing not more than four (4) dwelling units may be supplied with conveniently located switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

(Code 1960, § 405.6; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-73. Screening against insects.

If deemed necessary by the director of health during that portion of each year when it is necessary for protection against mosquitoes, flies and other insects, doors opening directly from a dwelling unit to outdoor space shall be equipped with screens and a self-closing device; and windows or other devices with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens.

(Code 1960, § 405.7; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-74. Screening against rodents.

If deemed necessary by the director of health, every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents or other pests, shall be supplied with a screen or such other device as will effectively prevent their entrance.

(Code 1960, § 405.8; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Secs. 9-75—9-80. Reserved.

DIVISION 4. GENERAL MAINTENANCE REQUIREMENTS

Sec. 9-81. Compliance with division prerequisite to occupancy.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit, for the purpose of living therein, which does not comply with the requirements of this division.

(Code 1960, § 406; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-82. Generally.

No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.

(Code 1960, § 406.9; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-83. Required facilities.

Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory condition.
(Code 1960, § 406.7; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-84. Discontinuance of required facilities.

No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this article to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the director of health.
(Code 1960, § 406.8; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-85. Foundations, floors, walls, ceilings, rooms.

Every foundation, floor, wall, ceiling and room shall be reasonably weathertight and rodentproof; shall be capable of affording privacy; and shall be kept in good repair.
(Code 1960, § 406.1; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-86. Openings to outside.

Every window, exterior door and basement hatchway shall be reasonably weathertight and rodentproof; and shall be kept in sound working condition and good repair.
(Code 1960, § 406.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-87. Stairs, porches.

Every inside and outside stair, every porch, and every appurtenance thereto shall be maintained and kept in sound condition and good repair.
(Code 1960, § 406.3; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-88. Plumbing.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
(Code 1960, § 406.4; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-89. Bathroom and water closet floors.

Every water closet compartment floor surface and bathroom floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
(Code 1960, § 406.5; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-90. Rainwater drainage.

All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any dwelling unit or of any bathroom or water closet compartment.
(Code 1960, § 406.6; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Secs. 9-91—9-95. Reserved.

DIVISION 5. MINIMUM SPACE, USE AND LOCATION REQUIREMENTS

Sec. 9-96. Compliance with division prerequisite to occupancy.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this division.
(Code 1960, § 407; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-97. Sleeping room area.

Every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first occupant, and at least fifty (50) square feet of floor space for each additional occupant thereof.
(Code 1960, § 407.1; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-98. Ceiling height.

Ceiling height shall conform to the standards as required by the statutes, ordinances and regulations of the state and the town.
(Code 1960, § 407.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-99. Use of cellar as habitable room or dwelling.

No cellar space shall be used as a habitable room or dwelling unit.
(Code 1960, § 407.3; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-100. Use of basement space as habitable room or dwelling.

No basement space shall be used as a habitable room or dwelling unit unless, in addition to the other provisions of this article:

(1) The floor and walls are impervious to leakage of underground and surface runoff water and insulated against dampness if required by the director of health;

(2) The minimum aggregate glass area of windows as required under section 9-67, is located entirely above the grade of the ground adjoining such window area;

(3) Two (2) means of egress are provided from such basement space.

(Code 1960, § 407.4; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-101. Area of rooms.

Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred thirty (130) additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of the total habitable room area; provided that the size of the building meets the requirements of the Building-Zone Regulations.
(Code 1960, § 407.5; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Secs. 9-102—9-110. Reserved.

DIVISION 6. SECURITY HARDWARE

Sec. 9-111. Compliance with division prerequisite to occupancy.

No person shall maintain or let to another for occupancy any dwelling in a multiple dwelling complex which dwelling does not comply with the provisions of this division.
(Code 1960, § 408; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74; Ord. of 11-13-75)

Sec. 9-112. Multiple dwelling units to be equipped with positive locking devices.

Every entrance or exit to every dwelling unit within a multiple dwelling unit complex shall be equipped with a positive locking device requiring engagement after closing the door. Such locking device shall contain a dead bolt which when in locked position, shall have a throw of not less than one (1) inch and shall not be bevelled.
(Code 1960, § 408.1; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74; Ord. of 11-13-75)

Sec. 9-113. Multiple dwelling units opening on common corridor to have optical viewing device.

Each exit or entrance to any dwelling unit in a multiple dwelling unit complex, which exit or entrance opens into a common corridor, shall be equipped with a door having an optical viewing device which affords a view of such corridor from the interior of such unit of not less than one hundred sixty (160) degrees and which is so constructed as to prevent viewing from the corridor into the dwelling unit. Each viewer shall be installed with the security portion on the inside of the unit and be non-removable from the outside of such dwelling unit.
(Code 1960, § 408.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74; Ord. of 11-13-75)

Sec. 9-114. Alternative positive locking and optical viewing devices.

Alternates to the positive locking device and optical viewing device prescribed in this division may be approved by the director of health provided that the design and the material, method, or work is, at least equivalent to that prescribed in this division in safety, quality, strength, effectiveness, burglary resistance, and durability. Tests may be required as proof of compliance at the discretion of the director of health.
(Code 1960, § 408.3; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74; Ord. of 11-13-75)

Secs. 9-115—9-120. Reserved.

DIVISION 7. RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Sec. 9-121. Provisions declared additional.

The following responsibilities of owners and occupants are in addition to those specified elsewhere throughout this article.
(Code 1960, § 409; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-122. Maintenance of common areas.

Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.
(Code 1960, § 409.1; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-123. Maintenance of dwelling or unit.

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
(Code 1960, § 409.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-124. Disposal of garbage and rubbish.

Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage and any other organic waste which might be food for rodents, in a clean and sanitary manner, by placing it in the disposal facilities or garbage storage containers required by section 9-53 of this article.
(Code 1960, § 409.3; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-125. Plumbing maintenance.

Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
(Code 1960, § 409.4; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-126. Screens.

The owner of a dwelling or dwelling unit or structure shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this article or any rule or regulation adopted hereunder, except where written agreement between the owner and occupant has provided otherwise. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once installed in any one (1) season, become the responsibility of the occupant.
(Code 1960, § 409.5; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-127. Pest extermination.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises. Every occupant of a dwelling containing more than one (1) dwelling unit, shall be responsible for such extermination whenever his dwelling unit is the only one (1) infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.
(Code 1960, § 409.6; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Secs. 9-128—9-135. Reserved.

DIVISION 8. ROOMING HOUSES

Sec. 9-136. Compliance with other provisions of article.

No person shall operate a rooming house, or shall occupy or let to another for occupancy, any rooming house except in compliance with the provisions of Divisions 2 and 6 of this article. No rooming unit shall be occupied or let unless it is clean, sanitary, and fit for human occupancy, and shall otherwise be in compliance with all applicable requirements of all applicable local and state regulations.
(Code 1960, § 410; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-137. Permits generally.

(a) No person shall operate a rooming house unless he holds a valid rooming house permit issued by the director of public health in the name of the operator and for the dwelling or dwelling unit as specified in such permit.

(b) The fee for such permit will be fifty dollars ($50.00) for up to ten (10) units; two hundred dollars ($200.00) for eleven (11) to twenty-five (25) units; and twenty dollars ($20.00) per unit for each unit in excess of twenty-five (25) units.

(c) The operator shall apply to the director of public health for such permit, which shall be issued by the director of public health only after determining that such rooming house is in compliance with the applicable provisions of this article and with any rules and regulations adopted pursuant thereto.

(d) This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable.

(e) Acceptance of such permit by the operator of such rooming house shall serve as authorization by the operator for the director of public health, or his agent, to make any and all of such inspections or reinspections as the director of public health or his agent shall find

to be necessary to determine the condition of the rooming units consistent with the enforcement of the provisions of this article. Such entry, examination and survey shall be between the hours of 8:00 a.m. and 5:00 p.m. or at such times as shall be reasonable.

(f) Every person holding such permit shall give notice in writing to the director of public health within twenty-four (24) hours after having sold, transferred, given away or otherwise disposed of ownership of, interest in, or control of any rooming house. Such written notice shall include the name and address of the person succeeding to the ownership, interest in, or control of such rooming house. Every rooming house permit shall expire at the end of the year following its date of issuance, unless it is earlier suspended or revoked as hereinafter provided.
(Code 1960, § 410.1; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74; Ord. of 4-11-89)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 9-138. Bathroom facilities.

At least one (1) flush water closet, lavatory basin and bathtub or shower that is properly connected to a water and sewer system or septic system, approved by the health officer, and in good working condition, shall be supplied for each six (6) persons, or fraction thereof, residing within a rooming house, including members of the operator's family wherever they share the use of such facilities. It is further provided:

(1) That all such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities;

(2) That no such facilities shall be located in a basement, except by written approval of the director of public health;

(3) That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half (½) the required number of water closets;

(4) That every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.

(Code 1960, § 410.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-139. Cooking.

(a) Cooking in a rooming unit and/or dormitory rooms shall be prohibited.

(b) Communal cooking and dining facilities in a rooming house shall be prohibited, except as approved by the health officer in writing.
(Code 1960, § 410.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-140. Locks.

Rooming unit doors shall have operating locks to insure privacy.
(Code 1960, § 410.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-141. Linens, towels, bedding.

The operator of every rooming house shall change supplied bed linen and towels therein at least once a week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
(Code 1960, § 410.3; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-142. Sleeping room floor area.

Every room occupied for sleeping purposes by one (1) person shall contain at least eighty (80) square feet of floor space. Every room occupied for sleeping by more than one (1) person shall contain at least sixty (60) square feet of floor space for each occupant thereof. Each such room shall also contain for each occupant not less than four (4) square feet of closet space with an unobstructed height of at least five (5) feet. If such closet space is lacking, an amount of space equal in square footage to the size of any deficiency in closet space shall be subtracted from the area of habitable room, in determining the number of persons by whom occupancy is permissible.
(Code 1960, § 410.4; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-143. Window shades, etc.

Every window of every rooming unit shall be supplied with shades, drawn drapes, or other devices or material which, when properly used, will afford privacy to the occupant of the rooming unit.
(Code 1960, § 410.4(a); Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-144. Means of egress.

Every rooming unit shall have one (1) or more safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the state and the town.
(Code 1960, § 410.5; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-145. Provisions applicable to hotels, etc.

Every provision of this article which applies to rooming houses shall also apply to hotels, motels, dormitories, and clubs, except to the extent that any such provisions may be found in conflict with the laws of the state or the town.
(Code 1960, § 410.6; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-146. Access to rooming units.

Access to or egress from each rooming unit shall be provided without passing through any other rooming unit or dwelling unit.
(Code 1960, § 410.7; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Secs. 9-147—9-150. Reserved.

DIVISION 9. DESIGNATION AND CONDEMNATION OF UNFIT DWELLINGS

Sec. 9-151. Applicability.

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation of such unfit dwellings or dwelling units shall be carried out in compliance with the requirements of this division.
(Code 1960, § 411; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-152. Defects requiring condemnation.

Any dwellings or dwelling units found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the director of health:

(1) One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.

(2) One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public as prescribed by the provisions of this division.

(3) One which because of its general condition or location is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

(Code 1960, § 411.1; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-153. Vacating required.

Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the director of health, shall be vacated within a reasonable time as ordered by the director of health.
(Code 1960, § 411.2; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-154. Approval prerequisite to reoccupancy; procedure upon owner's or occupant's failure to take corrective action.

(a) No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by the director of health. The director of health shall remove such placard whenever the defects upon which the condemnation and placarding action were based has been eliminated.

(b) In the event no corrective action is taken by the owner, occupant or person in charge of a dwelling, dwelling unit, or rooming unit condemned as unfit for human occupancy within six (6) months following the date of the condemnations hereinabove described, and no appeal from the action of the director of health is pending, the director of public health or his agent shall order the condemned structure to be demolished as soon as practicable.
(Code 1960, § 411.3; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-155. Removing, defacing placard.

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in section 9-154.
(Code 1960, § 411.4; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-156. Hearing on condemnation.

Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request in writing and shall be granted a hearing on the matter before the housing code appeals committee under the procedure provided by sections 9-34 through 9-41.
(Code 1960, § 411.5; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Sec. 9-157. Liability of transferees for violations.

All subsequent transferees of the condemned dwelling, dwelling unit, or rooming unit shall be deemed to have notice of the continuing existence of the violations alleged; and such transferees shall be liable to all penalties and procedures provided by this article and by applicable rules and regulations issued pursuant to the same degree as was their transferor.
(Code 1960, § 411.6; Ord. of 6-12-67; Ord. of 7-24-72; Ord. of 8-13-74)

Secs. 9-158—9-170. Reserved.

ARTICLE IV. GLASTONBURY HOUSING PARTNERSHIP*

Sec. 9-171. Housing partnership created.

There is hereby created the Glastonbury Housing Partnership, appointed by the chairman of the town council of the Town of Glastonbury, subject to approval by a majority of the town council. The partnership shall consist of the following members:

(1) The chairman of the town council of the Town of Glastonbury;

(2) Representatives of the plan and zoning commission, inland wetlands commission, housing authority and the office of community development, not to exceed four (4) in number;

(3) Representatives of the local business community, such as local bankers, realtors and developers, not to exceed five (5) in number;

***Editor's note—**Ord. No. 249, §§ 1—6, adopted Apr. 25, 1989, did not specifically amend the Code; hence, inclusion herein as Art. IV, §§ 9-171—9-176, was at the discretion of the editor. Section 7, which provided for an effective date, has been omitted from codification.

State law reference—Connecticut housing partnership program, G.S. § 8-336f.

(4) Representatives of public interest groups, such as housing advocates, members of the clergy, members of local civic groups and representatives of local nonprofit corporations, not to exceed four (4) in number;

(5) Local urban planning, land use and housing professionals, not to exceed two (2) in number.

(Ord. of 4-25-89, § 1)

Sec. 9-172. Responsibilities of the Town of Glastonbury.

The responsibilities of the Town of Glastonbury, in order to receive initial designation under the Connecticut Housing Partnership Program, shall include the following:

(1) Submit evidence to the commissioner of housing that the Glastonbury Housing Partnership has been formed in accordance with P.A. 88-305; and

(2) Submit evidence to the commissioner of housing that sufficient local resources have been committed to the Glastonbury Housing Partnership.

(Ord. of 4-25-89, § 2)

Sec. 9-173. Duties of the Glastonbury Housing Partnership.

The duties of the Glastonbury Housing Partnership, in order to receive development designation under the Connecticut Housing Partnership Program, shall include the following:

(1) To examine and identify housing needs and opportunities in the community;

(2) To explore the availability of any state, municipal or other land that is suitable for the development of affordable housing;

(3) To review applicable zoning regulations to determine whether such regulations restrict the development of affordable housing in the community;

(4) To identify any necessary changes to such regulations;

(5) To establish priorities and develop a long-range plan to meet identified housing needs in the community consistent with regional housing needs;

(6) To establish procedures for the development of a written proposal to achieve such priorities in accordance with said plan; and

(7) To start an activity, development or project designed to create additional affordable housing in Glastonbury.

(Ord. of 4-25-89, § 3)

Sec. 9-174. Conflicting resolutions, orders, rules and regulations suspended.

At all times when any orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Ord. of 4-25-89, § 4)

Sec. 9-175. No conflict with state or federal statutes.

This article shall not be construed so as to conflict with any state or federal statute, rule or regulation.
(Ord. of 4-25-89, § 5)

Sec. 9-176. Expenses of the Glastonbury Housing Partnership.

No person shall have the right to expend any public funds of the municipality in carrying out any partnership activities authorized by this article without prior approval by the legislative body nor shall any person have any right to bind the municipality by contract, agreement, or otherwise without prior and specific approval of the legislative body.
(Ord. of 4-25-89, § 6)

Secs. 9-177—9-199. Reserved.

ARTICLE V. BLIGHTED PREMISES

Sec. 9-200. Purpose; legislative authority.

The purpose of this article is to protect, preserve and promote public health, safety and welfare; to maintain and preserve the beauty of the town's neighborhoods; preserve and protect property values; and allow for the remediation of blighted premises.

This article is adopted in accordance with the provisions of G.S. § 7-148(c)(7)(H)(xvi), as amended.
(Ord. No. 333, 5-24-16)

Sec. 9-201. Definitions.

As used in this article, the following terms shall have the meanings indicated:

Blighted premises. Any building, premises, parcel of land, structure or part of a structure that is a separate unit, either occupied or unoccupied, in which the town manager, building official, health director or fire marshal, or any of their designees, determines that the following or any combination of the following conditions exist:

(1) a. Any structure which is in a state of dilapidation or decay or is open to the elements or is allowed to remain open to the elements or unable to provide shelter or serve the purpose for which it was constructed due to damage, dilapidation or decay.

b. Premises containing accumulated debris in the public view including, but not limited to: abandoned, discarded or unused objects; scrap/litter/clutter such as machinery and equipment; vehicles, boats and recreational vehicles which are inoperable, unregistered, not complete in appearance, or in a state of disrepair; parts of vehicles; furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers; or trash or garbage.

c. Any fence which is in a state of dilapidation or decay.

d. Abandoned or vacant building or structure devoid of water, sewer, utility function or service, that has become an illegal residence.

e. The conditions on the premises pose a serious threat to the health and safety of persons in the town.

(2) Is a fire hazard as determined by the fire marshal or in accordance with National Fire Protection Association (NFPA) standards.

(3) Is an illegal residence.

(4) The following shall not, by virtue of their current use, be considered blighted premises, unless they exhibit the conditions described in subsections (1) through (3) above and such conditions are not accessory to a farm or open space area:

a. Agricultural land as defined in G.S. § 22-3(b), as amended;

b. Any land dedicated as public or semi-public open space or preserved in its natural state through conservation easements;

c. Areas designated as inland wetlands and water courses; or

d. Any building or structure undergoing legal demolition, construction, remodeling, restoration, repair or renovation permitted by the town; provided that any blighted condition related to the building or structure will be corrected within the time frame established by the appropriate town official and the building or structure remains in compliance with all required permits issued by the town.

(5) Nothing in this section shall be deemed to apply to any condition that is in compliance with the current regulations and ordinances of the town, including, but not limited to, regulations and ordinances related to zoning, health, fire, public works, and inland wetlands.

(6) Any building or structure that has been properly vacated according to building and fire code.

Building official. An individual who administers the state building code and enforces building ordinances for the town.

Citation hearing officer. An individual(s) appointed by the town manager to conduct official hearings authorized by this article, who may not be a police officer or employee or person who issues citations on behalf of the town.

Decay. A wasting or wearing away; a gradual decline in strength, soundness or quality; to become decomposed or rotten, except a properly maintained compost pile in accordance with guidance from the state department of energy and environmental protection.

Debris. Material which is incapable of immediately performing the function for which it was designed.

Dilapidated. Decayed or rotten beyond repair using standard construction techniques.

Fire marshal. The fire marshal of the town or a person designated by the fire marshal to act on his or her behalf.

Health director. The health director of the town or a person designated by the health director to act on his or her behalf.

Illegal residence. Human habitation of a dwelling unit that does not comply with state building, state fire, local zoning or housing codes, or all other pertinent codes and the state general statutes.

Owner. Any person, firm, institution, partnership, corporation, foundation, entity or authority who or which holds title to real property or any mortgage or other secured or equitable interest in such property, as documented in the town land records.

Public view. Visible from any public street right-of-way, town or state owned land, or neighboring property.

Registrant. Any person who commences an action to foreclose a mortgage on residential property and is required to register such property with the town clerk.

Town manager. The town manager of the town or a person designated by the town manager to act on his or her behalf.

Vacant. A continuous period of one-hundred eighty (180) days or longer during which a building or structure or part thereof is not occupied by human beings in accordance with state building, state fire, local zoning or housing codes, or all other pertinent codes and the state general statutes.
(Ord. No. 333, 5-24-16)

Sec. 9-202. Prohibition against creating or maintaining blighted premises.

No owner of real property, taxable or tax-exempt, within the town shall cause or allow blighted premises to be created, nor shall any owner allow the continued existence of blighted premises. The owner of any parcel of land, premises, building, structure or any part of a structure that is a separate unit that is in violation of this article shall be subject to a fine of not more than one hundred dollars ($100.00) for each day that a violation continues. Each day that a parcel of land, premises, building, structure or any part of a structure that is a separate unit is in violation of this article shall constitute a separate offense.
(Ord. No. 333, 5-24-16)

Sec. 9-203. Minimum standards.

(a) The provisions in this article shall not be construed to prevent the enforcement of other statutes, codes, ordinances or regulations which prescribe standards other than those provided in this article.

(b) In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance, regulation or other code of the town or state, the provision which establishes the higher standard for the promotion and protection of the health and safety and property values of the people shall prevail.
(Ord. No. 333, 5-24-16)

Sec. 9-204. Appointment of citation hearing officers.

The town manager shall appoint one (1) or more citation hearing officers, other than police officers or employees or persons who issue citations for the town, to conduct the hearings authorized by section 9-207 herein.
(Ord. No. 333, 5-24-16)

Sec. 9-205. Inquiries.

Inquiries concerning blighted properties shall be made to the town building official.
(Ord. No. 333, 5-24-16)

Sec. 9-206. Notice of violations.

Whenever the town manager or his or her designee determines that there has been a violation(s) of any provision of this article, such officer shall give notice of such violation to the person responsible therefor, as hereinafter provided. Such notice shall:

(1) Be in writing;

(2) Set forth the violations of this article;

(3) Specify a final date for the correction of any violation, which date shall not exceed sixty (60) days from the date of the original notice unless a later date is approved by the town manager or the town manager's designee;

(4) Be served upon the owner of the premises or the owner's agent, provided such notice shall be deemed to be properly served upon such owner or owner's agent if a copy thereof was mailed to such person's last-known address on file with the tax collector;

(5) Contain an outline of remedial action which, if taken, will affect compliance with the provisions of this article; and

(6) State that the penalties and enforcement provisions of this article shall become effective on the final date set for the correction of any violation.

(Ord. No. 333, 5-24-16)

Sec. 9-207. Preliminary meeting.

(a) Within ten (10) days of receiving a notice of violation in accordance with section 9-205 herein, the owner may request a preliminary meeting to discuss the notice of violation with town officials. The preliminary meeting shall be held within thirty (30) days following receipt by the town manager of a formal request for such preliminary meeting by the owner. The preliminary meeting may include the town manager, building official, fire marshal,

health director, human services director, or their respective designees, and other appointees as designated by the town manager. At the preliminary meeting, a proposed remedial action plan to fully correct any violation(s) of this article may be discussed and agreed upon by the town officials and the owner.

(b) The purpose of the preliminary meeting is to develop a voluntary remedial action plan in lieu of the formal enforcement and penalties set forth in this article.

(c) Any voluntary remedial action plan will be subject to the requirements, time limits and other factors as determined through the preliminary meeting process.

(d) Nothing contained in this section 9-207 shall be construed as limiting the town's rights and remedies under section 9-208 herein and the town reserves the right to proceed at any time with the enforcement of penalties against an owner who does not comply with the proposed voluntary remedial action plan.
(Ord. No. 333, 5-24-16)

Sec. 9-208. Penalties and enforcement; appeals.

(a) After the final date set for the correction of any violation pursuant to section 9-206 herein or at any time within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under this article for an alleged violation hereof, the town manager shall send notice to the person cited via certified mail. Such notice shall inform the person cited:

(1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;

(2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;

(3) That if he does not demand such a hearing, an assessment and judgment shall be entered against him; and

(4) That such judgment may issue without further notice.

For purposes of this section, notice shall be presumed to have been properly sent if such notice was mailed to such person's last-known address on file with the tax collector. If the person to whom such notice is issued is a registrant, the town may deliver such notice in accordance with G.S. § 7-148ii, provided nothing in this section shall preclude the town from providing notice in another manner permitted by applicable law.

(b) If the person who is sent notice pursuant to subsection (a) of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the town manager. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection (a) of this section shall be

deemed to have admitted liability, and the town manager or the town manager's designee shall certify such person's failure to respond to the citation hearing officer. The citation hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in subsection (d) of this section.

(c) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the citation hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the town manager or the town manager's designee shall be filed and retained by the town, and shall be deemed to be a business record within the scope of G.S. § 52-180 and evidence of the facts contained therein. The presence of the person who issues the initial notice of violations shall be required at the hearing if such person receiving such notice so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated municipal official, other than the citation hearing officer, may present evidence on behalf of the town. If such person fails to appear, the citation hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The citation hearing officer may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The citation hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The citation hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by this article.

(d) If such assessment is not paid on the date of its entry, the citation hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days or more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the chief court administrator together with an entry fee of eight dollars ($8.00). The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one (1) record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars ($8.00), against such person in favor of the town. Notwithstanding any provision of the general statutes, the citation hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

(e) A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to G.S. § 52-259, at a superior court facility designated by the chief court administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.
(Ord. No. 333, 5-24-16)

Sec. 9-209. Lien on real estate where penalty for violation of blight ordinance is unpaid.

Pursuant to G.S. § 7-148aa, any unpaid fine imposed by the town, pursuant to the provisions of this article regulating blight and adopted pursuant G.S. § 7-148(c)(7)(H)(xv), as amended, shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens filed after July 1, 1997, and encumbrances except taxes and may be enforced in the same manner as property tax liens.
(Ord. No. 333, 5-24-16)

Chapter 10

LIBRARY*

Sec. 10-1. Establishment.
Sec. 10-2. Facilities.
Sec. 10-3. Directors.

*__Charter reference—__Authority to establish boards, commissions and committees, § 802.

__Cross references—__Administration generally, Ch. 2; planning, Ch. 15.

__State law references—__Establishment of libraries, G.S. § 11-20; tax for maintenance, G.S. § 11-36.

Sec. 10-1. Establishment.

A public library is hereby established, which shall, under the proper regulations to be adopted by the directors, be free to all inhabitants of the town.
(Code 1960, § 1171)

Sec. 10-2. Facilities.

The directors are authorized to provide a suitable room or rooms for the public library.
(Code 1960, § 1173)

Sec. 10-3. Directors.

The number of the directors of the public library shall be six (6), who shall be appointed by the town council.

Chapter 11

LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS*

Article I. In General

Sec. 11-1. Adoption of state bazaars and raffles law.
Secs. 11-2—11-15. Reserved.

Article II. Junk Dealers

Sec. 11-16. License—Required.
Sec. 11-17. Same—Fees.
Sec. 11-18. Penalties.
Secs. 11-19—11-30. Reserved.

Article III. Massage Establishments

Division 1. Generally

Sec. 11-31. Short title.
Sec. 11-32. Policy.
Sec. 11-33. Definitions.
Sec. 11-34. Operating requirements.
Sec. 11-35. Penalties.
Secs. 11-36—11-75. Reserved.

Article IV. Peddlers, Hawkers, Itinerant Vendors, Solicitors, Canvassers and Salesmen

Sec. 11-76. Purpose.
Sec. 11-77. Definitions.
Sec. 11-78. License required.
Sec. 11-79. Application for license.
Sec. 11-80. Additional information required for itinerant vendor license.
Sec. 11-81. Licensing investigation.
Sec. 11-82. Issuance of license.
Sec. 11-83. License fee.
Sec. 11-84. Records.

***Cross references—**Administration, Ch. 2; building permits, § 5-16 et seq.; permit required for solid waste collection, § 8-21; rooming house permits generally, § 9-137; permits required for use of public park, § 14-45; sidewalk construction permits, § 17-46; licenses required for work performed within public right-of-way, § 17-97 et seq.; issuance of curb construction permits restricted, § 17-121; issuance of permits for drainage work restricted, § 17-136; permits required for connection to town drainage system, § 17-141; issuance of permits for driveways restricted, § 17-152; issuance of permits for work on fences restricted, § 17-169; issuance of permits for moving of buildings restricted, § 17-196; issuance of permits for street excavations restricted, §17-211; issuance of permits for removal of trees restricted, § 17-226.

Sec. 11-85. Exhibition of license.
Sec. 11-86. Revocation of license.
Sec. 11-87. Expiration of license.
Sec. 11-88. General conditions of license.
Sec. 11-89. Special requirements for food vendors located on private property in the planned industrial zone.
Sec. 11-90. Prohibitions.
Sec. 11-91. Exemptions.
Sec. 11-92. Violations.
Sec. 11-93. Special requirements for food vendors located in town parks.

Article V. Salons

Sec. 11-94. Definitions.
Sec. 11-95. Plan review and pre-operation inspections.
Sec. 11-96. Permits.
Sec. 11-97. Annual inspections.
Sec. 11-98. Enforcement.
Sec. 11-99. Permit reinstatement.
Sec. 11-100. Hearings.
Sec. 11-101. Service of notices or orders.

ARTICLE I. IN GENERAL

Sec. 11-1. Adoption of state bazaars and raffles law.

The town, acting by and through its town council and pursuant to the authority granted by G.S. § 7-171 does hereby adopt the provisions of G.S. §§ 7-170 to 7-186, inclusive, providing for the operation and regulation of bazaars and raffles in any municipality which has adopted the provisions of such sections.
(Code 1960, § 1120; Ord. of 1-22-74)

Secs. 11-2—11-15. Reserved.

ARTICLE II. JUNK DEALERS*

Sec. 11-16. License—Required.

No person shall carry on the business of a dealer in junk, old metals, or secondhand articles, within the town, unless he shall have a license therefor, as provided in the general statutes.
(Code 1960, § 531)

Sec. 11-17. Same—Fees.

The license fee to engage in the business of dealing, trading or selling of junk, old metal, scrap, rags, paper, etc., in the town shall be ten dollars ($10.00) for the period of one (1) year, from the date of issue.
(Code 1960, § 532)

Sec. 11-18. Penalties.

Failure to obtain a license under section 11-16 of this article shall be punishable by a fine of not more than fifty dollars ($50.00).
(Code 1960, § 533)

State law reference—Penalty limited, G.S. § 21-13.

Secs. 11-19—11-30. Reserved.

ARTICLE III. MASSAGE ESTABLISHMENTS†

DIVISION 1. GENERALLY

Sec. 11-31. Short title.

This article shall be known and may be cited as "Massage Establishment Ordinance for the Town of Glastonbury."
(Ord. of 7-11-00)

Note—See editor's note for Ch. 11, Art. III, found at the bottom of page CD11:4, for former derivation of Ch. 11, Art. III.

***State law references—**Junk dealers, G.S. § 21-9 et seq.; power to prohibit, license, regulate or restrain business of junk dealers, G.S. § 7-148(c)(6)(H)(iv).

†**Editor's note—**Ord. of July 11, 2000 amended the Code by repealing Art. II, §§ 11-31—11-40, 11-51—11-62, which pertained to massage parlors. Said ordinance enacted provisions designated as a new Art. II to read as herein set out in §§ 11-31—11-35. See the Code Comparative Table.

State law reference—Massage therapists, G.S. § 20-206a et seq.

Sec. 11-32. Policy.

It is hereby declared that the business of administering massage as defined in this article is a business affecting the public health, safety and general welfare.
(Ord. of 7-11-00)

Note—See editor's note for Ch. 11, Art. III, found at the bottom of page CD11:4, for former derivation of Ch. 11, Art. III.

Sec. 11-33. Definitions.

For the purpose of this article, the following words or phrases shall have the meanings respectively ascribed to them by this section:

Massage. Any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance with or without any such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice.

Massage establishment. Any establishment having a fixed business where any person engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in the definition of massage as defined in this section.

Massage therapy. Shall be as defined in G.S. § 20-206a(d) and for which monetary compensation is received.

Massage therapist. Any person who, for any consideration whatsoever, engages in the practice of massage therapy as defined in G.S. § 20-206a(d). Such person shall be licensed as a massage therapist in accordance with G.S. § 20-206b.

Recognized school. Any school or institution as defined in G.S. § 20-206b(a) or (b).
(Ord. of 7-11-00)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 11, Art. III, found at the bottom of page CD11:4, for former derivation of Ch. 11, Art. III.

Sec. 11-34. Operating requirements.

(a) No person shall engage in the practice of massage without a valid massage therapist license, or other appropriate license, issued by the State of Connecticut.

(b) No establishment may employ any person to engage in the practice of massage therapy who is not a licensed massage therapist.

(c) Any individual or establishment advertising or holding themselves out as providing massages must be or employ licensed massage therapists as defined in section 11-33 of this article, and must present proof of all such licenses within fifteen (15) days upon request sent by certified mail from an agent of the health department or the police department.
(Ord. of 7-11-00)

Note—See editor's note for Ch. 11, Art. III, found at the bottom of page CD11:4, for former derivation of Ch. 11, Art. III.

Sec. 11-35. Penalties.

Any person violating any provision of this article shall be subject to a fine of one hundred dollars ($100.00) pursuant to the provisions of section 1-10 of the Glastonbury Code of Ordinances.
(Ord. of 7-11-00)

Note—See editor's note for Ch. 11, Art. III, found at the bottom of page CD11:4, for former derivation of Ch. 11, Art. III.

Secs. 11-36—11-75. Reserved.

ARTICLE IV. PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN*

Sec. 11-76. Purpose.

The purpose of this article is to provide for the health, safety and welfare of the residents of the town by regulating, through licensing, the activities of hawkers, peddlers, itinerant vendors, canvassers, solicitors and salesmen.
(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-77. Definitions.

For purposes of this article, the following definitions shall apply:

Canvasser or *solicitor* is defined as any individual, whether resident of the town or not, taking or attempting to take orders from anyone on the premises of a house, apartment, trailer or other place of residence for sale of goods, wares, merchandise, including articles of food, or personal property of any nature whatsoever for future delivery, or for services to be performed in the future, whether or not such individual shall carry or expose for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales or not.

Hawker or *peddler* means any person, whether principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares, merchandise, including articles of food, either on foot or from any animal or vehicle, and shall include a "food vender" as defined in section 11-89 of this article.

***Editor's note—**An ordinance of Dec. 14, 1982, amended the 1960 Code by repealing §§ 501.1—501.17, and enacting new §§ 501.1—501.20, of which §§ 501.1—501.17 have been codified as a new Art. IV at the editor's discretion. Formerly, Art. IV consisted of §§ 11-76—11-89, as derived from §§ 501.1—501.14 of the 1960 Code, as adopted Jan. 14, 1963, and amended July 28, 1969.

State law reference—Authority to regulate peddlers, G.S. § 7-148(c)(6)(H)(iv).

Itinerant vender is defined as any person, whether a principal or agent, who engages in a temporary or transient business in this state either in one (1) locality or in traveling from place to place selling goods, wares, merchandise, or conducting any "close-out sale" as that term is defined in G.S. § 21-35a, and who for the purpose of carrying out such business or sale hires, leases or occupies any building or structure for the exhibition and sale of such goods, wares and merchandise which is carried on in any tent, booth, building or other structure, unless such place is open for business during usual business hours at least nine (9) months in each year.

Salesman is any person who shall sell or expose for sale or solicit orders for any articles of food, or any goods, wares, merchandise, materials or services, or solicit for any contracts within the town, to or from anyone on the premises of a house, apartment, trailer, or other place of residence, and shall include canvassers, solicitors, hawkers, peddlers, and itinerant vendors, as above defined. In accordance with section 11-91, this article shall not apply to persons selling to stores, institutions, business, industrial or commercial establishments, and municipal agencies.

(Ord. of 12-14-82)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-78. License required.

It shall be unlawful for any hawker, peddler, itinerant vendor, canvasser, solicitor, or salesman as defined in section 11-77 of this article, except as provided in section 11-91 of this article, to engage in such business within the town without first obtaining a license in compliance with this article.

(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-79. Application for license.

Applicants for license under section 11-78 of this article must file with the town police chief a sworn application in writing, in duplicate, on a form to be furnished by the police chief, which shall give the following information:

(1) Name and description of the applicant.

(2) Permanent home address and full local address of the applicant.

(3) A detailed description of the nature of the business and goods to be sold.

(4) If employed, the name and address of the employer.

(5) The length of time for which the applicant wishes to engage in business.

(6) The place where the products proposed to be sold, or orders taken for the sale thereof, are manufactured or produced.

(7) Where such goods or products are located at the time such application is filed, and the proposed method of delivery.

(8) Make, model or registration number of motor vehicle, if any, to be used.

(9) Whether, when, where the applicant has ever been convicted for any crime other than an infraction or misdemeanor involving a motor vehicle.

(10) Whether, when, where, in what court, and by whom he or any present or former employer, partner, principal or contract associate has ever been sued in a civil action alleging fraud or misrepresentation in connection with or as a result of the applicant's activities in soliciting for any contract or in selling, exposing or offering for sale or soliciting orders for any articles of food or any goods, wares, merchandise, materials or services.

(11) A nonrefundable application fee of twenty dollars ($20.00) in cash, money order or cashier's check.

(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-80. Additional information required for itinerant vendor license.

(a) Each applicant for an itinerant vendor's license must also file a copy of his state license and a certificate of zoning compliance with the chief of police. The town clerk shall issue an itinerant vendor's license upon receipt of a recommendation from the chief of police.

(b) In accordance with G.S. § 21-30, a bona fide resident veteran who has resided within the state for a period of two (2) years next preceding the date of application for such license and who served in time of war, as defined by G.S. § 27-103, shall be licensed without payment of a fee as defined in section 11-83 of this article. An application fee shall be submitted in accordance with section 11-79 of this article. The town may defer issuance of a license to a bona fide veteran for a period not to exceed seven (7) days for the purpose of investigation. Each such veteran shall produce his service discharge or a copy thereof, certified by the town clerk from the records of the town where such discharge is recorded, for inspection, together with a certificate from the town clerk that the applicant is a resident of the state.

(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-81. Licensing investigation.

Upon receipt of an application for license, the chief of police shall cause to be undertaken and completed within a period of thirty (30) days, such investigation of the applicant's business and moral character, and of the statements made in the application as he deems necessary for the public good; and if as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the police chief shall endorse his disapproval on the application and his reasons for the same, and notify the applicant thereof. The thirty-day time

period for applicants requiring a recommendation from the town plan and zoning commission in accordance with subsection 11-89(2) of this article shall commence on the day of the next regular scheduled meeting of the town plan and zoning commission following submission of the application to that body. A license shall be refused by the town manager if the applicant has made any false statement or representation in any application or registration form required by this article, has been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this article, or if judgment shall at any time have been entered against him in a civil action alleging fraud or misrepresentation in connection with or as a result of the business activities of said applicant. There shall be no refund of the application fee when a license is refused. If for any reason the chief of police should fail to carry out and complete such investigation within the above-noted periods, the applicant may demand and be issued a temporary license; such temporary license shall be revoked or made permanent when the results of the investigation are complete. The chief of police shall also review and report on the safety of a sales location applied for in accordance with section 11-89 of this article.
(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-82. Issuance of license.

If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the police chief shall endorse his approval on the application and turn a copy over to the town manager who shall thereupon deliver to the applicant a license which shall show the name and address of the licensee, the kind of goods to be sold thereunder, the manner of sale, the date of issuance, and the length of time the same shall be operative.
(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-83. License fee.

The fee for a license issued in accordance with section 11-78 of this article shall be one hundred dollars ($100.00) for a period of twelve (12) months; thirty dollars ($30.00) for a period of three (3) months; and ten dollars ($10.00) for a period of one (1) month. The license fee shall be paid to the town manager's office in the form of cash, money order or cashier's check prior to the issuance of a license, and shall be in addition to any application fee charged pursuant to subsection 11-79(11) of this article.
(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-84. Records.

It shall be the duty of the town manager to keep records of all licenses issued under the provisions of this article in a book or file kept for that purpose. Said records shall contain, as

to each holder of a license, all application forms signed by him with a notation on each as to whether a license was issued or refused as a result of its being filed, the date of issuance, or refusal, the reason for refusal, or the fee paid as the case may be, a summary of each complaint concerning the activities of the holder, and the date of any revocation of licenses granted such holder together with a statement of the reasons therefor. The town manager or authorized agent shall keep a detailed account of all receipts from applicants and shall turn such fees over to the town treasurer monthly.
(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-85. Exhibition of license.

It shall be the duty of any police officer of the town to request any person seen engaging in any of the activities prescribed in section 11-78 hereof, and who is not known by such officer to have a valid license, to show his license. It shall be the duty of any such officer to enforce the provisions of this article against any person found to be in violation hereof. Hawkers, peddlers, itinerant vendors, canvassers, solicitors, and salesmen are required to exhibit their licenses at the request of any citizen. Operations conducted within or from a vehicle shall have the license displayed on or within the vehicle so as to be clearly visible to customers.
(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-86. Revocation of license.

(a) A license issued under the provisions of this article shall be revoked by the town manager after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license or any other registration form required by this article.

(2) Fraud, misrepresentation or false statement made by the license holder in the course of carrying on the business of peddler, hawker, solicitor, canvasser or salesman.

(3) Any violation of this article.

(4) Conviction of any crime or misdemeanor involving moral turpitude.

If a license granted under this article is revoked, the license fee shall not be refunded or rebated.

(b) Notice of hearing for revocation of license shall be given in writing setting forth specifically the grounds of complaint. Such notice shall be mailed by certified mail to the last known address of the holder at least five (5) days prior to the date set for the hearing.
(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-87. Expiration of license.

No person whose license has expired shall engage in any of the activities named in section 11-78 of this article until he shall have made application with the police chief, obtained a new license, and paid the same fee as in the case of the original license.
(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-88. General conditions of license.

Each person to whom a license has been issued pursuant to this article shall, while engaged in the town in the activities for which he has a license:

(1) Conduct himself at all times in a quiet, orderly and lawful manner.

(2) Enter within any home only upon being expressly invited to do so by an occupant thereof.

(3) Leave any premises immediately upon the request of any occupant of the same.

(4) Deliver as agreed or represented and within a reasonable time, all foods, goods, wares, merchandise and materials, and perform in like manner all services or contracts for which he has been paid in whole or in part, except as provided in subsection (5).

(5) Refund promptly any payments made to him if he shall find that it is not reasonably possible for him to comply with subsection (4) unless said refund shall be refused by the other party.

(6) Give a written and signed receipt for all payments in excess of two dollars ($2.00) received by him, stating the amount of said payment, a description of the food, goods, wares, merchandise, materials and/or services or contracts in connection with which said payment was made, the total of all charges made or to be made in connection with the same and when and in what amounts any additional payments are to be made.

(7) Give to the other party a copy, signed by the holder of the license, of any order, contract or other documents which said party has signed. Compliance with this subsection shall constitute compliance with subsection (6) to the extent that the document meets the requirements of subsection (6).

(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-89. Special requirements for food vendors located on private property in the planned industrial zone.

A food vendor licensed under section 11-79 of this article may operate on private property within the planned industrial zone only, and subject to compliance with the following requirements.

(1) The license application as outlined in section 11-79 of this article shall also include authorization from the private property owner to locate on said property. Written signature of the property owner shall be notarized.

(2) Issuance of a license by the town manager is contingent upon a favorable recommendation from the town plan and zoning commission regarding the vending operation.

(3) All items offered for sale shall be maintained within the food service vehicle.

(4) The food service vehicle shall be removed from the premises daily for a minimum period of twelve (12) hours.

(5) A trash container shall be maintained by the vendor directly adjacent to the food service vehicle during business hours.

(6) The location of the vehicle shall allow for safe pedestrian and vehicular operation.

(7) All signs indicating the food service operation shall be attached to the vehicle. There shall be no streamers, banners or pennants on the vehicle or lot. Excessive noise shall not emanate from the operation.

(8) The food service operation shall be inspected by the town health department on a regular basis.

For purposes of this section, a "food vendor" is a vendor who sells food or beverages from a motor vehicle, trailer, cart or other movable structure, but does not include a farmer or gardener selling only the produce of his farm or garden.
(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-90. Prohibitions.

(a) No licensee shall shout, blow a horn, ring a bell or use any sound device for the purpose of attracting attention in a manner which creates a public nuisance.

(b) A hawker, peddler, canvasser, solicitor, or salesman using a vehicle shall have no exclusive right to any location on public streets or public property, shall not be permitted any stationary location therein and shall not be permitted to operate in an congested area or any area where that operation might impede or inconvenience the public.
(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-91. Exemptions.

This article shall not apply to:

(1) Persons less than sixteen (16) years of age.

(2) Persons selling only to stores, institutions, business, industrial or commercial establishments, and municipal agencies.

(3) Charitable, political, religious and government organizations and their representatives, including public service organizations.

(4) Farmers and gardeners selling the produce of their farms and gardens, but only to the extent of such sales.

(5) The sale, distribution and delivery of milk, groceries, newspapers, fuel oil or bottled gas.

(6) The activities of any representative of any public utility subject to regulation by the state.

(7) Persons exempted by statute or applicable judicial decision from such regulation.

(8) Persons canvassing, soliciting or selling exclusively by telephone.

(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-92. Violations.

Any person violating any of the provisions of this article shall, upon conviction thereof, be punished as provided in section 1-10 of this Code. Each day of engaging in the activities described in section 11-78 without a license, as required by this article, shall be considered a separate offense.

(Ord. of 12-14-82)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

Sec. 11-93. Special requirements for food vendors located in town parks.

Notwithstanding subsection 11-90(b), a food vendor licensed under section 11-79 may be permitted an exclusive operation in a town park may be permitted exclusive vending rights in a town park with the approval of the town manager or his authorized agent and subject to the following requirements:

(1) The license application as outlined in section 11-79 shall request authorization from the town manager or his authorized agent for exclusive vending rights at one or more specific parks for one or more specific products.

(2) The town manager or his authorized agent may approve or disapprove such request at his sole discretion.

(3) The town will periodically publish a list of public facilities being made available by contract to food vendors. Permits will be issued using a competitive request for proposal process.

(4) All items offered for sale shall be maintained within the building, food service vehicle, or machine designated for said purpose.

(5) Food service vehicles shall be removed from the premises daily for a minimum of twelve (12) hours.

(6) As directed by the town manager or his authorized agent, a trash container shall be maintained by the vendor directly adjacent to the food service area during business hours and removed at the close of the business day. If any merchandise is vended in recyclable containers, then a recyclable container shall be maintained by the vendor directly adjacent to the food service area during business hours and removed at the close of the business day.

(7) The location of food service vehicles shall allow for safe pedestrian and vehicular operation.

(8) All signs indicating the food service operation shall be attached to the vehicle. There shall be no streamers, banners, or pennants on the vehicle or lot. Excessive noise shall not emanate from the operation.

(9) The food service operation shall be inspected by the town health department on a regular basis.

(10) All other requirements and conditions are subject to written agreement between the town and the vendor in form and content satisfactory to the town manager at his sole discretion.

(11) When such exclusive permit is granted, no other vendors shall engage in such business in such park during the period covered in the exclusive vendor contract.

(12) A list of exclusive vendor contracted locations will be provided to all other vendors at the time of application for a vendor's permit.

(Ord. of 10-24-95; Ord. of 5-26-98; Ord. No. 318, 4-13-10)

Note—See editor's note for Ch. 11, Art. IV, found at the bottom of page CD11:6, for former derivation of Ch. 11, Art. IV.

ARTICLE V. SALONS

Sec. 11-94. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Barbering includes the practices as described in G.S. § 20-234.

Barbershop means any establishment engaged in the practice of barbering for the public.

Changing room means a separate and discrete area, not a toilet facility; where patrons may change from their street clothes to a gown prior to receiving services.

Director of health means the Director of Health for the Town of Glastonbury, or his/her duly authorized agent.

Hairdressing and *cosmetology* includes the practices as described in G.S. § 20-250.

Hairdressing or *cosmetology shop* means any establishment engaged in the practice of hairdressing, cosmetology, or barbering for the public.

Hearing officer means the person designated by the Glastonbury Town Manager to hear appeals taken under the provisions of this article.

Nail technician means a person who, for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including but not limited to, the application and removal of sculptured or artificial nails.

Operator includes any person, including but not limited to, a licensed hairdresser/cosmetician or barber, or unlicensed person who is performing tasks allowed under the scope of this Code and the Public Health Code of the State of Connecticut.

Salon includes any shop, store, day spa, or other commercial establishment at which the practice of barbering, hairdressing and cosmetology, or the services of a nail technician, or any combination thereof, is offered and provided.

Shampoo station consists of a shampoo bowl (sink) and a shampoo chair.

Working area is defined as a separate room with more than one (1) work station, or a private room set aside to serve one customer at a time.

Work station is defined as a chair, countertop and floor space or a mobile work station, and includes the floor space for the operator to stand while serving the customer.
(Ord. No. 304, 6-22-04)

Cross reference—Rules of construction and definitions generally, § 1-2.

Sec. 11-95. Plan review and pre-operation inspections.

(a) No salon having a permanent location shall be relocated, constructed, remodeled or extensively altered, nor shall a structure be converted to use as a salon, except in accordance with plans and specifications approved by the Glastonbury Director of Health.

(b) Properly prepared plans drawn to a scale of not less than ¼":1', and specifications for such construction, remodeling, or alteration, shall be submitted to the director of health, for review and approval before relocation, construction, remodeling, alteration, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The director of health shall approve the plans and specifications if they meet the requirements of this article and the Public Health Code of the State of Connecticut.

(c) Prior to the salon's opening, the director of health shall conduct a pre-operational inspection to determine compliance with the approved plans and specifications and with the requirements of this article and the Public Health Code of the State of Connecticut.
(Ord. No. 304, 6-22-04)

Sec. 11-96. Permits.

(a) No person shall maintain or operate any salon without having a valid permit issued by the director of health. Only a person who complies with requirements of this article shall be entitled to receive or retain such a permit.

(b) Application for a permit shall be made on forms furnished by the director of health, wherein the owner of a salon shall state his/her/its name, mailing address, the address of the place of business, the name of the person in charge of the salon if other than the owner, and any such other pertinent information as the director of health may require and affix his signature to the application. All permits are valid for one (1) year or a portion thereof, and are renewable on or before June 30 of each year.

(c) Every applicant for a permit to operate a salon shall pay an annual permit fee. The annual permit fee shall be adopted by resolution of the town council and amended from time to time by the town council.

(d) No permit shall be issued or renewed until a completed application has been submitted, the permit fee has been paid and the salon meet the requirements set forth in this article and all other applicable state and local regulations.

(e) Permits shall be valid until the expiration date indicated on the permit unless suspended or revoked by the director of health, or until such time as the facility changes owners, closes, or goes out of business.

(f) Permits shall not be transferable from person to person or from location to location.

(g) The director of health, after proper identification, shall be permitted to enter, during normal operation hours, any portion of any salon for the purpose of making inspections to determine compliance with this article and the Public Health Code of the State of Connecticut.

(h) A temporary permit to operate a salon may be granted for a period not to exceed fourteen (14) calendar days. A temporary permit would be required for conducting a public demonstration, a fundraising event or a public convention. Holders of current permits are exempt from temporary permitting. A temporary license fee will be charged at a rate determined by the town council.
(Ord. No. 304, 6-22-04)

Sec. 11-97. Annual inspections.

At least once a year, the director of health shall inspect each salon and shall make as many additional inspections as are necessary for the enforcement of this article and the Public Health Code of the State of Connecticut.
(Ord. No. 304, 6-22-04)

Sec. 11-98. Enforcement.

(a) Failure to comply with the provisions of this article and applicable state regulations shall be grounds for revocation or suspension of any permit issued under the provisions of this article.

(b) In the event that the director of health finds unsanitary conditions in the operation of a salon or if a violation or set of violations appears on more than one (1) consecutive inspection report, the director of health may immediately issue a written order to the salon owner, or person in charge, citing such conditions, specifying the corrective action to be taken and time frame within which action shall be taken. If correction is not made in the allotted time, the permit may be revoked or suspended.

(c) The director of health may suspend, without warning, prior notice or hearing, any permit to operation a salon:

(1) If the operation constitutes an imminent hazard to public health; or

(2) If the owner, or person in charge has interfered with the performance of the director of health's duties.

(d) An imminent health hazard shall include, but is not limited to, any one (1) of the following:

(1) An ongoing outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to consumers; or

(2) The absence of potable water, supplied under pressure, in a quantity which, in the opinion of the director of health, is capable of meeting the needs of this facility; or

(3) A sewage backup into the facility.

(e) Suspension or revocation shall be effective immediately upon delivery of the written order to the permit holder or person in charge of the facility by the director of health. When a permit is suspended or revoked, all cosmetology operations shall cease immediately and shall not resume until written approval to resume has been issued by the director of health. The director of health shall remove a suspended permit from the premises.

(f) When a permit is suspended or revoked, the holder of a permit, or the person in charge, shall be notified, in writing, of the suspension or revocation and an opportunity for a hearing will be provided if a written request for hearing is filed with the hearing officer by the salon owner or person in charge within seventy-two (72) hours of the suspension or revocation. The director of health may end the suspension at any time by giving written notice to the permit holder if reasons for suspension no longer exist.

(g) Upon receiving a request for a hearing, the hearing officer shall, within five (5) calendar days of the date of appeal, conduct a hearing to examine the merits of such suspension and may vacate, modify or affirm such suspension.

(h) The permit holder who is aggrieved by such action of the hearing officer may, within forty-eight (48) hours after the making of such decision, appeal to the Commissioner of Health for the State of Connecticut who shall thereupon notify the authority from whose order the appeal was taken and examine the merits of such suspension and may vacate, modify or affirm such suspension.
(Ord. No. 304, 6-22-04)

Sec. 11-99. Permit reinstatement.

(a) *Suspension.* Whenever a permit has been suspended, the salon owner or its person in charge of the suspended permit may make written request for permit reinstatement. Within ten (10) days following receipt of a written request, including a statement signed by the owner or person in charge that, in his opinion, the conditions causing the suspension have been corrected, the director of health shall make a reinspection. If the director of health determines that the salon owner has complied with the requirements of this article and the State Public Health Code, the permit shall be reinstated and returned to the salon.

(b) *Revocation/nonrenewal.* After a period of sixty (60) days from the date of revocation or refusal to renew, a written application may be made for the issuance of a new permit. This application will be treated as a new application. All appropriate procedures and inspections will be required, including a plan review.
(Ord. No. 304, 6-22-04)

Sec. 11-100. Hearings.

The hearing officer shall conduct the hearings provided for in this article at a time and place designated. The hearing officer shall summarize the proceedings of such hearings and provide sufficient copies. The hearing officer shall make a final finding based upon the complete

hearing record, and shall sustain, modify or rescind any notice or order considered in the hearing. The hearing officer shall furnish a written report of the hearing decision to the salon owner within ten (10) calendar days of the hearing date.
(Ord. No. 304, 6-22-04)

Sec. 11-101. Service of notices or orders.

A notice or order provided for in this article is properly served when it is delivered to the salon owner, or person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the salon owner. A completed and signed inspection report shall constitute a written notice.
(Ord. No. 304, 6-22-04)

Chapter 12

MOTOR VEHICLES AND TRAFFIC*

Article I. In General

Sec. 12-1. Definitions.
Sec. 12-2. Enforcement of traffic regulations.
Sec. 12-3. Obedience to traffic regulations.
Sec. 12-4. No-passing zones.
Secs. 12-5—12-15. Reserved.

Article II. Stopping, Standing and Parking

Division 1. Generally

Sec. 12-16. Parking so as to obstruct traffic.
Sec. 12-17. All night parking.
Sec. 12-18. Temporary parking prohibitions.
Sec. 12-19. Fire lanes—Establishment.
Sec. 12-20. Same—Installation and maintenance.
Sec. 12-21. Violation of parking regulations.
Sec. 12-22. Parking spaces reserved for handicapped—Establishment.
Sec. 12-23. Same—Installation and maintenance.
Sec. 12-24. Impoundment of vehicles.
Sec. 12-25. Penalties for unlawful parking.
Secs. 12-26—12-31. Reserved.

Division 2. Reserved

Secs. 12-32—12-35. Reserved.

Article III. Abandoned or Inoperable Vehicles

Sec. 12-36. Definitions.
Sec. 12-37. Prohibited; exceptions.
Sec. 12-38. Notice.
Sec. 12-39. Hearings.
Sec. 12-40. Penalties.
Sec. 12-41. Applicability of state law.
Secs. 12-42—12-50. Reserved.

***Cross references—**Administration, Ch. 2; offenses and miscellaneous provisions, Ch. 13; planning, Ch. 15; police, Ch. 16; streets, sidewalks and public places, Ch. 17.

State law references—Town not authorized to regulate vehicle equipment, but may regulate traffic, G.S. § 14-162; authority to regulate traffic G.S. § 7-148(c)(7)(B); rules of the road, G.S. § 14-212 et seq.

Article IV. Obstructing Intersection

Sec. 12-51. Obstructing intersection.

ARTICLE I. IN GENERAL

Sec. 12-1. Definitions.

For the purposes of this chapter, the following terms, phrases, and words shall have the meaning given herein:

Authorized emergency vehicle: Vehicles of the fire department, police department, auxiliary police ambulances, and such other emergency vehicles as are designated by the commissioner of motor vehicles or the chief of police of this town.

Fire lane: A traffic lane or other area sufficient in width adjacent to the front, rear, or sides of public buildings or private buildings devoted to public use to permit free passage of heavy fire apparatus and other emergency vehicles to all necessary areas in all seasons and all kinds of weather.

Official traffic-control devices: All signs, signals, markings, and devices placed or erected by the town for the purpose of regulating, warning or guiding traffic consistent with the general statutes.

Parking: The standing of a vehicle, whether occupied or not, upon a highway or in a fire lane otherwise than temporarily for the purpose of, and while engaged in, receiving or discharging passengers, or in obedience to traffic regulations, signs or signals or the directions of a police officer.

Traffic: Pedestrians, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

Traffic authority: The traffic authority of the town shall be the town manager or his designee as provided in G.S. § 14-297.

Traffic-control sign: Any sign bearing a message with respect to the stopping or the rate of speed of vehicles.

Traffic-control signal: Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Vehicle includes any device suitable for the conveyance, drawing on other transportation of persons or property, whether operated on wheels, runners, cushion of air between it and the surface or by any other means, except those propelled or drawn by human power or those used exclusively upon tracks.

(Code 1960, § 2371 (A)—(F), (I)—(K); Ord. of 9-14-76)

Cross reference—Rules of construction and definitions generally, § 1-2.

State law reference—Similar provisions, G.S. §§ 14-1, 14-297.

Sec. 12-2. Enforcement of traffic regulations.

Consistent with the general statutes and town ordinances, the traffic authority may adopt rules and regulations for the control of traffic and parking and may cause to be installed

official traffic-control devices, traffic-control signals, and traffic-control signs. The police department shall be responsible for the enforcement of the general statutes, town ordinances, and rules and regulations pertaining to the control of traffic and parking.
(Code 1960, § 2372; Ord. of 9-14-76)

Sec. 12-3. Obedience to traffic regulations.

No person shall fail to comply with any general statutes, town ordinance, or rule or regulation adopted by the traffic authority pertaining to the control of traffic and parking, or any direction by voice, hand or sign of any police officer in connection therewith, or any traffic control device, sign or signal unless otherwise directed by a police officer.
(Code 1960, § 2373; Ord. of 9-14-76)

Sec. 12-4. No-passing zones.

The traffic authority is authorized to determine those portions of any highway within the town except state or state aid highways, where overtaking and passing or driving to the left of the highway would be hazardous, and may by appropriate traffic control signs or markings on the highway indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, each driver of a vehicle shall obey the directions thereof.
(Code 1960, § 2374; Ord. of 9-14-76)

State law reference—Similar provisions, G.S. 14-234.

Secs. 12-5—12-15. Reserved.

ARTICLE II. STOPPING, STANDING AND PARKING*

DIVISION 1. GENERALLY

Sec. 12-16. Parking so as to obstruct traffic.

(a) No person shall stop, stand or park a vehicle in such a manner as will impede the free flow of traffic. Any parking which impedes the free flow of traffic shall be interpreted as "obstructing traffic."

(b) No person shall stop, stand or park a vehicle on the traveled portion of any street or highway so as to impede the normal snow plowing operations and the free flow of traffic during snowstorms.
(Code 1960, § 2377; Ord. of 9-14-76; Ord. of 5-26-98)

*__State law reference—__Parking, G.S. § 14-251 et seq.

Sec. 12-17. All night parking.

No person shall park any vehicle on any public street or highway for a period of time longer than two (2) hours between the hours of 1:00 a.m. and 6:00 a.m. This section shall not apply to a physician while making a professional call, nor to the operators of police, fire, or other emergency vehicles. The chief of police may grant permission for all night parking for a specific vehicle for a limited period; provided that, the owner of such vehicle has good and compelling reasons of a temporary and emergency nature. The traffic authority may, on the recommendation of the chief of police, permit all night parking on certain dead-end streets, provided such parking shall not hinder or obstruct any fire apparatus or other emergency vehicles or the free flow of traffic.
(Code 1960, § 2378; Ord. of 9-14-76)

Sec. 12-18. Temporary parking prohibitions.

The chief of police is authorized to suspend permitted parking under the parking regulations and to prohibit parking temporarily in designated tow zone areas or in any area where, in his opinion, it is necessary in order to facilitate the removal of snow, the construction of public works improvements or for other good and sufficient reason; and he shall give notice of such temporary prohibition by causing to be placed suitable signs indicating that parking is prohibited and also, if practicable, by radio and newspaper. The penalties set forth in section 12-25 shall apply to violations of this section.
(Code 1960, § 2379; Ord. of 9-14-76)

Sec. 12-19. Fire lanes—Establishment.

Whenever a special permit with design review approval is sought under the building zone regulations for any building, structure, use or other forms of development, the fire marshal, subject to the concurrence of the traffic authority, may recommend to the town plan and zoning commission that as a condition of approval of such permit it establish a fire lane. In the case of an existing public building or private building devoted to public use, with a capacity of fifty (50) or more people, the fire marshal, subject to the concurrence of the traffic authority, may establish a fire lane by written order and cause a copy of such order to be delivered to the owner, or agents thereof, of such building and the land on which it stands.
(Code 1960, § 2380; Ord. of 9-14-76)

Cross reference—Fire prevention and protection, Ch. 7.

Sec. 12-20. Same—Installation and maintenance.

Upon establishment of a fire lane, the police department shall notify the owner of the signs, markings, and other devices necessary to delineate the fire lane. In the case of a fire lane established as a condition of approval of a special permit with design review, such signs, markings, and other devices shall be acquired and installed by and at the expense of the owner prior to the issuance of a certificate of occupancy. In the case of a fire lane established in connection with an existing building, the police department shall cause such signs, markings,

and other devices to be acquired and installed at town expense. Fire lanes shall be kept free of snow and ice by the owner and all signs, markings, and other devices delineating the fire lane shall be maintained and replaced as necessary by the owner.
(Code 1960, § 2381; Ord. of 9-14-76)

Sec. 12-21. Violation of parking regulations.

(a) Whenever any vehicle is found parked in violation of any of the provisions of this chapter or rule or regulation of the traffic authority which relates to parking, a police officer (or other person empowered by the chief of police) shall attach to such vehicle a notice to the owner or operator thereof stating that such vehicle has been parked unlawfully, identifying which prohibited act(s) have been violated and what the penalty(s) are for the violation(s).

(b) Such owner or operator shall, within ten (10) days of the date when such notice is attached to such vehicle, pay to the town as a penalty for and in full satisfaction of such violation(s), the total fine due as indicated on the notice and in accordance with section 12-25, unless a parking protest form is filed at the police department within the ten-day period, in which case the fine is held in abeyance pending a review and judgment of the protest.
(Code 1960, § 2375; Ord. of 9-14-76; Ord. of 5-26-98)

Sec. 12-22. Parking spaces reserved for handicapped—Establishment.

Whenever a special permit with design review approval is sought under the building zone regulations for any building, structure, use or other forms of development, the local traffic authority may recommend to the town plan and zoning commission that as a condition of approval of such permit, it establish specific handicapped parking spaces, with all such parking spaces designated by special signs bearing the words "Reserved for Handicapped" and a symbolic representation of a handicapped person in a wheelchair. No motor vehicle shall park in such specially marked parking spaces except a motor vehicle registered as a passenger motor vehicle or passenger and commercial motor vehicle and operated by or transporting holders of such cards as described under G.S. § 14-253a. In the case of an existing public building or private building devoted to public use, with a parking lot capacity of ten (10) or more vehicles, the traffic authority may establish specific handicapped parking spaces by written order and cause a copy of such order to be delivered to the owner, or agents thereof, of such building and the land on which it stands.
(Code 1960, § 2382; Ord. of 9-14-76; Ord. of 6-27-78)

Sec. 12-23. Same—Installation and maintenance.

Upon establishment of handicapped parking spaces in connection with an existing parking facility, the local traffic authority shall notify the facility owner of the minimum requirements for signs, markings or other devices necessary to delineate the handicapped parking spaces. Such signs, markings, or other devices shall be acquired and installed at the expense of the town. In the case of handicapped parking established as a condition of a special permit with design review, such signs, markings and/or other devices shall be installed by and at the expense of the owner prior to the issuance of a certificate of occupancy. Handicapped parking

spaces shall be kept free of snow, ice and debris by the owner and all signs, markings and other devices delineating the handicapped parking spaces shall be maintained and replaced as necessary by the owner.
(Code 1960, § 2383; Ord. of 9-14-76; Ord. of 6-27-78)

Sec. 12-24. Impoundment of vehicles.

Whenever any vehicle is found parked in such a manner as to obstruct traffic or in violation of temporary parking prohibitions, it may be removed and conveyed by, or under the direction of, a police officer, by means of towing, or otherwise, to a vehicle pound; provided that, such officer determines that such vehicle is a menace to traffic. The requirements and procedures of proper notice to owners, if known, rights to and conduct of hearings, expenses and charges, disposition of the vehicle and all other actions relative to the towing and impounding of a vehicle shall be in accordance with provisions of the general statutes. The police chief shall designate a vehicle pound whose operator shall furnish to the police chief satisfactory evidence of insurance coverage and shall sign an agreement with the town holding the town harmless from any and all claims for damages arising from the towing or storage of any impounded vehicle.
(Code 1960, § 2384; Ord. of 9-14-76; Ord. of 6-27-78)

Sec. 12-25. Penalties for unlawful parking.

The penalty for overtime parking, parking more than twelve (12) inches from a curb, parking in violation of zoning ordinances, parking in a loading zone, parking within twenty-five (25) feet of an intersection, parking within twenty-five (25) feet of a stop sign, parking within twenty-five (25) feet of a crosswalk, parking within ten (10) feet of a hydrant, parking on a sidewalk or on the side of the street facing oncoming traffic, parking so as to obstruct a driveway or alleyway, parking in a taxi stand area, parking in a marked bus stop, parking in a no parking zone, parking in an intersection, parking double, parking in a no-standing area and all-night parking, as defined in section 12-17 of this article, shall be twenty-five dollars ($25.00). The penalty for parking in a fire lane, for obstructing traffic, parking during emergencies and snowstorms, parking by trespassing on private property, and in violation of temporary parking prohibitions, shall be thirty-five dollars ($35.00). The penalty for parking in a handicapped parking space without a valid state permit as issued by the State of Connecticut Department of Motor Vehicles shall be ninety dollars ($90.00).
(Code 1960, § 2376; Ord. of 9-14-76; Ord. of 6-27-78; Ord. of 5-26-98; Ord. No. 297, 8-26-03)

Secs. 12-26—12-31. Reserved.

DIVISION 2. RESERVED*

Secs. 12-32—12-35. Reserved.

*__Editor's note—__An ordinance of Mar. 8, 1983, dissolved the parking authority, as established by §§ 2331 and 2332 of the 1960 Code, and codified herein as Div. 2, §§ 12-32 and 12-33.

ARTICLE III. ABANDONED OR INOPERABLE VEHICLES*

Sec. 12-36. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Abandoned shall mean having the appearance that the owner does not intend to operate this motor vehicle on the public streets or highways.

Enforcing officer shall mean the town manager or any other town employee he may designate to enforce this article.

Inoperable motor vehicle shall mean any motor vehicle which is currently not capable of being started or legally operated on a public street or highway because of conditions such as, but not limited to: broken windows; absence of engine, transmission wheels or tires; damage due to collision; etc. and shall include automobile parts and disassembled motor vehicles.

Motor vehicle shall mean a machine propelled by power other than human power which is designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck, trailer or motor cycle.

Person shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

Property shall mean any real property within the town which is not a street or highway.

Street or *highway* shall mean every way which is publicly maintained when any part hereof is open to the use of the public for the purpose of vehicular travel.

Town shall mean the Town of Glastonbury.
(Ord. of 2-24-87, § 1)

Cross reference—Rules of construction and definitions generally, § 1-2.

Sec. 12-37. Prohibited; exceptions.

No persons shall abandon any motor vehicle or maintain any inoperable motor vehicle within the town, except that this article shall not apply with regard to:

(1) A vehicle in an enclosed building;

(2) A vehicle on the premises of a business enterprise operated in a lawful place and manner when such vehicle is necessary to the operation of the business enterprise;

(3) A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town; or

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***Editor's note—**Ord. of Feb. 24, 1987, §§ 1—5, did not specifically amend the Code, hence inclusion herein as Art. III, §§ 12-36—12-40, was at the discretion of the editor.

Cross references—Garbage, trash and refuse, Ch. 8; streets, sidewalks and public places, Ch. 17.

(4) A vehicle which is in the active process of being restored to operable condition as determined by the enforcing officer based on observation and information supplied by the owner of said vehicle or property and provided that:

(a) Only one (1) such vehicle shall be permitted at any one (1) time on the property in question; and

(b) Automobile parts used in the restoration must be stored in the vehicle or in a structure.

(Ord. of 2-24-87, § 2)

Sec. 12-38. Notice.

The owner of any motor vehicle which is abandoned or inoperable and which remains unmoved for thirty (30) days after notice, by personal service or by registered mail return receipt requested, shall be subject to a penalty as set forth in section 12-40.

For purpose of this section, the last owner of record of a motor vehicle found abandoned, as shown by the files of the department of motor vehicles, shall be deemed prima facie to have been the owner of such motor vehicle at the time it was abandoned and the person who abandoned the same or caused or procured its abandonment.

Notice shall request the removal of the motor vehicle and shall contain:

(1) A statement that if the motor vehicle is not removed within thirty (30) days of notification, the owner shall be subject to a fine; and

(2) A statement that the owner has a right to contest the validity of such a request to remove by submitting an application to the hearing officer named in such notice within fifteen (15) days of the date of the notice.

(Ord. of 2-24-87, § 3)

Sec. 12-39. Hearings.

Upon the receipt of an application for a hearing, the hearing officer shall promptly schedule a hearing at which the owner of the motor vehicle may produce relevant evidence to show that the vehicle is not abandoned or inoperable within the meaning of this article and the enforcing officer may produce relevant evidence to substantiate his determination regarding the abandoned or inoperable state of the vehicle. The hearing officer shall proceed with reasonable dispatch to conclude any matter before him and render a written decision to both parties. Where a hearing has been requested, nothing in these provisions shall be interpreted as authorizing the imposition of a fine prior to the rendition of the hearing officer's decision, notwithstanding the provisions of section 12-40.

(Ord. of 2-24-87, § 4)

Sec. 12-40. Penalties.

[Any person violating any of the provisions of this article shall be fined in an amount not exceeding ninety dollars ($90.00).]* Each day that a violation of the provisions of this article is committed or permitted to continue beyond the thirty-day notification period provided in section 12-38 shall constitute a separate offense and shall be punishable as such.
(Ord. of 2-24-87, § 5)

**Optional.*

Sec. 12-41. Applicability of state law.

Nothing herein shall be construed to preclude the town from exercising its powers under the provisions of P.A. 86-119 or other state statutes.
(Ord. No. 2-24-87, § 6)

Secs. 12-42—12-50. Reserved.

ARTICLE IV. OBSTRUCTING INTERSECTION

Sec. 12-51. Obstructing intersection.

Pursuant to G.S. § 14-250b, the following intersection(s) are designated for special marking that blocking the intersection is prohibited and that violators shall have committed an infraction:

Griswold Street and Bantle Road

Hebron Avenue and House Street (westbound)

Hebron Avenue and Concord Street (westbound)

The pavement shall be marked and signs posted at those intersections as required by statute.
(Ord. No. 323, 7-12-11)

Chapter 13

OFFENSES AND MISCELLANEOUS PROVISIONS*

Article I. In General

Sec. 13-1. Posting of signs, posters, notices or advertisements.
Sec. 13-2. Damaging, defacing, etc., town property.
Sec. 13-3. Abandoned iceboxes and airtight containers.
Sec. 13-4. Trespassing for target practice.
Sec. 13-5. Removal of dog litter
Secs. 13-6—13-15. Reserved.

Article II. Minors

Division 1. Curfew

Sec. 13-16. Time limits.
Sec. 13-17. Responsibility of parents and guardians.
Sec. 13-18. Investigations by police.
Sec. 13-19. Penalties.

Division 2. Reserved

Secs. 13-20—13-30. Reserved.

Article III. Alarm Systems

Sec. 13-31. Purpose.
Sec. 13-32. Definitions.
Sec. 13-33. Registration required; application; fee; transferability; false statements.
Sec. 13-33.1. Alarm registration duration and renewal.
Sec. 13-34. Duties of the alarm user.
Sec. 13-35. Duties of alarm installation company and monitoring company.
Sec. 13-36. Duties and authority of the alarm administrator.
Sec. 13-37. Surcharges.
Sec. 13-38. Notification.
Sec. 13-39. Suspension of response.
Sec. 13-40. Appeals.
Sec. 13-41. Reinstatement.
Sec. 13-42. Enforcement and penalties.
Sec. 13-43. Confidentiality.
Sec. 13-44. Government immunity.
Sec. 13-45. Severability.

***Cross references—**General penalty for Code violations, § 1-10; administration, Ch. 2; alcoholic beverages, Ch. 3; animals and fowl, Ch. 4; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 7; motor vehicles and traffic, Ch. 12; police, Ch. 16; streets, sidewalks and public places, Ch. 17.

State law reference—General powers of town, G.S. § 7-148.

Secs. 13-46—13-49. Reserved.

Article IV. Prohibition of Natural Gas Waste from Natural Gas or Oil Extraction Activities

Sec. 13-50. Purpose.
Sec. 13-51. Definitions.
Sec. 13-52. Prohibitions.
Sec. 13-53. Bid specifications of the town related to the construction, repair or maintenance of town owned and/or maintained roads or real property within the town.
Sec. 13-54. Fines and penalties.
Sec. 13-55. Severability.
Sec. 13-56. Effective date.

ARTICLE I. IN GENERAL

Sec. 13-1. Posting of signs, posters, notices or advertisements.

No signs, posters, notices or advertisements shall be posted on any town-owned property or within the town right-of-way, except with the permission of the town manager or his authorized agent. This section shall not apply to any sign(s) regulated by section 10 of the building zone regulations.
(Code 1960, § 173; Ord. No. 318, 4-13-10)

Sec. 13-2. Damaging, defacing, etc., town property.

It shall be unlawful for any person to willfully or maliciously deface, destroy, knock down, remove, or otherwise tamper with any building, structure, street, sidewalk, or other improvement or property owned or maintained by the town or located on property owned by the town.
(Code 1960, § 1161)

State law reference—Similar provisions, G.S. § 53-215.

Sec. 13-3. Abandoned iceboxes and airtight containers.

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or in any unoccupied building under his or its control in a place accessible to children, any abandoned, unattended or discarded iceboxes, refrigerators or container which has an airtight door or lid, snaplock, or other locking device, without first removing such door or lid, snaplock or other device from such icebox, refrigerator or other container.
(Code 1960, § 1321)

Sec. 13-4. Trespassing for target practice.

(a) No person, knowing that he is not permitted or privileged to do so, shall enter or remain in or on any premises in the town for the purpose of using any form of weapon capable of discharging a shot or projectile in target practice against any manmade or natural object. Any person found guilty of committing such an offense shall be subject to punishment as provided in section 1-10 of this Code for each such offense.

(b) The affirmative defenses available in prosecutions for criminal trespass pursuant to G.S. § 53a-110, as the same may be amended from time to time, shall be available as affirmative defenses in any prosecution for violation of this section.

(c) Nothing in this section is intended to cover the subject matter of any state statute, including but not by way of limitation, G.S. § 53a-109.
(Code 1960, § 1960; Ord. of 6-14-77)

Sec. 13-5. Removal of dog litter

(a) It shall be unlawful for any person owning, keeping, walking or in control of any dog to allow or permit such dog to defecate upon any private property owned by another person, condominium common elements, or public property, including but not limited to parks and school grounds unless such person shall remove all feces so deposited by such dog before leaving the immediate premises.

(b) Any violation of this section shall be punishable by a fine of twenty-five dollars ($25.00) for the first offense, fifty dollars ($50.00) for the second offense, and ninety dollars ($90.00) for all subsequent offenses.

(c) Exceptions. The provisions of this section shall not apply to a guide dog accompanying any blind person.
(Ord. of 4-11-00)

Secs. 13-6—13-15. Reserved.

ARTICLE II. MINORS*

DIVISION 1. CURFEW†

Sec. 13-16. Time limits.

It shall be unlawful for any minor under the age of sixteen (16) years to loiter, idle, wander, stroll or play on the streets, or be in any theater or other public place in the town between the hours of 9:00 p.m. standard time and 4:00 a.m. of the following day, standard time, unless such child is accompanied by his parent or guardian, or other adult person or persons into whose care and custody such child shall have been committed by his parents or guardian, or unless such child shall have on his person written authorization from his parent, guardian, or other adult person as above described, such authorization to state the destination of such child and the time when such child shall return to his home.
(Code 1960, § 1101)

Sec. 13-17. Responsibility of parents and guardians.

Any parent, guardian or other person having custody of any child under eighteen (18) years of age who shall omit to exercise reasonable diligence in the control of such child to prevent such child from becoming a juvenile delinquent or from becoming a child in need of the care and protection of the state, as defined by G.S. § 17-53, or who shall permit such child to

*__Editor's note—__At the discretion of the editor, the title of Art. II has been changed from "curfew for minors" to "minors" in order to accommodate inclusion of provisions pertaining to possession of alcohol by minors; and the provisions of Art. II have been designated as Art. II, Div. 1.

__Cross reference—__Youth and family resources commission, § 2-226 et seq.

†__Note—__See the editor's note at Art. II.

associate with vicious, immoral or disorderly persons, or to beg or solicit alms, or to wander about the streets of any city, town or village late at night without being engaged in any lawful business or to furnish entertainment for gain upon the streets or in any public place, or to be an habitual truant from school, or to enter or remain within any disreputable house or any place where gambling is carried on, or to enter any place where the morals of such child may be endangered or depraved or may be likely to be impaired, and any such person or any other person who knowingly shall be responsible for such conduct or conditions which may cause any child under the age of eighteen (18) years to be adjudged a juvenile delinquent or to be in need of the care and protection of the state, shall be in violation of this article.
(Code 1960, § 1102)

Sec. 13-18. Investigations by police.

The police department of the town shall make an investigation of home conditions of all minors under the age of eighteen (18) years who are convicted under any existing state statute, or local ordinance, except such as shall be concerned with the operation of a motor vehicle, to determine whether the parents, legal guardians, or other adult person into whose care and custody such child shall have been committed by its parent or guardian, shall themselves be charged with a violation of any existing state statute or local law.
(Code 1960, § 1103)

Sec. 13-19. Penalties.

Any minor violating the provisions of this article shall be dealt with in accordance with juvenile court law and procedure. Any parent, guardian, or other adult person having the care and custody of a minor, violating this article shall be subject to punishment as provided in section 1-10 of this Code.
(Code 1960, § 1104)

DIVISION 2. RESERVED*

Secs. 13-20—13-30. Reserved.

ARTICLE III. ALARM SYSTEMS†

Sec. 13-31. Purpose.

(a) The purpose of this article is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms.

***Editor's note—**Ord. No. 318, adopted Apr. 13, 2010, deleted Div. 2, §§ 13-20—13-24 which pertained to possession of alcohol and derived from Ord. of 4-27-99; Ord. of 7-11-00.

†**Editor's note—**Ord. No. 303, adopted June 22, 2004, amended art. III in its entirety to read as herein set out. Former art. III, §§ 13-31—13-39, pertained to emergency reporting equipment and procedures and derived from Code 1960 § 1910.0—1918.0; and Ord. of Mar. 12, 1973.

(b) This article governs alarm systems intended to summon police response, and requires registration, establishes fees, provides for surcharges for violations, establishes a system of administration, and sets conditions for suspension of police response or revocation of registration.
(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm means a signal warning of danger, intrusion or a potentially harmful event.

Alarm administrator means a person or persons designated by the town manager to administer, control and enforce the provisions of this article.

Alarm installation company means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in an alarm site.

Alarm dispatch request means a notification to the police department that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm registration means authorization granted by the alarm administrator to an alarm user to operate an alarm system.

Alarm site means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

Alarm system means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon the police department, and including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

Alarm user means any person occupying or having control over an alarm site who (which) has contracted for monitoring, repair, installation or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns or operates an alarm System which is not monitored, maintained or repaired under contract.

Cancellation means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the police department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request.

Conversion means the transaction or process by which one alarm installation company or monitoring company begins the servicing and/or monitoring of a previously unmonitored alarm system or an alarm system previously serviced and/or monitored by another alarm company.

Customer file alarm prevention list means a checklist of important statements, acknowledgements and understandings, as developed from time to time by the alarm administrator, to be signed by one (1) alarm user to help prevent false alarms.

Duress alarm means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires police response.

False alarm means an alarm dispatch request to the police department, when the responding police officer(s) find no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.

Hearing officer means the person designated from time to time by the Glastonbury Town Manager to hear appeals in accordance with section 13-40 herein.

Holdup alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Local alarm system means any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.

Monitoring means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the police department for the purpose of summoning police to the alarm site.

Monitoring company means a person(s) in the business of providing monitoring services.

One Plus Duress Alarm means the manual activation of a silent alarm signal by entering at an arming station a code that adds 1 to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235)

Panic alarm means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring police response.

Person means an individual, corporation, partnership, association, organization or similar entity.

Police department means the Town of Glastonbury Police Department.

Responder means an individual capable of reaching the alarm site within twenty (20) minutes and having access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

SIA Control Panel Standard CP-01 means the ANSI-American National Standard Institute approved Security Industry Association-SIA CP-01 Control Panel Standard, as may be

updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms.

Takeover means the transaction or process by which an alarm user takes over control of an existing alarm system, which was previously controlled by another alarm user.

Verify means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting police dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this article, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an Alarm User who can properly identify themselves to determine whether an alarm signal is valid before requesting police dispatch.

Zones means division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.
(Ord. No. 303, 6-22-04)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-33. Registration required; application; fee; transferability; false statements.

(a) No alarm user shall operate, or cause to be operated, an alarm system at any alarm site without a valid alarm registration. A separate alarm registration is required for each alarm site.

(b) The fee for an alarm registration or an alarm registration renewal is set forth below and shall be paid by the alarm user. No refund of a registration or registration renewal fee will be made. The initial alarm registration fee must be submitted to the alarm administrator within five (5) business days after the alarm system installation or alarm system takeover.

(1)	Registration fees	$25.00
(2)	Renewal fees	10.00

(c) Upon receipt of a completed alarm registration application form and the alarm registration fee, the alarm administrator shall register the applicant unless the applicant has:

(1) Failed to pay any fees or any surcharge fees assessed under section 13-37; or

(2) Had an alarm registration for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(d) Each alarm registration application must include all information requested by the alarm administrator, including, but not limited to:

(1) The name, complete address (including apt/suite number), email address, if any, and telephone numbers of the person who shall be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this section;

(2) The classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) or commercial;

(3) For each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarms or other) whether such alarm is audible or silent;

(4) Mailing address, if different from the address of the alarm site;

(5) Any dangerous or special conditions present at the alarm site;

(6) Names and telephone numbers of at least two (2) individuals who are able and have agreed to:

a. Receive notification of an alarm system activation at any time;

b. Respond to the alarm site within twenty (20) minutes at any time; and

c. Upon request can grant access to the alarm site and deactivate the alarm system if necessary;

(7) Type of business conducted at a commercial alarm site;

(8) An acknowledgement that police response may be influenced by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(e) Any knowingly false statement made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.

(f) An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any of the information listed on the alarm registration application within five (5) business days of such change.

(g) All fees and surcharges owed by an applicant must be paid before an alarm registration may be issued or renewed.

(Ord. No. 303, 6-22-04; Ord. No. 310, 11-22-05)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-33.1. Alarm registration duration and renewal.

An alarm registration shall expire on September 30 of each year commencing September 30, 2005, and must be renewed annually by submitting an updated application and a registration renewal fee to the alarm administrator. It is the responsibility of the alarm user to submit a

renewal application prior to the registration expiration date. Failure to renew will be classified as use of a non-registered alarm system and fees and surcharges shall be assessed. An additional ten-dollar late fee shall be assessed if the renewal is more than thirty (30) days late. (Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-34. Duties of the alarm user.

(a) An alarm user shall:

(1) Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;

(2) Make every reasonable effort to have a responder to the alarm system's location within twenty (20) minutes when requested by the police department in order to:

a. Deactivate an alarm system;

b. Provide access to the alarm site; and/or

c. Provide alternative security for the alarm site.

(3) Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

(b) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten (10) minutes after being activated.

(c) An alarm user shall have an alarm installation company inspect the alarm system after two (2) false alarms in a one-year period. The alarm administrator may waive a required inspection if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system. After four (4) false alarms within a one-year period, the alarm user must have an alarm installation company modify the alarm system to be more false alarm resistant or provide additional user training as appropriate.

(d) An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

(e) All alarm users shall agree with their alarm installation company and/or monitoring company to go through an "acclimation period" for the first seven (7) days after installation of an alarm system during which time the alarm installation company and/or monitoring company will have no obligation to and will not respond to any alarm signal from the alarm site and will not make an alarm dispatch request to the police department.
(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-35. Duties of alarm installation company and monitoring company.

(a) The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

(b) Upon the effective date of this article, alarm installation companies shall not program alarm systems so that they are capable of sending One Plus Duress Alarms. Monitoring companies may continue to report One Plus Duress Alarms received from alarm systems programmed with One Plus Duress Alarms prior to enactment of this article. However, upon the effective date of this article, when a takeover or conversion occurs or if an alarm user requests an alarm system inspection or modification pursuant to subsection 13-34(c), an alarm installation company must remove the One Plus Duress Alarm capability from such alarm systems.

(c) Upon the effective date of this article, alarm installation companies shall not install a device to activate a holdup alarm, which is a single action, non-recessed button.

(d) Ninety (90) days after enactment of this article, the alarm installation companies shall, on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(e) After completion of the installation of an alarm system, an alarm installation company employee or representative shall review with the alarm user a customer false alarm prevention checklist approved by the alarm administrator.

(f) The monitoring company shall not make an alarm dispatch request of the police department in response to a burglar alarm signal, excluding panic, duress and holdup signals, during the first seven (7) days following an alarm system installation. The alarm administrator may grant an alarm user's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.

(g) A monitoring company shall:

(1) Report alarm signals by using telephone numbers designated by the alarm administrator;

(2) Verify every alarm signal, except a duress or holdup alarm activation before requesting a police department response to an alarm system signal;

(3) Communicate alarm dispatch requests to the police department in a manner and form determined by the alarm administrator;

(4) Communicate cancellations to the police department in a manner and form determined by the alarm administrator;

(5) Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the duress, holdup or panic alarm;

(6) Communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the alarm dispatch request;

(7) Communicate type of alarm activation (silent or audible, interior or perimeter);

(8) After an alarm dispatch request, promptly advise the police department if the monitoring company knows that the alarm user or the responder is on the way to the alarm site;

(10) Attempt to contact the alarm user or responder within twenty-four (24) hours via mail, fax, telephone or other electronic means when an alarm dispatch request is made; and

(11) Upon the effective date of this article, monitoring companies must maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to alarm dispatch requests. Records must include the name, address and telephone number of the alarm user, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of attempts to verify. The alarm administrator may request copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the monitoring company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the monitoring company shall furnish the requested records within thirty (30) days of receiving the request.

(h) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the alarm administrator of such purchase and provide details as may be reasonably requested by the alarm administrator.
(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-36. Duties and authority of the alarm administrator.

(a) The alarm administrator shall:

(1) Designate a manner, form and telephone numbers for the communication of alarm dispatch requests; and

(2) Establish a procedure to accept cancellation of alarm dispatch requests.

(b) The alarm administrator shall establish a procedure to record such information on alarm dispatch requests necessary to permit the alarm administrator to maintain records, including, but not limited to, the information listed below:

(1) Identification of the alarm site;

(2) Date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator name or number;

(3) Date and time of police department officer arrival at the alarm site;

(4) Zone and zone description, if available;

(5) Weather conditions;

(6) Name of alarm user's representative at alarm site, if any;

(7) Identification of the responsible alarm installation company or monitoring company;

(8) Whether a police officer was unable to locate the address of the alarm site; and

(9) Cause of alarm signal, if known.

(c) The alarm administrator shall establish a procedure for the notification to the alarm user of a false alarm. The notice shall include the following information:

(1) The date and time of law enforcement response to the false alarm;

(2) The identification number of the responding police officer; and

(3) A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting fees and surcharges.

(d) The alarm administrator may require a conference with an alarm user and the alarm installation company and/or monitoring company responsible for the repair or monitoring of the alarm system to review the circumstances of each false alarm.

(e) The alarm administrator may require an alarm user to remove a holdup alarm that is a single action, non-recessed button, if a false holdup alarm has occurred.

(f) The alarm administrator will make a copy of this article and/or an ordinance summary sheet available to the alarm user.
(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-37. Surcharges.

(a) An alarm user shall be subject to surcharges, depending on the number of false alarms within any twelve-month period based upon the following schedule:

False Alarm Surcharges Per Incident

No. of False Alarms	*Surcharges*
1	0
2	0
3	$ 75.00
4	$100.00
5	$125.00
6 or more	$200.00

(b) In addition, any person operating a non-registered alarm system will be subject to a surcharge of one hundred dollars ($100.00) for each false alarm in addition to any other surcharges. The alarm administrator may waive one-half of this additional surcharge for a non-registered system if the alarm user submits an application for alarm registration within ten (10) days after of notification of such violation.

(c) If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm for the purpose of surcharges, and no surcharges will be assessed.

(d) The alarm installation company shall be assessed a surcharge of one hundred dollars ($100.00) if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.

(e) The monitoring company shall be assessed a surcharge of one hundred dollars ($100.00) for each failure to verify alarm system signals as specified in subsection 13-35(g)(2).

(f) The alarm installation company shall be issued a surcharge of two hundred dollars ($200.00) if the alarm administrator determines that an alarm installation company employee or representative knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.

(g) Notice of the right of appeal under this article will be included with any surcharges to be assessed.

(Ord. No. 303, 6-22-04; Ord. No. 310, 11-22-05)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-38. Notification.

The alarm administrator or responding police officer shall notify the alarm user in writing after each false alarm. The notification shall include: the surcharge schedule for false alarms; the fact that response may be suspended after the seventh false alarm, excluding duress, holdup and panic alarms and a description of the appeals procedure available to the alarm user.

The alarm administrator shall provide specific notice to the alarm user and the alarm installation company or monitoring company where a surcharge or suspension of response is to be imposed.

(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-39. Suspension of response.

(a) The alarm administrator may suspend police department response to an alarm site by revoking the alarm registration if it is determined that:

(1) The alarm user has seven (7) more false alarms in any twelve-month period; or

(2) There is a knowingly false statement in the application for a registration; or

(3) The alarm user has failed to make payment within thirty (30) days of any fee or surcharge assessed under section 13-37 or a fee assessed under section 13-3; or

(4) The alarm user has failed to submit a written certification from an alarm installation company that complies with the requirements of this section, stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm installation company.

(b) An alarm user commits a violation if he/she operates an alarm system during the period in which the alarm registration is revoked and is subject to enforcement and surcharges set in sections 13-37 and 13-42. A monitoring company commits a violation if it continues alarm dispatch requests to an alarm site after notification by the alarm administrator that the registration has been revoked.

(c) Unless there is separate indication that there is a crime in progress, the police department will refuse police response to an alarm dispatch request at an alarm site for which the alarm registration is revoked.

(d) If the alarm registration is reinstated pursuant to section 13-41, the alarm administrator may again suspend law enforcement response to the alarm site by again revoking the alarm registration if it is determined that two (2) false alarms have occurred within ninety (90) days after the reinstatement date.
(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-40. Appeals.

(a) If the alarm administrator assesses a surcharge or denies or revokes the issuance, renewal or reinstatement of an alarm registration, the alarm administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or alarm user and the alarm installation company and/or monitoring company.

(b) The alarm user, alarm installation company or monitoring company, as the case may be, may appeal an assessment of a surcharge or the non-renewal or revocation of an alarm registration to the alarm administrator by setting forth in writing the reasons for the appeal within fifteen (15) business days after receipt of the assessment of a surcharge or notice of revocation or non-renewal.

(c) The alarm user or the alarm installation company or monitoring company may appeal the decision of the alarm administrator to the hearing officer as follows:

(1) The alarm user, alarm installation company or the monitoring company may file a written request for a review by paying an appeal fee of twenty-five dollars ($25.00) and setting forth the reasons for the appeal within twenty (20) business days after the date

of notification of the decision from the alarm administrator. Appeal fees shall be returned to the appealing alarm user, alarm installation company or monitoring company if the appeal is upheld.

(2) The hearing officer shall conduct a hearing within thirty (30) days of the receipt of the request. The hearing shall be informal in nature. The person requesting the hearing may testify concerning the facts, circumstances and nature of his/her appeal and may present supporting documentation.

The hearing officer shall render a written decision within fifteen (15) days of the hearing. The decision will either affirm or reverse the decision of the alarm administrator.

(d) Filing of a request for appeal shall stay the action by the alarm administrator revoking an alarm registration or requiring payment of a surcharge, until the hearing officer has completed his review. If a request for appeal is not made within the twenty-business day period, the action of the alarm administrator is final.

(e) The alarm administrator or hearing officer may adjust the count of false alarms based on:

(1) Evidence that a false alarm was caused by an Act of God;

(2) Evidence that a false alarm was caused by action of the telephone company;

(3) Evidence that a false alarm was caused by a power outage lasting longer than four (4) hours;

(4) Evidence that the alarm dispatch request was not a false alarm; and/or

(5) In determining the number of false alarms, multiple alarms occurring in any twenty-four-hour period shall be counted as one (1) false alarm; to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.

(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-41. Reinstatement.

(a) A person whose alarm registration has been revoked may, at the discretion of the alarm administrator or the hearing officer, as applicable, have the alarm registration reinstated by the alarm administrator if the person:

(1) Submits a new application and pays a fifty-dollar reinstatement fee;

(2) Pays, or otherwise resolves, all outstanding fees and surcharges; and

(3) Submits a certification from an alarm installation company, stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company;

(b) In addition, the alarm administrator may require one (1) or more of the following as a condition to reinstatement:

(1) Proof that an employee or representative of the alarm installation company or monitoring company caused the false alarm;

(2) Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;

(3) A written statement from an independent inspector designated by the alarm administrator that the alarm system has been inspected and is in good working order;

(4) Confirmation that all motion detectors are "dual technology" type;

(5) Confirmation that the alarm system requires two (2) independent zones to trigger before transmitting an alarm signal to the monitoring company;

(6) Confirmation that the alarm system requires two (2) independent detectors to trigger before transmitting an alarm signal to the monitoring company;

(7) Certification that the monitoring company will not make an alarm dispatch request unless the need for police response is confirmed by a listen-in device;

(8) Certification that the monitoring company will not request an alarm dispatch unless the need for police response is confirmed by a camera device; or

(9) Certification that the monitoring company will not make an alarm dispatch request unless the need for police response is confirmed by a person at the alarm site.

(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-42. Enforcement and penalties.

Enforcement of this article may be by civil action as provided in the Connecticut General Statutes.

(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-43. Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications and applications for appeals shall be held in confidence by all employees, representatives and agents of the Town of Glastonbury to the extent allowable by applicable state and federal laws.

(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-44. Government immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of police response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.
(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Sec. 13-45. Severability.

The provisions of this article are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.
(Ord. No. 303, 6-22-04)

Note—See editor's note for Ch. 13, Art. III, found at the bottom of page CD13:5, for former derivation of Ch. 13, Art. III.

Secs. 13-46—13-49. Reserved.

ARTICLE IV. PROHIBITION OF NATURAL GAS WASTE FROM NATURAL GAS OR OIL EXTRACTION ACTIVITIES

Sec. 13-50. Purpose.

The purpose of this article is to protect, preserve and promote public health, safety and welfare and the environment by prohibiting within the town natural gas waste and oil waste from natural gas extraction activities or oil extraction activities pursuant to G.S. § 7-148.
(Ord. No. 336, 9-12-17)

Sec. 13-51. Definitions.

For the purposes of this article, the following words, terms and phrases shall have the meanings respectively ascribed to them by this section, except where the context clearly indicates a different meaning:

Application shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the town.

Hydraulic fracturing shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.

Natural gas extraction activities shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.

Natural gas waste shall mean:

(1) Any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;

(2) Leachate from solid wastes associated with natural gas extraction activities;

(3) Any waste that is generated as a result of or in association with the underground storage of natural gas;

(4) Any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and

(5) Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

Oil extraction activities shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited to, core and rotary drilling and hydraulic fracturing.

Oil waste shall mean:

(1) Any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;

(2) Leachate from solid wastes associated with oil extraction activities; and

(3) Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

(Ord. No. 336, 9-12-17)

Sec. 13-52. Prohibitions.

(a) The application of natural gas waste or oil waste, whether or not such waste has received beneficial use determination or other approval for use by DEEP (Department of Energy and Environmental Protection) or any other regulatory body, on any road or real property located within the town for any purpose is prohibited.

(b) The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the town is prohibited.

(c) The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the town is prohibited.

(d) The storage, disposal, sale, acquisition, handling, transfer, treatment and/or processing of natural gas waste or oil waste from natural gas extraction activities or oil extraction activities is prohibited within the town.
(Ord. No. 336, 9-12-17)

Sec. 13-53. Bid specifications of the town related to the construction, repair or maintenance of town owned and/or maintained roads or real property within the town.

All bid specifications of the town related to either:

(1) The purchase or acquisition of materials by the town to be used to construct, repair or maintain any town owned and/or maintained road or real property within the town; or

(2) The performance of services for the town to construct, repair or maintain any town owned and/or maintained road or real property within the town;

shall include a requirement that each bidder shall provide a certification to the town in its bid response that, in connection with the bid and if it is awarded the purchase order or contract by the town, in connection with any purchase order or contract, it shall not be in violation of any provision of section 13-52 of this article.
(Ord. No. 336, 9-12-17)

Sec. 13-54. Fines and penalties.

In response to a violation of any provision of section 13-52 of this article, the town may impose the following fines and penalties:

(1) A fine of two hundred fifty dollars ($250.00) for each separate offense or violation.

(2) The town is also authorized to take any other action, or exercise any other remedy or assess any other fines or penalties as may be allowed or permitted at law or in equity.

(3) Any and all remedies shall be cumulative and two (2) or more remedies may be exercised at the same time.
(Ord. No. 336, 9-12-17)

Sec. 13-55. Severability.

The provisions of this article are hereby declared to be severable. If any clause, sentence, paragraph, subdivision, section or part of this article or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder of this article, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of

this article or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.
(Ord. No. 336, 9-12-17)

Sec. 13-56. Effective date.

This article shall become effective ten (10) days after publication in a newspaper having substantial, continuous circulation within the town.
(Ord. No. 336, 9-12-17)

Chapter 14

PARKS AND RECREATION*

Article I. In General

Sec. 14-1. Use of motorboats and other motor-driven vessels and devices on Diamond Lake prohibited.
Secs. 14-2—14-15. Reserved.

Article II. Recreation Commission

Sec. 14-16. Appointment.
Sec. 14-17. Duties.
Sec. 14-18. Recommendation of fees for use of facilities.
Secs. 14-19—14-30. Reserved.

Article III. Recreational Areas Use Regulations

Division 1. Generally

Sec. 14-31. Definitions.
Sec. 14-32. Damaging, defacing, etc., park property.
Sec. 14-33. Wildlife.
Sec. 14-34. Picnicking and camping.
Sec. 14-35. Sanitation.
Sec. 14-36. Recreational activities.
Sec. 14-37. Traffic regulations.
Sec. 14-38. Consumption or possession of alcoholic beverages; entering park in intoxicated condition.
Sec. 14-39. Allowing dogs to run at large prohibited.
Sec. 14-40. Building fires restricted.
Sec. 14-41. Dropping matches, cigarettes, burning material, etc., prohibited.
Sec. 14-42. Disorderly conduct.
Sec. 14-43. Peddling.
Sec. 14-44. Operating policies.
Sec. 14-45. Permits.
Secs. 14-46—14-53. Reserved.

Division 2. Cotton Hollow Preserve

Sec. 14-54. Operating policies.
Secs. 14-55—14-60. Reserved.

***Charter reference—**Authority to establish commissions, § 802.

Cross references—Administration, Ch. 2; motor vehicles and traffic, Ch. 12; planning, Ch. 15; streets, sidewalks and public places, Ch. 17.

State law references—Authority to establish, operate and maintain parks and recreation facilities, G.S. 7-148(c)(6)(A)(i); park and recreation capital and nonrecurring expense fund authorized, G.S. 7-129a.

Division 3. Great Pond Preserve

Sec. 14-61. Operating policies.
Secs. 14-62—14-70. Reserved.

Division 4. Addison Bog and Woodlands, and Buckingham Park (also referred to as "Buckingham Recreation Area")

Sec. 14-71. Addison Bog and Woodlands operating policies.
Sec. 14-72. Buckingham Park (Also referred to as "Buckingham Recreation Area").
Secs. 14-73—14-83. Reserved.

Article IV. Tobacco-Free and Smoke-Free Recreation Areas

Sec. 14-84. Purpose; legislative authority.
Sec. 14-85. Definitions.
Sec. 14-86. Prohibition against using tobacco products or smoking in recreation areas.
Sec. 14-87. Penalties for offenses.
Sec. 14-88. Posting of signs.
Sec. 14-89. Designation of smoking and tobacco use areas for certain events.

ARTICLE I. IN GENERAL

Sec. 14-1. Use of motorboats and other motor-driven vessels and devices on Diamond Lake prohibited.

No person shall use, keep, maintain or operate any inboard or outboard motorboat or other motor-driven vessel or device whatsoever on Diamond Lake.
(Code 1960, § 1780; Ord. of 2-13-73)

Secs. 14-2—14-15. Reserved.

ARTICLE II. RECREATION COMMISSION

Sec. 14-16. Appointment.

There shall be a recreation commission of the town consisting of six (6) members appointed by the town council.
(Code 1960, § 1701)

Sec. 14-17. Duties.

The recreation commission shall maintain, improve and supervise the use of such facilities for recreation as the town may provide and shall administer all funds appropriated for recreation by the town.
(Code 1960, § 1702)

Sec. 14-18. Recommendation of fees for use of facilities.

The recreation commission may periodically recommend a schedule of fees for the use of recreational facilities owned and operated by the town.
(Code 1960, § 1703; Ord. of 7-24-74; Ord. of 11-12-74; Ord. of 6-22-76; Ord. of 10-24-95)

Secs. 14-19—14-30. Reserved.

ARTICLE III. RECREATIONAL AREAS USE REGULATIONS

DIVISION 1. GENERALLY

Sec. 14-31. Definitions.

For the purposes of this article, the following terms, phrases and words shall have the meaning given in this section:

Commission is the Glastonbury Inland Wetlands and Watercourses Agency/Conservation Commission.

Park is any town-owned land or open space other than those areas designated as a preserve below.

Preserve is either the Cotton Hollow Preserve or the Great Pond Preserve.

Public access easements are areas dedicated for the purpose of providing egress to/from parks and preserves and shall be considered a part of a park or preserve.

Stewardship committee is the Great Pond Stewardship Committee as established by the management agreement for Great Pond Preserve executed by and between the Town of Glastonbury and the Nature Conservancy of Connecticut, Inc., on September 3, 1991.

TNC is the Nature Conservancy of Connecticut, Inc.

Town is the Town of Glastonbury within the State of Connecticut.

Town manager is the chief executive of the town and an "authorized agent" is any town employee appointed by the town manager.

Vehicle is any conveyance, whether wheeled or not, that is motor-powered, animal-drawn. As herein defined, the term "vehicle" does not include wheelchairs or other mobility devices utilized by handicapped individuals.
(Code 1960, § 1750.0(b), (d), (e); Ord. of 3-22-65; Ord. of 5-10-71; Ord. of 5-27-97; Ord. No. 318, 4-13-10)

Cross reference—Rules of construction and definitions generally, § 1-2.

Sec. 14-32. Damaging, defacing, etc., park property.

(a) No person shall willfully mark, deface, disfigure, injure, tamper with, or displace or move any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines, or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, boundary markers, fences, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal, in either a park or preserve.

(b) No person shall dig or remove any sand, soil, rock, stones, trees, shrubs, plants, down-timber, or other wood or materials or make any excavation by tool, equipment, or other means or agency, in either a park or preserve.

(c) No person shall damage, cut, carve, transplant, remove or injure the bark or pick the flowers or seeds of any tree or plant, and no person shall dig in or otherwise injure or impair the natural beauty or usefulness of any area in either a park or preserve.

(d) No person shall climb any tree or walk, stand or sit upon monuments, railings, fences, or any other property not designated or customarily used for such purposes in either a park or preserve.

(e) Nothing in this section shall prevent the town manager or his authorized agents from carrying out proper maintenance of a park or preserve, constructing facilities and improvements as authorized by responsible town agencies, or issuing special permission to groups, both public and private, to carry out projects of an educational, historical, conservation or recreational nature.
(Code 1960, § 1751.0; Ord. of 3-22-65; Ord. of 5-27-97)

Sec. 14-33. Wildlife.

(a) *Hunting, molesting, etc.* Except as provided in subsection (e) no person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile, or bird; nor shall he/she remove, collect, or have in his/her possession the young of any animal, or the eggs, nest or young of any reptile or bird in either a park or preserve; with the exception of authorized persons only who may remove sick, injured or dangerous animals and reduce, eliminate or otherwise control nuisance species.

(b) *Poisoning.* No person shall give, offer, or attempt to give any animal, bird, or reptile any poison or other known noxious substance in either a park or preserve.

(c) *Fishing.* Subject to state and local laws and regulations, fishing shall be permitted in either a park or in the Cotton Hollow Preserve only in those waters designated by the town manager or his authorized agent; the use of bait fish, or of nets or seins is expressly prohibited. Fishing is not permitted within the Great Pond Preserve.

(d) *Use of firearms and weapons.* Except as provided in subsection (e) no person shall hunt, trap, or pursue wildlife at any time in a park or preserve and no person shall use, carry or possess firearms, air-rifles, spring guns, bows and arrows, slings, or any kind of trapping device, or any other weapons potentially inimical to wildlife and dangerous to human safety, with the exception of authorized persons who may hunt and trap to remove sick, injured or dangerous animals and to reduce or eliminate nuisance species.

(e) Hunting may be permitted on town owned land as designated by the town manager/ town council provided the Town of Glastonbury and Department of Environmental Protection have entered into all necessary agreements related to such land pursuant to G.S. § 26-16, or any regulation promulgated thereunder, and the town has entered into an agreement with the sponsoring Sportman's Club for management and administration of the DEP permit required hunting program. The town shall not collect any charge, rent, fee or other commercial service for the use of any such land.
(Code 1960, § 1752.0; Ord. of 3-22-65; Ord. of 5-10-71; Ord. of 5-27-97; Ord. of 9-26-00)

Sec. 14-34. Picnicking and camping.

(a) No person shall picnic in an area in a park other than those designated for the purpose, nor shall he fail to obey directions of the town manager or his authorized agent when issued to prevent congestion and secure maximum use of such areas. Picnicking and cookouts are not permitted in a preserve.

(b) No person shall use any portion of the picnic areas in a park or any buildings or structures therein for the purpose of picnicking to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if facilities are crowded, except as expressly permitted by the town manager or his authorized agent.

(c) No one shall build or attempt to build a fire in a park or preserve except in fireplaces at designated picnic areas in a park or at such other locations as may be specifically permitted by the town manager or his authorized agent.

(d) No person shall leave a picnic area in a park before any fire lighted or used by him is completely extinguished.

(e) No person shall camp in areas in a park other than those designated for camping and unless a special permit has been obtained from the town manager or his authorized agent, such permits to be issued only to organized youth groups. Camping shall not be permitted in a preserve.
(Code 1960, § 1753.0; Ord. of 3-22-65; Ord. of 5-27-97)

Sec. 14-35. Sanitation.

(a) All persons shall use restrooms as provided in a park and shall cooperate in maintaining restrooms in a neat and sanitary condition.

(b) No person shall throw, discharge, or otherwise place or cause to be placed in any streams, springs, or ponds in a park or preserve, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters or present a health risk.

(c) No person shall dump or deposit bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash in a park or preserve.

(d) No person shall leave any such trash or refuse in a park or preserve that may originate from picnicking or other activities, except in proper receptacles provided for the purpose; where receptacles are not provided, all such refuse or trash shall be carried away from a park or preserve by the person responsible for its presence and properly disposed of elsewhere.

(e) The use of public drinking water faucets in a park for any washing purposes is prohibited.
(Code 1960, § 1754.0; Ord. of 3-22-65; Ord. of 5-27-97)

Sec. 14-36. Recreational activities.

(a) No person shall swim, bathe, or wade in any springs, streams, or ponds in a park or preserve except at such times and in such places as the town manager or his authorized agent may designate by proper signs or notices or as specifically authorized by a special permit issued by the town manager or agent. Any person swimming, wading, or bathing at either times or places not so designated by the town manager or his authorized agent shall do so at his own risk and the town shall not assume any responsibility whatsoever for any such activity which may be carried on.

(b) No person shall take part in or abet the playing of any game in a park or preserve involving horseshoes, golf, arrows, stones, balls, or other propelled objects except in areas set apart for such activities in a park.

(c) No person shall ride a horse except on designated bridle paths. No riding of horses into streams or ponds shall be permitted. Except as permitted by the town manager or his authorized agent, no person shall ride, graze, or allow a horse to go unattended.

(d) No person shall hike or walk in nature study areas or areas where educational and scientific activities or experiments are carried out except along paths and trails laid out and marked accordingly.

(e) No person shall go onto the ice on any of the ponds except as such areas are designated for skating and ruled safe by the town manager or his authorized agent.

(f) No person shall interfere with various recreational and educational programs as from time to time may be sponsored by the town.
(Code 1960, § 1755.0; Ord. of 3-22-65; Ord. of 5-27-97; Ord. No. 318, 4-13-10)

Sec. 14-37. Traffic regulations.

(a) No person shall operate any vehicle anywhere in a park or preserve except along access drives and within parking areas or as expressly permitted by the town manager or his authorized agent.

(b) No person shall fail to obey all traffic officers or town employees authorized and instructed to direct traffic in a park or preserve or on highways immediately adjacent thereto.

(c) No person shall operate any vehicle in a park or preserve in excess of fifteen (15) miles per hour.

(d) No person shall park a vehicle in a park or preserve other than in a designated parking area except as expressly permitted by the town manager or his authorized agent.
(Code 1960, § 1756.0; Ord. Of 3-22-65; Ord. of 5-27-97; Ord. No. 318, 4-13-10)

Sec. 14-38. Consumption or possession of alcoholic beverages; entering park in intoxicated condition.

No person shall consume or have in his or her possession alcoholic beverages other than in a park or preserve except in park picnic areas where alcoholic beverages have been expressly permitted by the town manager or his authorized agent, nor shall any person enter or be in a park or preserve under the influence of alcohol or drugs.
(Code 1960, § 1757.1; Ord. of 3-22-65; Ord. of 8-8-78; Ord. of 5-27-97)

Sec. 14-39. Allowing dogs to run at large prohibited.

No person shall permit dogs or pets to run at large in a park or preserve. Dogs shall be permitted only when leashed or tethered, except in those defined areas specifically designated by the town manager or his authorized agent for dogs to be off leash.
(Code 1960, § 1757.2; Ord. of 3-22-65; Ord. of 5-27-97; Ord. No. 318, 4-13-10)

Sec. 14-40. Building fires restricted.

No one shall build or attempt to build a fire in a park or preserve except in fireplaces at designated picnic areas in a park or at such other locations as may be specifically permitted by the town manager or his authorized agent.
(Code 1960, § 1757.3; Ord. of 3-22-65; Ord. of 5-27-97)

Sec. 14-41. Dropping matches, cigarettes, burning material, etc., prohibited.

No person shall drop, throw, or otherwise scatter matches, cigarettes or cigars, or any other burning material within a park or preserve.
(Code 1960, § 1757.4; Ord. of 3-22-65; Ord. of 5-27-97)

Sec. 14-42. Disorderly conduct.

No person shall use loud, boisterous, threatening, abusive, insulting, or indecent language or engage in any disorderly conduct or breach of the peace in a park or preserve.
(Code 1960, § 1757.5; Ord. of 3-22-65; Ord. of 5-27-97)

Sec. 14-43. Peddling.

No person shall expose or offer for sale in a park, preserve or on roads fronting a preserve any article or thing, advertise or call attention to any article or service, or post signs of any nature in any location, except as expressly permitted by the town manager or his authorized agent.
(Code 1960, § 1757.6; Ord. of 3-22-65; Ord. of 5-27-97)

Sec. 14-44. Operating policies.

(a) No person shall enter or remain in a park or preserve between one-half (½) hour after sunset and one-half (½) hour before sunrise except as permitted by the town manager or his authorized agent or as a part of a program approved or sponsored by the town.

(b) Any section of a park or preserve may be declared closed to the public, either entirely or for particular uses, by the town manager or his authorized agent at any time and for any interval of time, either temporarily or at regular and stated intervals.

(c) A schedule of fees for admission to a park or preserve, for parking, and/or for use of facilities, and for permits issued in accordance with the provisions of section 14-45 may be adopted by resolution of the town council as recommended by the recreation commission, conservation commission or stewardship committee, as appropriate.

(d) The town manager or his authorized agent may eject from a park or preserve any person acting in violation of any provision of this division.

(e) The town manager or his authorized agent may seize and confiscate any property, thing, or device in a park or preserve which is brought in or used in violation of any provision of this division.

(f) A town employee may direct individuals to stop any behavior that is disruptive, unsafe, or alarming to others, potentially damaging to town property, or specifically prohibited by posted signs. Failure to comply with an order of the town manager or his authorized agent will be in violation of this section.

(g) The town reserves the right to prohibit or restrict activities in a park or preserve which prohibitions or restrictions shall be posted in such park or preserve.

(h) The playgrounds and area immediately adjacent to the schools are under the control of the board of education during school hours and during school sponsored functions, and are not open for public recreation when school is in session or when in use by the school, unless public use is authorized by specific signage or participation in a town sponsored program, and is limited to the day, time, and location specified for that activity.
(Code 1960, § 1758.0; Ord. of 3-22-65; Ord. of 5-10-71; Ord. of 5-27-97; Ord. No. 318, 4-13-10)

Sec. 14-45. Permits.

(a) *Required.* A permit shall be obtained from the town manager or his authorized agent for the following purposes:

(1) Reservation of any area or place in a park or preserve for special or private use.

(2) Uses of a park or preserve by groups in excess of twenty-five (25) persons.

(3) Performance of scientific or educational experiments or activities on a continuing basis.

(4) Performance of special programs of a recreational educational or conservation nature by private groups.

(5) Relief from the regulations of this division where permitted such as parking, building fires in certain locations, operation of vehicles, use of water areas for swimming, wading or bathing, camping activities, use of the park beyond stated hours, sale of refreshments or other items, or fishing events.

(b) *Application.* No permit shall be issued until an application has been filed with the town manager or his authorized agent stating:

(1) Name and address of the applicant;

(2) Name and address of the person sponsoring the activity, if any;

(3) Day or days and hours for which the permit is desired;

(4) The area of a park or preserve for which such permit is desired;

(5) Estimate of the anticipated attendance or number of persons participating;

(6) Any other information required by the town manager or his authorized agent necessary to determine whether a permit should be issued.

(c) *Findings prerequisite to issuance.* The town manager or his authorized agent shall issue a permit when he finds:

(1) That the proposed activity or use will not interfere with or detract from the general public enjoyment of a park or preserve;

(2) That the proposed activity or use will not entail unusual or extraordinary expense to the town;

(3) That the area or facilities desired have not been reserved for other use at the time requested in the application;

(4) That the proposed activity or use will not cause damage to a park or preserve or tend to cause potential violations of park or preserve regulations;

(5) That the proposed activity or use is not solely for the purpose of advertising, profit-making, or fund-raising.

(d) *Appeal from denial.* If the town manager or his authorized agent shall refuse to issue a permit, the applicant may appeal in writing within ten (10) days of the notice of such refusal to the agency selected by the town council to establish park or preserve policy which shall hear such appeal and render a decision within fifteen (15) days from the filing of such appeal.

(e) *Permittee liable for damages.* The person to whom a permit is issued shall be liable for any loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(f) *To be exhibited upon request.* No person shall fail to produce and exhibit any permit which he claims to have upon request of the town manager or his authorized agent who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or regulation.

(g) *Unreasonable interference with permittee prohibited.* No person shall disturb or interfere unreasonably with any person occupying any area, or participating in any activity, under the authority of a permit.

(h) *Revocation.* The town manager or his authorized agent may revoke a permit upon a finding of violation of any ordinance or regulation, conditions of the permit, or for good cause shown.

(i) *To become void in certain circumstances.* Any permit shall become void upon official state closing of woodlands, or if in the opinion of the fire marshal the fire hazard warrants such action.

(Code 1960, § 1759.0; Ord. of 3-22-65; Ord. of 5-27-97)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Secs. 14-46—14-53. Reserved.

DIVISION 2. COTTON HOLLOW PRESERVE

Sec. 14-54. Operating policies.

(a) The Cotton Hollow Preserve is for the use of town residents only, and no person other than a resident of the town shall enter or be in the preserve except as guests of residents in accordance with regulations established by the commission or as part of a program permitted, approved, or sponsored by the commission. Notwithstanding the above, the preserve may also be used by nonresidents during the period between and including the third Saturday of April and June 15 of each year for fishing purposes only, subject to all applicable state and local regulations.

(b) The Cotton Hollow Preserve is intended to be used and enjoyed by guests for the purpose of observing natural features and wildlife with an overall goal of maintaining the preserve in a natural and undisturbed state. Uses other than walking and related nature activities shall be considered prohibited unless approved by the commission.

(c) Any person swimming, bathing, or wading in any stream in the Cotton Hollow Preserve shall do so at their own risk, and the town shall neither sponsor any swimming activity nor assume any responsibility whatsoever for any such activity which may be carried on.

(Code 1960, § 1773.0; Ord. of 7-26-65; Ord. of 5-27-97; Ord. No. 318, 4-13-10)

Secs. 14-55—14-60. Reserved.

DIVISION 3. GREAT POND PRESERVE

Sec. 14-61. Operating policies.

(a) The Great Pond Preserve is intended to be used and enjoyed by town residents and their guests for the purpose of observing natural features and wildlife with an overall goal of maintaining the Great Pond Preserve in a natural and undisturbed state. Specific standards controlling the operation of the Great Pond Preserve shall also be in accordance with the "Management Agreement For Great Pond Preserve" executed on September 3, 1991, as it may be amended from time to time, or a successor agreement between the town and TNC. Uses other than walking and related nature activities shall be considered prohibited unless approved by the stewardship committee which is empowered to allow specific uses and to promulgate rules within the Great Pond Preserve.

(b) The "Management Agreement For Great Pond Reserve:

(1) Sets forth the management goal of conserving the natural and unique values and character of the preserve by protecting the rare and endangered species and by not physically disturbing the preserve's natural settings;

(2) Prohibits buildings and other structures, utility lines, motorized vehicles and watercraft, dumping, camping, hunting, trapping, introducing species detrimental to wildlife or natural habitat, and the cutting or removal of vegetation within the preserve;

(3) Provides exemptions from the prohibitions for the purpose of carrying out the management goal; and

(4) Establishes a stewardship committee for the purpose of overseeing the management of the preserve and assisting in enforcing and carrying out the purposes of the agreement

(Ord. of 5-27-97)

Secs. 14-62—14-70. Reserved.

DIVISION 4. ADDISON BOG AND WOODLANDS, AND BUCKINGHAM PARK (ALSO REFERRED TO AS "BUCKINGHAM RECREATION AREA")

Sec. 14-71. Addison Bog and Woodlands operating policies.

The Addison Bog and Woodlands is intended to be used and enjoyed in accordance with this chapter. In addition, the use of bicycles on multi-use trails shall be permitted. No buildings shall be built within the Addison Bog and Woodlands except for picnic shelters, restroom facilities and environmental learning amenities. No athletic fields shall be constructed within the Addison Bog and Woodlands.

(Ord. No. 313, 4-10-07)

Sec. 14-72. Buckingham Park (also referred to as "Buckingham Recreation Area").

The 34.83-acre parcel known as Buckingham Park owned by the Town of Glastonbury (also referred to as "Buckingham Recreation Area" in the 1990-2000 Glastonbury Plan of Development) shall be:

(1) Retained as open space and park land; and

(2) Used for recreational activities.

There shall be no further building or construction within Buckingham Park, except for minor structures that support existing park functions, without voter referendum.

(Ref. No. 315, 2-24-09)

Secs. 14-73—14-83. Reserved.

ARTICLE IV. TOBACCO-FREE AND SMOKE-FREE RECREATION AREAS

Sec. 14-84. Purpose; legislative authority.

The purpose of this article is to promote the health, safety, and welfare of all persons using town-owned or town-operated recreation areas by prohibiting smoking and the use of any tobacco products at all town-owned and town-operated recreation areas.

This article is adopted in accordance with the provisions of G.S. § 7-148(c)(7)(H)(xvi), as amended.
(Ord. No. 335, 9-12-17)

Sec. 14-85. Definitions.

As used in this article, the following terms shall have the meanings indicated:

Recreation areas shall mean any outdoor area owned and operated by the town and open to the general public and where the public generally assembles for recreational purposes, including, but not limited to, beaches, pools, picnic areas, playgrounds, gardens, athletic fields, athletic facilities, bleachers, dog parks, skate parks, fairgrounds, tennis courts, basketball courts, concession areas, pavilions, parking areas, greens, Addison Bog multi-use trail, and other such recreation areas and support facilities and structures. "Recreation areas" shall not include open space properties and natural areas owned and operated by the town where the public generally does not assemble for recreation activities.

Smoking shall mean the acts of inhaling, burning or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco product intended for inhalation, whether natural or synthetic, in any manner or in any form. For the purposes of this subsection, "smoking" shall also include the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, and marijuana use for medicinal or any other purposes.

Tobacco products shall mean any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, dissolved, inhaled, snorted, sniffed, or ingested by other means, including, but not limited to, cigarettes, cigars, piped tobacco, chewing tobacco, and snuff. "Tobacco products" also includes any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar or pipe.
(Ord. No. 335, 9-12-17)

Sec. 14-86. Prohibition against using tobacco products or smoking in recreation areas.

No person shall engage in the act of smoking or use any tobacco products in any town-owned or town-operated recreation area.
(Ord. No. 335, 9-12-17)

Sec. 14-87. Penalties for offenses.

Any person who violates any provision of this article shall be subject to a fine of fifty dollars ($50.00) for each separate offense or violation.
(Ord. No. 335, 9-12-17)

Sec. 14-88. Posting of signs.

Every recreation area shall have at least one (1) conspicuously displayed sign which indicates that smoking and the use of any tobacco products are prohibited and that any person who violates the town's prohibition on smoking or using any tobacco products in a recreation area may be fined.
(Ord. No. 335, 9-12-17)

Sec. 14-89. Designation of smoking and tobacco use areas for certain events.

Upon the approval of the town manager or town manager's designee, certain spaces within recreation areas may be designated as temporary or permanent smoking and tobacco products use areas. This section shall also apply to recreation areas reserved for exclusive use or leased by the town.
(Ord. No. 335, 9-12-17)

Chapter 15

PLANNING*

Article I. In General

Sec. 15-1. Selection of elector in case of disqualification of member of zoning authority.
Sec. 15-2. Selection of elector in case of disqualification of member of plan and zoning commission or zoning board of appeals.
Sec. 15-3. Excavation, trailer and mobile home regulations adopted.
Secs. 15-4—15-15. Reserved.

Article II. Conservation Commission

Sec. 15-16. Establishment.
Sec. 15-17. Membership.
Sec. 15-18. Reserved.
Sec. 15-19. Organization.
Sec. 15-20. General duties and powers.
Sec. 15-21. Duties and powers—Natural resources.
Sec. 15-22. Same—Water resources.
Sec. 15-23. Same—Environmental protection.
Secs. 15-24—15-35. Reserved.

Article III. Plan and Zoning Commission

Sec. 15-36. Establishment; appointment.
Sec. 15-37. Street names.
Sec. 15-38. Application fees.
Sec. 15-39. Flood and erosion control board.
Sec. 15-40. Municipal aquifer protection agency.
Secs. 15-41—15-50. Reserved.

Article IV. Redevelopment Agency

Secs. 15-51—15-55. Reserved.
Sec. 15-56. Redevelopment agency abolished.
Sec. 15-57. Enforcement of contracts and deeds executed by redevelopment agency prior to dissolution.
Secs. 15-58—15-65. Reserved.

Article V. Regional Council of Governments

Sec. 15-66. State law adopted.
Sec. 15-67. Members.
Secs. 15-68—15-80. Reserved.

***Cross references—**Administration, Ch. 2; buildings and building regulations, Ch. 5; civil preparedness, Ch. 6; housing, Ch. 9; parks and recreation, Ch. 14; streets, sidewalks and public places, Ch. 17; water, sewers and sewage disposal, Ch. 19.

Article VI. Regional Planning Authority

Sec. 15-81. Region included.
Sec. 15-82. Continued absences; effect.
Secs. 15-83—15-93. Reserved.

Article VII. Zoning Board of Appeals

Sec. 15-94. Establishment.
Sec. 15-95. Duties.
Sec. 15-96. Fees.

Article VIII. Penalties for Violations of Building Zone Regulations

Sec. 15-97. Purpose.
Sec. 15-98. Issuance of citations.
Sec. 15-99. Uncontested payment of fines.
Sec. 15-100. Hearing officers.
Sec. 15-101. Citation appeal and hearing process.
Sec. 15-102. Amount of fines.
Sec. 15-103. Exemptions for state and town employees.

ARTICLE I. IN GENERAL

Sec. 15-1. Selection of elector in case of disqualification of member of zoning authority.

In the event any member of the town council is disqualified pursuant to and in accordance with G.S. § 8-11, while the town council is acting on any matter pursuant to G.S. § 8-3, the remaining members of the council shall choose an elector to act as a member of the town council in the hearing and determination of the particular matter or matters in which the disqualification arose.
(Code 1960, § 2705; Ord. of 9-27-77)

Sec. 15-2. Selection of elector in case of disqualification of member of plan and zoning commission or zoning board of appeals.

In the event any member of the town plan and zoning commission or the zoning board of appeals is disqualified pursuant to and in accordance with G.S. § 8-11, the remaining members of such commission or board shall choose an elector to act as a member of such commission or board in the hearing and determination of the particular matter or matters to which the disqualification arose, except that replacement shall first be made from alternate members pursuant to the provisions of G.S. § 8-1b and 8-5a, respectively.
(Code 1960, § 2706; Ord. of 9-27-77)

Sec. 15-3. Excavation, trailer and mobile home regulations adopted.

Pursuant to G.S. § 7-148, as amended, the special regulations of the town concerning excavation, filling or removal of earth products and the special regulations of the town concerning trailers and mobile homes, as the same have been amended and restated on the date hereof and as the same are respectively set forth as section 6.2 and 6.10 of the Glastonbury Building-Zone Regulations, are hereby adopted as ordinances of the town.
(Code 1960, § 2725)

Secs. 15-4—15-15. Reserved.

ARTICLE II. CONSERVATION COMMISSION*

Sec. 15-16. Establishment.

There shall be a commission of the town for the purpose of development, conservation, supervision, and regulation of natural resources, including water resources, and the development, coordination, study and promotion of matters of environmental protection, within the territorial limits of the town, such commission to be known as the conservation commission.
(Code 1960, § 1741; Ord. of 1-8-74)

*__State law reference__—Municipal conservation commissions, G.S. § 7-131a.

Sec. 15-17. Membership.

The conservation commission shall consist of seven (7) members to be appointed by the town manager. The town manager shall fill all vacancies in the membership of the commission and may remove any member for cause.
(Code 1960, § 1741.1; Ord. of 1-8-74)

Sec. 15-18. Reserved.

Sec. 15-19. Organization.

The members of the conservation commission shall choose a chairman, vice-chairman and secretary from its members by ballot, shall keep records of its meetings and activities, and shall report annually to the town council in the manner required of other agencies of the town.
(Code 1960, § 1741.3; Ord. of 1-8-74)

Sec. 15-20. General duties and powers.

The conservation commission shall conduct research, prepare reports, make recommendations, contract for technical assistance, apply for federal, state and other grants, undertake educational programs, and perform all other duties as may be assigned or requested by the town council, or as may be authorized by state statutes, and local ordinances and regulations in connection with natural resources, water resources, and environmental protection. Its powers shall be as derived from or granted by state statutes and local ordinances and regulations and as the same may be amended from time to time.
(Code 1960, § 1741.4; Ord. of 1-8-74)

Sec. 15-21. Duties and powers—Natural resources.

Among other duties and powers, the conservation commission may, with the approval of the town council, acquire land and easements in the name of the town and promulgate rules and regulations, including, but not limited to, the establishment of reasonable charges for the use of land and easements, for any of its purposes as set out in this article. It may, with the approval of the town council, receive gifts in the name of the town for any of its purposes and shall administer the same for such purposes subject to the terms of the gift. It shall review and approve any application for open space grants-in-aid. It may exchange information with the commissioner of environmental protection, and such commissioner may, on request, assign technical personnel to the commission for assistance in planning its overall program and for coordinating state and local conservation activities.
(Code 1960, § 1741.5; Ord. of 1-8-74)

Sec. 15-22. Same—Water resources.

Among other duties and powers, the commission shall study and make recommendations on all matters pertaining to water supply and water pollution including but not limited to, enforcement and improvements of regulations governing private sewage disposal systems,

watershed acquisition, control of stream, lake and reservoir pollution, channel encroachment lines and stream valley protection, and creation, protection and preservation of water supplies, including private wells. It shall be designated the agency responsible for adopting and enforcing regulations and otherwise implementing the provisions of state statutes governing inland wetlands and watercourses. Application fees shall be based on the following:

(1) Permitted uses as of right and nonregulated uses (Section 4 of the regulations) shall be at no charge.

(2) Regulated uses and activities (Section 6 of the regulations). The total fee shall be the cumulative amount of the following factors, when applicable:

(a) The total wetlands and/or watercourses area (in square feet) on the subject property multiplied by the rate of one dollar ($1.00) per one thousand (1,000) square feet; plus

(b) The total regulated area (in square feet) to be disturbed by regulated activities multiplied by the rate of ten dollars ($10.00) per one thousand (1,000) square feet; plus

(c) Four hundred dollars ($400.00) if the proposed activity is declared a significant activity by the agency.

(3) Map amendment petitions (Section 14.3 of the regulations) shall be two hundred dollars ($200.00).

(4) Renewals or extensions of the expiration date to a previously issued permit (Sections 7.10 and 11.7 of the regulations) shall be one hundred dollars ($100.00).

(5) Amendment of a previous approval (Section 7.10 of the regulations) that is not deemed a significant activity shall be the prescribed amount as determined in subsection (2)(b) above.

(6) Transfer or assignment of a previously issued permit (Section 11.8 of the regulations) shall be twenty-five dollars ($25.00).

(7) Exemption. Boards, commissions, councils and departments of the Town of Glastonbury are exempt from all fee requirements.

(8) Waiver. The applicant may petition the agency to waiver, reduce or allow delayed payment of the fee required. Such petitions shall be in writing and shall state fully the facts and circumstances the agency should consider in its determination under this section. The agency may waive all or part of the application fee if the agency determines that:

(a) The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee; or

(b) The amount of the application fee is clearly excessive in relation to the cost to the town for reviewing and processing the application.

The agency shall state upon its record the basis for all actions pertaining to a request for a waiver.
(Code 1960, § 1741.6; Ord. of 1-8-74; Ord. of 6-25-74; Ord. of 9-28-76; Ord. of 7-11-89)

Sec. 15-23. Same—Environmental protection.

Among other duties and powers, the conservation commission shall review and make recommendations on proposals for subdivisions and other developments with respect to environmental impact and shall cause environmental impact statements to be prepared on all such subdivisions and other developments, including public works in the town. It shall study and make recommendations on other matters affecting the environment. In its deliberations, it shall consider soils, surface and subsurface waters, topography, air quality, flora and fauna, noise levels, and other elements having an impact on the environment.
(Code 1960, § 1741.7; Ord. of 9-28-76)

Secs. 15-24—15-35. Reserved.

ARTICLE III. PLAN AND ZONING COMMISSION*

Sec. 15-36. Establishment; appointment.

There shall be a town plan and zoning commission consisting of six (6) regular members and three (3) alternate members appointed by the town council.
(Code 1960, § 2711; Ord. of 12-13-65; Ord. of 9-12-78)

Sec. 15-37. Street names.

The town plan and zoning commission shall have the authority to name and rename streets in the town after properly advertising any proposed changes.
(Code 1960, § 2712; Ord. of 9-12-78)

Sec. 15-38. Application fees.†

The following schedule of fees shall be established for applications under the provisions, of the building-zone regulations:

(1) Two hundred dollars ($200.00) for a permit for the excavation, filling, or removal of earth products plus forty dollars ($40.00) for each five (5) acres or portion thereof that the proposed area covered by the application exceeds ten (10) acres.

***Cross reference—**Provisions of private streets and roads, article not to change or modify requirements of plan and zoning commission, § 17-33.

State law references—Municipal planning commissions, G.S. § 8-18 et seq.; designation of planning and zoning commission, G.S. § 8-4a;

†Editor's note—At the request of the city the fees for subsections (12) and (14) have been changed, according to the proposed fees of Ord. No. 294, adopted on June 10, 2003.

(2) Two hundred dollars ($200.00) for a change in the building-zone map, other than for a planned area development.

(3) Two hundred dollars ($200.00) for a special permit with design review approval plus twenty-five dollars ($25.00) for each two thousand (2,000) square feet of gross floor area over ten thousand (10,000) square feet and fifty dollars ($50.00) for each application for minor amendment thereto.

(4) Two hundred dollars ($200.00) for a planned area development zone (PAD)/adaptive redevelopment zone (ARZ), plus one hundred twenty-five dollars ($125.00) for each dwelling unit in a residential PAD/ARZ and/or fifty dollars ($50.00) for each two thousand (2,000) gross square feet in a commercial, industrial or other nonresidential PAD/ARZ. One hundred dollars ($100.00) for a planned area development preliminary development plan.

(5) Two hundred dollars ($200.00) for a permitted special permit use for the sale of alcoholic liquors.

(6) Two hundred dollars ($200.00) for a permitted special permit use for a motor vehicle car wash.

(7) Two hundred dollars ($200.00) for a permitted special permit use for a motor vehicle limited and/or general repair.

(8) Two hundred dollars ($200.00) for a permitted special permit use for a motor vehicle or gasoline service station.

(9) Two hundred dollars ($200.00) for a permitted special permit for retail trade eating and drinking without drive-in curb service.

(10) Two hundred dollars ($200.00) for a special permit for a rear lot in a residential zone.

(11) Two hundred dollars ($200.00) for a permitted special exception use for supervised group quarters.

(12) Forty dollars ($40.00) for a sign permit except that there shall be a charge of twenty-five dollars ($25.00) for an application for a temporary sign permit, with the exception of non-profit organizations for which a temporary sign permit will remain at zero dollars ($0.00).

(13) One hundred fifty dollars ($150.00) for a change in the plan of conservation and development.

(14) Three hundred dollars ($300.00) for each subdivision or resubdivision plus two hundred fifty dollars ($250.00) for each lot.

(Code 1960, § 2713; Ord. of 8-27-74; Ord. of 9-12-78; Ord. of 6-12-79; Ord. of 4-22-86; Ord. of 4-25-89; Ord. No. 294, 6-10-03; Ord. No. 326, 10-9-12)

Sec. 15-39. Flood and erosion control board.

The town council may appoint the six (6) regular members and three (3) alternate members of the town plan and zoning commission to act as the flood and erosion control board. The flood and erosion control board shall function in accordance with the powers granted by G.S. §§ 25-85 through 25-98, as may be amended from time to time.
(Ord. of 1-10-89)

Sec. 15-40. Municipal aquifer protection agency.

In accordance with G.S. § 22a-354o, the town plan and zoning commission is designated as the aquifer protection agency of the town. Members of the town plan and zoning commission shall serve co-existing terms on the aquifer protection agency. The membership requirements of the aquifer protection agency shall be the same as those of the town plan and zoning commission including, but not limited to the number of members, terms, method of selection and removal of members, and filling of vacancies. The town manager shall designate the staff member(s) to serve as staff to the aquifer protection agency. At least one (1) member of the aquifer protection agency or staff of the aquifer protection agency shall complete the course in technical training formulated by the commissioner of environmental protection, pursuant to G.S. § 22a-354v. The aquifer protection agency shall adopt regulations in accordance with G.S. § 22a-354p and R.C.S.A. § 22a-354j-3.
(Ord. No. 301, 6-8-04)

Secs. 15-41—15-50. Reserved.

ARTICLE IV. REDEVELOPMENT AGENCY*

Secs. 15-51—15-55. Reserved.

Editor's note—An ordinance of Sept. 11, 1984, repealed §§ 15-51—15-53 and 15-55, concerning the redevelopment agency, as derived from Code 1960, §§ 2715—2717 and 2719, as amended by ordinances of Mar. 14, 1966, and Jan. 13, 1969.

Sec. 15-56. Redevelopment agency abolished.

The Glastonbury Redevelopment Agency is hereby abolished. This section shall become effective on the appropriate date.
(Ord. of 9-11-84)

Editor's note—The ordinance from which this section derives took effect on Sept. 27, 1984.

Sec. 15-57. Enforcement of contracts and deeds executed by redevelopment agency prior to dissolution.

The town manager shall hereby be empowered and responsible for the enforcement of the terms and conditions set forth in any and all contracts and/or deeds executed by the

***State law reference—**Redevelopment agencies, G.S. § 8-126.

redevelopment agency pertaining to the sale of land or buildings and any development or redevelopment of buildings or improvements pursuant to the Glastonbury Urban Renewal Plan, Conn. R-114, originally adopted by the redevelopment agency on April 9, 1970, and as subsequently amended.
(Ord. of 9-11-84)

Secs. 15-58—15-65. Reserved.

ARTICLE V. REGIONAL COUNCIL OF GOVERNMENTS

Sec. 15-66. State law adopted.

The town hereby adopts G.S. §§ 4-124i through 4-124p, providing for the formation of a regional council of governments within a planning region as defined or redefined by the director of the office of state planning and does hereby join such regional council of governments when and as such council is duly established in accordance with such statutes, upon the adoption of such statutes by not less than sixty (60) per cent of all municipalities within such planning region. The adoption of such sections of the general statutes is intended to include the provisions of any special act of the 1973 General Assembly respecting additional representation for the core city within the capital region on a regional council of governments, and a nonvoting advisory regional forum thereunder, consistent with proposed bylaws of such regional council of governments dated January 25, 1973, and endorsed by the existing regional council of governments on May 3, 1973.
(Code 1960, § 2901)

Sec. 15-67. Members.

In accordance with the provisions of G.S. §§ 4-124i through 4-124p, the chief elected official of the town shall be a member of the capital region council of governments. In addition, there shall be a member of the town plan and zoning commission appointed by such commission with the concurrence of the town council to serve on the regional planning commission. Such members shall consult periodically with the town plan and zoning commission and town council respectively and shall specifically seek their advice before any final vote on any major planning matter or program before such regional council or regional planning commission.
(Code 1960, § 2902)

Secs. 15-68—15-80. Reserved.

ARTICLE VI. REGIONAL PLANNING AUTHORITY*

Sec. 15-81. Region included.

Pursuant to the provisions of G.S. § 8-31, the town, having a duly constituted plan and zoning commission established pursuant to the provisions of the general statutes and by

***State law reference—**Regional planning agencies, G.S. § 8-31a et seq.

special act, hereby adopts G.S. ch. 127 and joins the regional planning authority for the capital planning region as defined by the state development commission under the provisions of G.S. § 32-7, which planning region includes the municipalities of East Granby, Windsor Locks, Ellington, East Windsor, Tooland, Simsbury, Bloomfield, Windsor, South Windsor, Avon, West Hartsford, East Hartsford, Glastonbury, Manchester, Bolton, Wethersfield, Newington, Vernon and Rocky Hill.
(Code 1960, § 2701)

Sec. 15-82. Continued absences; effect.

Any representative who is absent from three (3) consecutive regular meetings of the capital regional planning authority or duly called special meetings thereof shall be considered to have resigned from such capital regional planning authority and the vacancy shall be filled by the appointing body, except that the requirements of this section may be waived where illness or other extenuating circumstances make it impossible for a representative to meet the attendance requirement of this section, determination of such waiver to be made by the appointing body.
(Code 1960, § 2703)

Secs. 15-83—15-93. Reserved.

ARTICLE VII. ZONING BOARD OF APPEALS*

Sec. 15-94. Establishment.

There shall be zoning board of appeals consisting of five (5) members and three (3) alternates to be elected pursuant to section 203 of the Charter.
(Code 1960, § 2721)

Sec. 15-95. Duties.

The duties, privileges and liabilities of the members of the zoning board of appeals shall be as prescribed by G.S. §§ sections 8-6 and 8-7.
(Code 1960, § 2724; Ord. of 6-27-78; Ord. of 6-23-82)

Sec. 15-96. Fees.

The fee for any application or petition for a special exception, variance, or for an appeal of an order, requirement or decision by the building official shall be one hundred twenty-five dollars ($125.00).
(Code 1960, § 2724; Ord. of 6-27-78; Ord. of 6-23-82; Ord. No. 294, 6-10-03)

***Cross reference—**Building board of appeals, § 5-51 et seq.
State law reference—Zoning board of appeals, G.S. § 8-5 et seq.

ARTICLE VIII. PENALTIES FOR VIOLATIONS OF BUILDING ZONE REGULATIONS

Sec. 15-97. Purpose.

To establish municipal penalties for violations of the town's building zone regulations so as to ensure compliance and discourage violations of the town's building zone regulations.
(Ord. No. 325, 9-11-12)

Sec. 15-98. Issuance of citations.

(a) In accordance with G.S. § 8-12a and the procedures established therein, the town's zoning enforcement officer (ZEO) is authorized to issue citations for any violations of the town's building zone regulations.

(b) The ZEO may issue a citation to any of the following persons for a violation of any of the town's building zone regulations:

(1) The owner or agent of any building or premises where a violation of any provision of the town's building zone regulations has been committed or exists;

(2) The lessee or tenant of an entire building or entire premises where such violation of the town's building zone regulations has been committed or exists;

(3) The owner, agent, lessee or tenant of any part of the building or premises in which such violation of the town's building zone regulations has been committed or exists; or

(4) The agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation of the town's building zone regulations exists.

(c) Any such citation may be issued by the ZEO either by hand or by certified mail with return receipt requested. If the person named in any such citation fails or refuses to accept such certified mail, the citation may be sent by regular mail.
(Ord. No. 325, 9-11-12)

Sec. 15-99. Uncontested payment of fines.

Any person receiving a citation pursuant to this chapter shall be allowed a period of thirty (30) days from the receipt of the citation to make an uncontested payment of the fine to the town. If the citation is sent by regular mail in accordance with section 15-98(c) herein, the day of receipt of the citation shall be considered to be three (3) business days after the postmarked date. For purposes of this chapter, the term "business day" shall not include Saturday, Sunday or any day in which the town hall is closed.
(Ord. No. 325, 9-11-12)

Sec. 15-100. Hearing officers.

The town manager shall appoint one (1) or more hearing officers to preside over a citation hearing procedure as detailed in section 15-102 of this chapter. The town manager shall not appoint the following persons to be a hearing officer:

(1) Any employee of the town;

(2) Any member of the town council; or

(3) Any member of the town's plan and zoning commission.

(Ord. No. 325, 9-11-12)

Sec. 15-101. Citation appeal and hearing process.

(a) The town, at any time within twelve (12) months from the expiration of the final period for the uncontested payment of fines for any citation issued pursuant to this chapter, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited:

(1) Of the allegations against the person and the amount of fines due;

(2) That the person may contest his or her liability before a citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;

(3) That if the person does not demand such a hearing, an assessment and judgment shall be entered against him or her; and

(4) That such judgment may issue without further notice.

(b) If the person to whom such notice is issued is a registrant, the town may deliver such notice in accordance with G.S. § 7-148ii, provided nothing in this section shall preclude the town from providing notice in another manner permitted by applicable law.

(c) If the person who is sent notice pursuant to subsection (a) of this section wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fines due either in person or by mail to the town's collector of revenue. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection (a) of this section shall be deemed to have admitted liability, and the ZEO shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines provided for by this chapter and shall follow the procedures set forth in this section.

(d) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the ZEO

shall be filed and retained by the town, and shall be deemed to be a business record within the scope of G.S. § 52-180 and evidence of the facts contained therein. The presence of the ZEO shall be required at the hearing if such person so requests. A person wishing to contest his or her liability shall appear at the hearing and may present evidence on his or her behalf. The town manager shall designate a municipal official(s), other than the hearing officer, who may present evidence on behalf of the town. If such person fails to appear, the hearing officer may enter an assessment by default against him or her upon a finding of proper notice and liability as provided for in this chapter. The hearing officer may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his or her decision at the end of the hearing. If he or she determines that such person is not liable, he or she shall dismiss the matter and enter his determination in writing accordingly. If he or she determines that such person is liable for the violation, he or she shall forthwith enter and assess the fines against such person as provided herein.

(e) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days or more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the chief court administrator together with an entry fee for the amount as specified in G.S. § 7-152c(f). The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one (1) record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs, against such person in favor of the town. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

(f) A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to G.S. § 52-259, at a superior court facility designated by the chief court administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.
(Ord. No. 325, 9-11-12)

Sec. 15-102. Amount of fines.

No fine imposed pursuant to this chapter may exceed one hundred fifty dollars ($150.00) for each day that a violation of the town's building zone regulations continues. All fines imposed pursuant to this chapter shall be payable to the town's collector of revenue.
(Ord. No. 325, 9-11-12)

Sec. 15-103. Exemptions for state and town employees.

Notwithstanding any provisions of this chapter, no penalty shall be levied against the state or any employee of the state pursuant to this chapter for acting within the scope of his or her employment. In addition, no penalty shall be levied against the town or any employee of the town for acting within the scope of his or her employment.
(Ord. No. 325, 9-11-12)

Chapter 16

POLICE*

Sec. 16-1. Community service officer program.

*__Cross references—__General penalty for Code violations, § 1-10; administration generally, Ch. 2; motor vehicles and traffic, Ch. 12; offenses and miscellaneous provisions, Ch. 13; planning, Ch. 15.

__State law references—__Municipal police departments, G.S. § 7-274 et seq.; policemen's work week, G.S. § 7-292; police records, G.S. § 7-282; police surgeons, G.S. § 7-291; private detectives, G.S. § 7-283; sale of unclaimed goods, G.S. § 7-285; service of process, G.S. § 7-281.

Sec. 16-1. Community service officer program.

The town may choose to assign community service officers to assist the police department with its duties. Community service officers are not commissioned as sworn law enforcement officers, do not carry firearms, and do not have authority under state statutes or local ordinances to make a full custody arrest.

Community service officers may be employed to patrol any town park or any town-owned or maintained land, and will be able to enforce town ordinances and issue infractions and/or parking tickets, or be assigned to other law enforcement related community service functions. (Code 1960, § 1901; Ord. of 3-16-64; Ord. No. 318, 4-13-10)

Editor's note—Ord. No. 318 adopted Apr. 13, 2010 changed the title of § 16-1 from special police officers to community service officer program.

Chapter 17

STREETS, SIDEWALKS AND PUBLIC PLACES*

Article I. In General

Sec. 17-1. Duties and responsibilities of town engineer.
Sec. 17-2. Acceptance of streets and highways.
Sec. 17-3. Obstructions.
Secs. 17-4—17-15. Reserved.

Article II. House Numbering

Sec. 17-16. Purpose.
Sec. 17-17. Assignment of numbers.
Sec. 17-18. Notice of assignments.
Sec. 17-19. Specifications for type and location of numbers.
Sec. 17-20. Penalty.
Secs. 17-21—17-30. Reserved.

Article III. Private Roads and Streets

Sec. 17-31. Purpose.
Sec. 17-32. Private roads approved for maintenance.
Sec. 17-33. Maintenance services to be provided.
Sec. 17-34. Acceptance for maintenance not to be construed as acceptance as public highway.
Sec. 17-35. Planning and zoning.
Secs. 17-36—17-45. Reserved.

Article IV. Sidewalks

Division 1. Generally

Sec. 17-46. Construction permits; to whom issued.

***Cross references—**Administration, Ch. 2; public buildings commission, § 2-196 et seq.; buildings and building regulations, Ch. 5; civil preparedness, Ch. 6; garbage, trash and refuse, Ch. 8; motor vehicles and traffic, Ch. 12; abandoned or inoperable vehicles, § 12-36 et seq.; offenses and miscellaneous provisions, Ch. 13; ; planning, Ch. 15; parks and recreation, § 17-248; water, sewers and sewage disposal, Ch. 19.

State law references—Authority to regulate streets, G.S. § 7-148(c)(6)(C); acceptance of highways, G.S. § 13a-48; assessment of damages or benefits, G.S. § 7-139 et seq.; bonds for work, G.S. § 13a-176 et seq.; bridges, G.S. § 13a-99 et seq.; construction of dams, G.S. § 25-401; discontinuances, G.S. § 13a-49 et seq.; duty to fix boundaries, G.S. § 13a-39 et seq.; duty to repair, G.S. § 13a-12; layout of highways, G.S. § 13a-83 et seq.; layout of streets by individuals, G.S. § 13a-71; liability for injuries, G.S. § 13a-12; railings and fences, G.S. § 13a-111; refusal to lay out highway, G.S. § 13a-63 et seq.; rural free delivery, G.S. § 13a-108; snow removal, G.S. § 13a-107; state aid for flood damage, G.S. § 13a-175; state aid for town highways, G.S. § 13a-175a et seq.; superintendent of highways, G.S. § 13a-8—13a-11.

Sec. 17-47. Specifications.
Sec. 17-48. Grade.
Sec. 17-49. Inspection.
Sec. 17-50. Repairs.
Sec. 17-51. Construction.
Sec. 17-49. Inspection.
Sec. 17-50. Repairs.
Sec. 17-51. Construction.
Sec. 17-52. Removal of snow, ice, debris, vegetative growth and other obstructions.
Sec. 17-53. Construction in subdivisions.
Sec. 17-54. Sidewalks required along street frontage in business, commercial and industrial zones prior to issuance of certificate of occupancy.
Secs. 17-55—17-60. Reserved.

Division 2. Reserved

Secs. 17-61—17-75. Reserved.

Article V. Street Paving

Sec. 17-76. Town's power to pave and assess costs.
Sec. 17-77. Determination of streets to be paved; hearing; notice of hearing.
Sec. 17-78. Levy of assessment.
Sec. 17-79. When assessments due.
Sec. 17-80. Collection of assessments.
Sec. 17-81. Exemption.
Secs. 17-82—17-95. Reserved.

Article VI. Work Performed Within Public Rights-of-Way

Division 1. Generally

Sec. 17-96. Definition.
Sec. 17-97. License—Required.
Sec. 17-98. Same—To whom issued; fee.
Sec. 17-99. Same—Bond prerequisite to issuance.
Sec. 17-100. Same—Insurance prerequisite to issuance and continued validity.
Sec. 17-101. Same—Transferability.
Sec. 17-102. Same—Revocation.
Sec. 17-103. Same—Expiration.
Sec. 17-104. Business address.
Sec. 17-105. Employment of incompetent workers prohibited.
Sec. 17-106. Permits.
Sec. 17-107. Line and grade.
Sec. 17-108. Notice before starting work.
Sec. 17-109. Correcting unsatisfactory work.
Sec. 17-110. Permittee's period of responsibility.
Sec. 17-111. Exemptions.
Secs. 17-112—17-120. Reserved.

Division 2. Curbs

Sec. 17-121. Permits; issuance restricted.
Sec. 17-122. Grade and lines.
Sec. 17-123. Curb foundation.
Sec. 17-124. Backfill.
Sec. 17-125. Protection from heavy equipment.
Sec. 17-126. Removing, damaging, etc., without permit prohibited.
Sec. 17-127. Repair of damaged curbs.
Secs. 17-128—17-135. Reserved.

Division 3. Drainage Specifications

Sec. 17-136. Permits—To be issued to licensed contractors only.
Sec. 17-137. Same—Waiver of claim prerequisite to issuance.
Sec. 17-138. Location of connection.
Sec. 17-139. Street excavations.
Sec. 17-140. Drains prohibited.
Sec. 17-141. Connections.
Secs. 17-142—17-150. Reserved.

Division 4. Driveways

Sec. 17-151. Scope.
Sec. 17-152. Permits; issuance restricted.
Sec. 17-153. Grade.
Sec. 17-154. Width.
Sec. 17-155. Distance from crosswalk.
Sec. 17-156. Number and separation distance.
Sec. 17-157. Location of driveway.
Sec. 17-158. Extent of driveway.
Sec. 17-159. Drainage.
Sec. 17-160. Removal of trees.
Secs. 17-161—17-168. Reserved.

Division 5. Fences

Sec. 17-169. Permits; issuance restricted.
Sec. 17-170. Replacement and repair.
Sec. 17-171. Private fences.
Secs. 17-172—17-180. Reserved.

Division 6. Materials Specifications

Sec. 17-181. Hot asphalt concrete pavement.
Sec. 17-182. Concrete payment.
Sec. 17-183. Bank run gravel.
Sec. 17-184. Processed gravel.
Sec. 17-185. Culvert pipe.
Sec. 17-186. Concrete sidewalks.
Sec. 17-187. Additional specifications.
Secs. 17-188—17-195. Reserved.

Division 7. Moving of Buildings and Other Structures

Sec. 17-196. Permits; issuance restricted.
Sec. 17-197. Responsibility.
Sec. 17-198. Trees; removal or trimming.
Sec. 17-199. Removal of public property.
Sec. 17-200. Notification of town.
Sec. 17-201. Not to be left on highway at night; exception.
Secs. 17-202—17-210. Reserved.

Division 8. Street Excavations

Sec. 17-211. Permits; issuance restricted.
Sec. 17-212. Notification of police and fire department.
Sec. 17-213. Tunneling and bracing.
Sec. 17-214. Maximum width of cut.
Sec. 17-215. Public safeguard.
Sec. 17-216. Backfill of trenches.
Sec. 17-217. Maintenance.
Sec. 17-218. Pavement replacement.
Secs. 17-219—17-225. Reserved.

Division 9. Tree Removal

Sec. 17-226. Permits; issuance restricted.
Sec. 17-227. Responsibilities.
Sec. 17-228. Public safeguards.
Sec. 17-229. Disposition of trees, limbs, and branches.
Sec. 17-230. Sight lines.
Secs. 17-231—17-240. Reserved.

Article VII. Reserved

ARTICLE I. IN GENERAL

Sec. 17-1. Duties and responsibilities of town engineer.

The duties and responsibilities of the town engineer, wherever reference is made to such position within this Code or other rules and regulations adopted by the town council or promulgated as administrative regulations by the town manager or his authorized agents, may be carried out by a civil engineer or engineer licensed in the state and as directed and assigned by the public works director.
(Code 1960, § 2441.0)

Sec. 17-2. Acceptance of streets and highways.

(a) *Definitions.* For the purposes of this section, the following definition shall apply:

"*Improved roads*" shall mean roads that comply with the applicable specifications (according to type of road) prescribed by the town for streets and highways in the town. All roads that do not comply with such specifications shall be designated as "unimproved roads."

(b) *Recommendation of planning and zoning commission.* No street or highway shall be accepted as a public highway of the town unless (1) the town council has received a recommendation for such acceptance from the town planning and zoning commission, (2) such recommendation indicates that all conditions imposed by such commission or by the subdivision regulations have been complied with, and that a deed or deeds of such street or highway acceptable to the town have been received, and (3) the town council has approved such an acceptance by a majority vote of its members present at a meeting called for that purpose.

(c) *Unimproved roads.* Whenever the town council shall receive such a recommendation for acceptance of an "unimproved" street or highway as a public highway, the town council shall conduct a public hearing. Notice of the public hearing shall be published at least five (5) days prior to said public hearing in a newspaper having substantial, continuous circulation in the town.

(d) *Improved roads.* No public hearing shall be required for acceptance of an "improved road."
(Code 1960, §§ 2451—2453; Ord. of 7-11-89)

Sec. 17-3. Obstructions.

No person shall place, permit, maintain or allow any obstruction in any street or highway in the town, whether the same or indirectly. For the purposes of this section, obstruction shall mean any foreign matter in a highway or street causing a hazard to users thereof and shall include, but not be limited to, any collection of sand, fill, debris, or other matter to a depth of three (3) or more inches at any point, and a breadth in any dimension of six (6) or more feet measured within the traveled portion of the highway.
(Code 1960, § 2321)

Secs. 17-4—17-15. Reserved.

ARTICLE II. HOUSE NUMBERING*

Sec. 17-16. Purpose.

The purpose of this article shall be to promote public safety and convenience through the provision of a rational street numbering system whereby addresses may be identified with the ease and speed which is essential to the quick response of emergency services such as firefighting, police and emergency medical care.
(Ord. of 11-9-88)

Sec. 17-17. Assignment of numbers.

The appropriate administrative staff, at its discretion and without notice, may assign to each building, or part of a building other than an accessory building, a street identification number by which such building shall be known, and may change such numbers of such buildings or part of such buildings. It shall be the duty of the administrative staff, whenever a new street or highway is laid out, to assign to the land abutting on such street, or highway, numbers at such measured intervals or distances as, in the opinion of the administrative staff, the public interests shall require. When buildings fronting on such new street or highway are completed for occupancy, the owners thereof shall affix numbers to their buildings.
(Ord. of 11-9-88)

Sec. 17-18. Notice of assignments.

(a) Whenever the administrative staff, acting in accordance with section 17-17 of this article, shall have assigned numbers to, or shall send to the owner or owners of each and all buildings fronting upon such street, a written notice shall be sent informing them of such numbering or renumbering and directing them to affix to such premises numerals indicating the number or numbers thereto assigned. It shall thereupon become the duty of the owner or owners to affix such number or numbers within thirty (30) days after the sending of such notice.

(b) It shall be the duty of the owners of all buildings existing at the effective date of the ordinance of March 11, 1980, without prior notice, to affix numerals indicating the street identification number which has previously been assigned to such buildings by the town or, if there is no record of such assignment, the street identification number which customarily has been used for such premises.
(Ord. of 11-9-88)

***Editor's note—**Ord. No. 240, adopted Nov. 9, 1988, amended Art. II to read as herein set out in §§ 17-16—17-20. Prior to inclusion of said ordinance, Art. II, §§ 17-16—17-20, pertained to house numbering and derived from Ord. of Mar. 11, 1980, §§ a—e.

Sec. 17-19. Specifications for type and location of numbers.

(a) Numerals used to indicate the street identification number of buildings shall be located on the exterior front of the building which they identify or on a post, sign, mailbox or other device located between the building and the street. Such numerals shall be at least three (3) inches in height and shall be of a color contrasting with the color of the background material to which they are affixed. When affixed, they shall be positioned not less than four (4) feet nor more than twelve (12) feet from the surface of the ground directly below them. The location and size of such numerals shall be sufficient to assure their legibility when the building which they identify is viewed from one (1) or more points along the centerline of the street on which it fronts between projections of the sides of such building intersecting perpendicularly with such centerline.

(b) If a building is set back more than one hundred (100) feet from the centerline of the street on which it fronts, or if numerals cannot be made legible from such centerline because of obstruction, the foresaid numerals shall be affixed to a post, sign, mailbox or other device which shall be located within ten (10) feet of the driveway entrance to the premises and which shall otherwise conform to the specification herein.

(c) For buildings containing more than three (3) dwelling units which have entrances from interior passageways, numerals shall be affixed within five (5) feet of every door by which the building may be entered. Otherwise the specifications and locations for such numerals shall be as for other buildings.

(d) Residential dwellings that consist of multiple units having different street numbers shall post the range of house numbers per building at a prominent location thereon, consisting of numerals that are no less than six (6) inches in height and of a color contrasting with the color of the background material to which they are affixed, such that the location be visible at least one hundred (100) feet to approaching emergency personnel. In addition, each individual unit shall have at its front and rear entrances a visible number consisting of three-inch numerals in contrast to the background.
(Ord. of 11-9-88)

Sec. 17-20. Penalty.

Whoever shall refuse or neglect to comply with the provisions of this article for more than thirty (30) days after notice, as required in section 17-18, shall be fined ten dollars ($10.00).
(Ord. of 11-9-88)

Secs. 17-21—17-30. Reserved.

ARTICLE III. PRIVATE ROADS AND STREETS*

Sec. 17-31. Purpose.

This article shall govern the manner in which the town may provide certain maintenance to roads that are not accepted public highways.
(Ord. of 11-23-82)

Sec. 17-32. Private roads approved for maintenance.

(a) The department of public works is authorized to provide those maintenance services described in section 17-33 of this article for the following private roads, or parts thereof as the case may be, that were in use prior to January 1, 1945:

	Miles
Birch Trail	0.29
Carini Road	0.16
Carter Court	0.10
Chestnut Hill Terrace	0.07
Cotton Hollow Road	0.47
Cross Trail	0.04
East Lake Shore Trail	0.27
Fern Street	0.17
Green Cemetery Road	0.24
Hilltop Trail	0.04
Hopewell Heights	0.17
Lake Shore Trail	0.31
Laurel Trail	0.22
Montano Road	0.08
Owens Lane	0.20
Pearl Street	0.06
Pine Tree Lane	0.19
Roaring Brook Plaza	0.08
Sherbrook Drive	0.14
Springside Trail	0.33
Trymbulak Lane	0.22
Washington Street	0.17

(b) Maintenance services shall be provided for the private roads listed in this section only if such roads are reasonably safe. The director of public works shall inspect, or cause to be inspected, the listed private roads and shall determine if they are reasonably safe for use by

*__Editor's note—__An ordinance of Nov. 23, 1982, amended the 1960 Code by repealing §§ 2401—2403, which had been codified herein as Art. III, §§ 17-31—17-33. Said ordinance enacted new §§ 2401—2406, of which 2401, 2403—2406 have been codified, at the editor's discretion, as a new Art. III, §§ 17-31—17-35.

town employees providing the maintenance services. If a private road is not reasonably safe, no maintenance services shall be provided by the town unless the owners of the private road, or owners of property abutting the private road, as the case may be, properly correct the unsafe condition or conditions.

(c) The private roads, or parts thereof, approved for maintenance shall be shown on a map which shall be available for public inspection in the town clerk's office.
(Ord. of 11-23-82)

Sec. 17-33. Maintenance services to be provided.

(a) Notwithstanding maintenance provided to private roads under the former ordinance, maintenance services provided under section 17-32 of this article shall be limited to the following services:

(1) Snow plowing and ice sanding;

(2) Sweeping;

(3) Surface patching;

(4) Oiling and incidental sanding;

(5) Installation and maintenance of any official traffic-control devices and street signs as defined in G.S. § 14-297, which are approved by the traffic authority.

(b) If the town considers it necessary to public safety or otherwise desirable to provide additional work, services or improvements to roads approved for maintenance under section 17-32 of this article such work, services or improvements may be provided by the town or its designees provided an agreement is executed between the town and the owners of the land upon which the road rests, or which the road benefits, concerning the work, services or improvements. The town may decline to provide additional work, service or improvements unless the agreement apportions costs among the parties.
(Ord. of 11-23-82)

Sec. 17-34. Acceptance for maintenance not to be construed as acceptance as public highway.

Approval of a private road for maintenance, improvement or hard-surfacing under section 17-32 of this article and/or approval of additional work, services, or improvements under section 17-33 shall not be considered acceptance of that road as a public highway.
(Ord. of 11-23-82)

Sec. 17-35. Planning and zoning.

Nothing in this article shall be construed to modify or change any of the requirements laid down by the town plan and zoning commission and approved by the town for the acceptance of new roads as public highways.
(Ord. of 11-23-82)

Cross reference—Plan and zoning commission, § 15-36 et seq.

Secs. 17-36—17-45. Reserved.

ARTICLE IV. SIDEWALKS

DIVISION 1. GENERALLY

Sec. 17-46. Construction permits; to whom issued.

No person other than a licensed contractor will be issued a permit to construct, repair, or replace a sidewalk within the public rights-of-way in the town. No charge will be required for a permit to repair or replace a sidewalk or portion thereof when such repair or replacement has been ordered by the town manager.
(Code 1960, § 2307.1)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-47. Specifications.

After obtaining a permit to construct, repair or replace a sidewalk and before commencing operations, specifications must be obtained from the town manager or his designated agent and all work must be performed in strict conformity to such specifications, which shall designate the location, types of materials, width, thickness of the sidewalk and methods of construction.
(Code 1960, § 2307.2)

Sec. 17-48. Grade.

After obtaining a permit to construct, repair or replace a sidewalk and before commencing operations, in the public right-of-way, a grade line shall be obtained from or approved by the town manager or his designated agent, provided that no grade line shall be necessary where minor repairs or slab replacement is performed.
(Code 1960, § 2307.3)

Sec. 17-49. Inspection.

Annually, or at more frequent intervals, the town manager shall cause all existing sidewalks fronting on town roads to be inspected to determine whether any such sidewalk, or any part thereof, is in need of repair or replacement in order to make it safe for public travel.
(Code 1960, § 2351.1; Ord. of 7-10-61; Ord. of 12-8-69)

Sec. 17-50. Repairs.

Whenever the town manager or his agent determines that any such sidewalk described in section 17-49, or any part thereof, is in need of repair or replacement, he shall cause the same to be repaired or replaced as needed.
(Code 1960, § 2351.2; Ord. of 7-10-61; Ord. of 12-8-69)

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(Code 1960, § 2351.2; Ord. of 7-10-61; Ord. of 12-8-69)

Sec. 17-51. Construction.

(a) *Order.* The town council may, after hearing as herein provided, upon finding that it will serve public necessity and convenience, order the town manager to install or cause to be installed along all or part of any street or highway in the town sidewalks of such dimensions, styles, kinds, forms, materials, at such grades and in accordance with such other specifications adopted by the town council.

(b) *Notice.* Notice of such order shall be given to the owner or owners of the abutting land within ten (10) days after the same has been made by mailing a copy of the same to the last known place of abode of such owner or owners or by leaving a copy of the same with the agent or person having charge of or occupying such land.

(c) *Hearing.* Before making such an order, the town council shall cause notice of the time and place of a hearing relative to the same to be given such owner or owners, at least ten (10) days prior to the date of such hearing, by mailing a copy of such notice to the last known place of abode of such owner or owners or by leaving a copy of the same with the agent or person having charge of or occupying such land.

Sec. 17-52. Removal of snow, ice, debris, vegetative growth and other obstructions.

(a) The owner, agent of the owner, or occupant of any property bordering upon any street, square or public place within the town where there is a paved or concrete sidewalk shall cause to be removed therefrom any and all snow, sleet, ice, debris, vegetative growth and other obstructions. Nothing in this section shall be deemed to remove or alleviate the owner's responsibility and liability for correcting hazardous conditions on their property.

(1) Removal of snow, sleet and ice shall be done within twenty-four (24) hours after the same shall have fallen, been deposited or found, or in the case of ice that cannot be removed, such ice shall be covered with sand or some other suitable substance to cause such sidewalk to be made safe and convenient within such time period. Removal of snow and ice shall mean the removal of snow and ice to the full width of the sidewalk.

(2) Removal of debris and other obstructions shall be done within twenty-four (24) hours after the same shall be found or deposited, to make such sidewalk safe and convenient.

(3) Removal of vegetative growth occurring adjacent to, or overhanging the sidewalk shall be done within fourteen (14) days after receiving notice of violation of this section to make such sidewalk safe and convenient. Vegetative growth shall be removed and maintained to a distance of one (1) foot beyond each exterior edge of the sidewalk to a clear height of seven (7) feet above the sidewalk. Overhanging vegetation shall be removed to establish a clear height of seven (7) feet. Grass or sod overgrowing the sidewalk surface greater than six (6) inches shall be removed.

(b) No private person or entity shall place or cause to be placed, any snow, ice, debris, vegetation or other obstruction from any privately owned property onto or into any street, public way or sidewalk of the town, so as to in any way interfere with, impede or render unsafe any manner of use of or travel on said streets, public ways or sidewalks.

(c) Any person or entity who shall violate any of the provisions of subsections (a) and/or (b) of this section or refuse to or neglect to comply with the same, shall be fined the sum of fifty dollars ($50.00) for each offense. Each and every day of violation of such provisions and refusal or neglect to comply with such provisions shall be deemed a separate offense. In proceedings against owners or their agents, such owners or agents shall be allowed to show that the lessee or occupant of the property has agreed to assume responsibility for the maintenance of the sidewalks as required herein. In such cases, the lessee or occupant shall be responsible for any violation of these provisions.

(d) Each such person or entity who is fined under subsection (c) of this section shall, within the ten (10) days of the date when such notice of violation and penalty is issued, pay to the town as a penalty for and in full satisfaction of such violation(s), the total fine due as indicated on the notice, unless a protest form is filed at the police department within the ten-day period, in which case the fine is held in abeyance pending a review and judgment of the protest in accordance with subsections (e) and (f) of this section.

(e) The town manager shall appoint a hearing officer(s) as provided in G.S. § 7-152c(b). The hearing officer(s) will conduct the hearing procedures pursuant to G.S. § 7-152c.

(f) The purpose of the hearing will be to determine if there were extenuating circumstances which prevented the owner, agent of owner or occupant from complying with subsection (a) of this section. This procedure does not relieve the owner, agent of the owner, lessee or occupant from the responsibility of complying with section 17-52 but can be used by the hearing officer(s) in regards to reducing the fine imposed by subsection (c) of this section.

(g) Notwithstanding the provisions of G.S. § 13a-149 or any other general statute or special act, the town shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless such municipality is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided such municipality shall be liable for its affirmative acts with respect to such sidewalk.

The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of any ordinance adopted pursuant to the provisions of this section and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.

(Code 1960, §§ 2353.1—2353.3; Ord. of 7-10-61; Ord. of 12-18-69; Ord. of 1-23-96; Ord. No. 318, 4-13-10; Ord. No. 331, 2-10-15)

Sec. 17-53. Construction in subdivisions.

The provisions of this article referring to the construction of sidewalks shall not be construed to apply to, or abrogate, or in any way amend or change regulations, rules or ordinances which now exist or may be adopted that control the construction of sidewalks in subdivisions.
(Code 1960, § 2354.1; Ord. of 7-10-61; Ord. of 12-18-69)

Sec. 17-54. Sidewalks required along street frontage in business, commercial and industrial zones prior to issuance of certificate of occupancy.

(a) No building permit shall be issued for any building in business, commercial or industrial zones under the building-zone regulations unless there are existing sidewalks along all street frontages along which the lot upon which such building or buildings are located abuts, or unless appropriate town governmental action including appropriation procedures, has been taken to provide for construction of such sidewalks, or until the owner or builder has agreed

to install such sidewalks, in which case no certificate of occupancy for any such building shall be issued until such sidewalks have been constructed to completion. In the event the owner or any other person with a legal interest in the abutting property elects to construct such sidewalks at his expense, such construction shall be done to existing town specifications under supervision of town official, and all expense for such construction shall, on submission of proper affidavits satisfactory to the town, constitute a credit towards any future assessments made under this division.

(b) The owner of any business, commercial, and industrial buildings on property in business, commercial, and industrial zones may request that the requirements of this section for sidewalk construction be waived by the town plan and zoning commission. The commission shall in making its decision, consider such factors as density of commercial structure, traffic and pedestrian volumes, and safety hazards. The decision of the commission shall be made within thirty (30) days from the receipt of such request for waiver and shall be final.
(Code 1960, §§ 2355.1, 2355.2; Ord. of 1-28-63)

Secs. 17-55—17-60. Reserved.

DIVISION 2. RESERVED*

Secs. 17-61—17-75. Reserved.

ARTICLE V. STREET PAVING

Sec. 17-76. Town's power to pave and assess costs.

The town council may cause to be paved with any substantial pavement or any acceptable base, together with drainage and grading where necessary or desirable, such streets or parts of streets in the town as it may determine. The town council shall have the power to apportion and assess the whole or any portion of the cost of such drainage, grading, base and paving, including the portion contiguous to lateral and intersecting streets, upon the land and buildings which in its judgment are especially benefited thereby, whether they abut such streets or not, and upon the owners of such land and buildings in accordance with such rule as the town council adopts. In assessing benefits and apportioning the amount to be raised thereby among the properties benefited, the council may give consideration to the area, frontage, grand list valuation, and to present or permitted use or classification of benefited properties and to other relevant factors. The council may make reasonable allowances in the case of properties having a frontage on more than one (1) street and whenever for any reason the particular situation of any property requires an allowance.
(Code 1960, § 2391; Ord. of 5-10-71)

*__Editor's note—__An ordinance of Mar. 8, 1983, dissolved the sidewalk evaluation and program committee, deriving from Code 1960, §§ 2357.0, 2357.2—2357.4, which had been codified as Div. 2, §§ 17-61, 17-63—17-65. Said sections had also been amended by an ordinance of Nov. 8, 1965.

Sec. 17-77. Determination of streets to be paved; hearing; notice of hearing.

(a) The town council shall recommend the streets or parts of streets to be paved, and shall determine the kind of base or pavement to be laid thereon and shall ascertain the cost of such paving based upon current bid prices. When the town council has recommended the construction of a base or pavement on any street or part of a street pursuant to the provisions of this article, it shall hold a hearing, notice of the time and place of which shall be given to the property owners to be affected by such assessment, if known, at least ten (10) days before the time of hearing by depositing in the post office, postage prepaid, a notice of the pendency of the proceeding signed by the town manager and addressed to the last known address of the property owners or to the addresses to which their most recent tax bills were sent.

(b) In the case of an estate of a deceased person in process of settlement, notice to the administrator or executor of the estate shall be deemed to be notice to the owner. Notice of the time and place of such hearing shall also be given by publication not less than ten (10) days before the date of such hearing in a newspaper having a circulation in the town. The estimated cost of such paving, including the estimated amount apportioned to each property, shall be presented to or available for use at such public hearing and, after such hearing the town council may vote to order the construction of such pavement or base, or any part of the same, and shall assess the cost thereof in the manner provided in section 17-76 of this article. The estimated amount of such cost apportioned to each property owner shall be a lien upon such land, provided, within thirty (30) days after the passage of said vote laying out or ordering such construction, a caveat shall be recorded and indexed on the land records by the town clerk.
(Code 1960, § 2392; Ord. of 5-10-71)

Sec. 17-78. Levy of assessment.

On completion of the work the final cost shall be computed based on the actual cost of such work and a final assessment for such cost shall be levied in the manner provided in section 17-76 of this article. When the town council has determined the amount of the assessment to be levied, it shall file and have indexed a copy thereof in the office of the town clerk and, not later than five (5) days after such filing shall cause the same to be published in a newspaper having circulation in the town. Such publication shall state the date on which such assessment was filed and that any appeals from such assessment must be taken within thirty (30) days of such publication. Any person aggrieved by an assessment may appeal to the superior court pursuant to the provisions of G.S. § 7-142, and such publication shall be deemed due notice from which the thirty-day appeal period runs for the purpose of this section.
(Code 1960, § 2393; Ord. of 5-10-71)

Sec. 17-79. When assessments due.

Assessments shall be due and payable at such time as is fixed by the town council, provided no assessment shall become due until the work or particular portion thereof for which assessment was levied has been completed. In the case of any assessment in excess of one hundred dollars ($100.00) the town council may make provision for payment of the same in

periodic payments over a period of time not to exceed five (5) years. The town council shall give notice of the date or dates when assessments are due and payable by publication in a newspaper having a circulation in the municipality and by mailing copies of such notice to affected property owners. Such notice shall list the streets for which such assessments are due. No assessment shall be due and payable earlier than thirty (30) days after the publication of such notice. Such assessments shall be delivered by the town council to the tax collector of the town for collection and shall be final and conclusive on all parties in interest.
(Code 1960, § 2394; Ord. of 5-10-71)

Sec. 17-80. Collection of assessments.

Payment of an assessment levied under this article may be enforced in a civil action by said town or by foreclosure in the manner of foreclosure of tax liens. Such assessment shall become a lien upon the land assessed from the date it is levied and shall remain a lien in favor of the town until payment; provided no such lien shall continue for a period longer than four (4) months after such assessment was made unless, within such period, a certificate, in writing, signed by the tax collector and describing the premises, the amount claimed as a lien, the date of such final assessment and the nature of the work for which such lien is claimed, is lodged by the town clerk. Each such lien shall bear interest from the date of the billing thereof at the rate of one-half of one per cent per month until paid. Any such lien shall cease to exist when a certificate signed by the tax collector and stating that the claim secured thereby, together with interest, has been paid in full, shall be lodged with the town clerk. The town council may, in its discretion and in accordance with such regulations as it may adopt, defer, in cases of hardship, the payment of assessments under the provisions of this article.
(Code 1960, § 2395; Ord. of 5-10-71)

Sec. 17-81. Exemption.

The provisions of this article shall not apply to property which is located in an industrial or business zone, and shall not apply to streets which are both accepted and paved as town roads. A paved town road shall be deemed to be an accepted town road with any form of pavement including, but not limited to, oiled gravel, armorcoat, penetration, concrete, or bituminous concrete.
(Code 1960, § 2396; Ord. of 5-10-71)

Secs. 17-82—17-95. Reserved.

ARTICLE VI. WORK PERFORMED WITHIN PUBLIC RIGHTS-OF-WAY

DIVISION 1. GENERALLY

Sec. 17-96. Definition.

The "public rights-of-way" shall include the area between street lines along town roads that have been formally accepted by the town and any public right-of-way as shown on a map of an approved subdivision, whether or not the streets within such subdivision have yet been accepted by the town.
(Code 1960, § 2301.15; Ord. of 12-10-62; Ord. of 9-9-75)

Cross reference—Rules of construction and definitions generally, § 1-2.

Sec. 17-97. License—Required.

Only a contractor duly licensed by the town manager or his designated agent as herein provided, will be allowed to do any work upon any public right-of-way in the town, but this section shall not prevent the making without such license of temporary or minor repairs by the owner of the abutting property, or such owner's agent providing a permit is obtained for such repairs.
(Code 1960, § 2301.7; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-98. Same—To whom issued; fee.

A license to perform specific work within the public rights-of-way will be issued by the town manager or his designated agent to any person or corporation who shall make proper application therefor, file a satisfactory bond, show evidence of liability insurance as specified herein, and satisfy the town manager or his designated agent that he is competent and intends to perform his work in accordance with all applicable conditions, rules, regulations and specifications herein contained or hereafter adopted. A fee of five dollars ($5.00) will be charged for each license issued.
(Code 1960, § 2301.1; Ord. of 12-10-62; Ord. of 6-27-78)

Sec. 17-99. Same—Bond prerequisite to issuance.

Before a license required by section 17-97 is granted, the applicant shall file with the town manager's office a surety bond in the sum of not less than two thousand dollars ($2,000.00) on a form provided by such office for the purpose. If a permit is applied for by the applicant for a project requiring a bond in excess of two thousand dollars ($2,000.00) to adequately protect the town an additional bond increasing the surety bond by an amount deemed sufficient by the town can be requested by the town before such permit shall be issued. Such surety bond shall be written by an indemnity or surety company authorized to transact business in the state and approved by the town manager or his agent.
(Code 1960, § 2301.2; Ord. of 12-10-62)

Sec. 17-100. Same—Insurance prerequisite to issuance and continued validity.

(a) The contractor applying for a license required by section 17-97 shall furnish to the town a valid insurance certificate completed by his agent or insurer for the amounts described as follows: Liability, with bodily injury limits of three hundred thousand dollars ($300,000.00) each person; five hundred thousand dollars ($500,000.00) each accident with property damage limits of fifty thousand ($50,000.00) each accident.

(b) The insurance shall cover the entire contract period as well as the maintenance period and in the event that the insurance expires during this time the contractor shall furnish the town with a renewal certificate at least ten (10) days prior to its expiration or the license and any permits issued pursuant to it shall be null and void. The property damage insurance shall specifically cover damage to underground pipes and conduits damaged while using mechanical equipment to excavate in the public rights-of-way. In the event that a licensee shall fail to renew an insurance policy which expires during the maintenance period, the town manager or his designated agent may renew such policy after written notice to the licensee and to his surety company and upon their failure to furnish a renewal certificate, charge the cost thereof to the licensee.
(Code 1960, § 2301.3; Ord. of 12-10-62)

Sec. 17-101. Same—Transferability.

No contractor licensed pursuant to section 17-97 or abutting property owner shall allow his name to be used by any other person or party either for the purpose of obtaining permits or doing any work under his license.
(Code 1960, § 2301.8; Ord. of 12-10-62)

Sec. 17-102. Same—Revocation.

The town manager or his designated agent may at any time cancel or suspend any license required by section 17-97 for cause. In the event the liability insurance is cancelled, the license issued to the contractor shall automatically become suspended.
(Code 1960, § 2301.6; Ord. of 12-10-62)

Sec. 17-103. Same—Expiration.

All licenses required by section 17-97 shall expire on December 31 next following their date of issue, unless sooner revoked, and a new license obtained before any work can be performed thereafter by the licensee.
(Code 1960, § 2301.5; Ord. of 12-10-62)

Sec. 17-104. Business address.

The applicant for a license required by section 17-97 shall file with the town manager's office his business address, and shall notify such office promptly of any change therein. Any orders

or notices which the town manager's office or its authorized agent may have to give to such applicant, if mailed to their address filed, shall be considered as due notice delivered to him personally and shall relieve the town of further obligation in the matter.
(Code 1960, § 2301.4; Ord. of 12-10-62)

Sec. 17-105. Employment of incompetent workers prohibited.

No contractor licensed pursuant to section 17-97 shall employ any person under his license who, in the opinion of the town manager or his designated agent, shall have shown himself incompetent to perform such work as he is expected to do, after receiving notice from the manager or his agent of such an opinion.
(Code 1960, § 2301.9; Ord. of 12-10-62)

Sec. 17-106. Permits.

Permits to perform any work within the public rights-of-way in the town must be obtained by a licensed contractor or his authorized agent from the town manager. Each permit shall be signed by the town manager or his authorized agent. No work shall be commenced or be continued unless the permit is posted by or in the possession of the permittee or his agent at the location of the work. A fee of ten dollars ($10.00) will be charged for each permit.
(Code 1960, § 2301.10; Ord. of 12-10-62; Ord. of 6-27-78)

Sec. 17-107. Line and grade.

(a) Notice must be given at the office of the town manager not less than seventy-two (72) hours before starting any work for which line, grade, or any other pertinent information is required. Where such information is not required, the terms of section 17-108 shall prevail.

(b) No permittee shall commence work on a public right-of-way until such line and grade has been marked. Should any stakes or marks be moved or lost, the permittee shall cease work and notify the office of the town manager and request their replacement. If at any time doubt exists in the mind of the permittee about the correctness of any such mark or stake, he must call for a verification of these points, as any work which is not true to line and grade will be ordered removed and replaced to the proper line and grade at the expense of the permittee.
(Code 1960, § 2301.11; Ord. of 12-10-62)

Sec. 17-108. Notice before starting work.

Notice of starting work under permit must be given to the superintendent of the department of highways, the town engineer or other official that the town manager may designate, as far in advance of the starting as possible.
(Code 1960, § 2301.12; Ord. of 12-10-62)

Sec. 17-109. Correcting unsatisfactory work.

(a) The town manager or his designated agent is empowered to inspect, or cause to have inspected, at any time any or all work being performed under a permit issued to work within the public rights-of-way.

(b) If, in the opinion of the inspector, the work being performed does not meet the specifications and conditions in connection with it, the permittee shall be required to correct such condition, commencing work within twenty-four (24) hours of notification to make such correction unless a longer period of time is granted by the town manager or his designated agent.

(c) Work that has been completed and from which all men, equipment and material have been removed will be subject to the same conditions as those cited in the foregoing paragraph with the exception that a five-day limit will be imposed for commencement of rework unless a longer period of time is authorized by the town manager or his agent.

(d) If the permittee fails to comply with the requirements of this section, the town manager may cause such work to be done and the permittee shall be liable for the full expense of such work, such expense to be paid within thirty (30) days of billing.
(Code 1960, § 2301.13; Ord. of 12-10-62)

Sec. 17-110. Permittee's period of responsibility.

Unless the period of responsibility is waived, in whole or in part by the town manager, the permittee will guarantee his work for a period of six (6) months from date of completion of work within the public rights-of-way. During this guarantee period, the insurance as herein provided, shall remain in full force and effect. Completion of such work refers to the completion of the permanent pavement replacement.
(Code 1960, § 2301.14; Ord. of 12-10-62)

Sec. 17-111. Exemptions.

(a) The town manager or his designated agent may waive all requirements concerning licensing and insurance in case of any governmental agency or public service company. Nothing herein contained, however, shall be deemed to waive the requirement of obtaining permits.

(b) None of the provisions of this division shall apply to any work performed in connection with the maintenance, repair, replacement or relocation of existing utility poles owned by any public service company, nor to the erection of any temporary protective warning signs or devices.

(c) Nothing in this division shall be construed to prevent the making of any necessary excavation or the performance of any work related thereto by any public service company in the event of emergency.

(d) The town manager or his designated agent may waive requirements concerning licensing, bond, or insurance, or all of them, in case of a property owner wishing to perform work within the public rights-of-way fronting his own property, provided that the property owner submits evidence of his ability to perform the work, obtains a permit, and abides by all other rules and regulations of this article.

(e) None of the exceptions of this section shall be construed to apply to any contractor working for or hired by any public service company, governmental agency, or property owner, except in a case of emergency.

(f) None of the provisions of this division shall apply to the grading and improvements and utilities and services in connection with any approved subdivision plan; provided that, the subdivider has filed with the town treasurer a surety company bond or cash bond or savings account assignment securing to the town the actual construction and installation of such improvements and utilities as required in the subdivision and resubdivision regulations of the town.
(Code 1960, § 2301.16; Ord. of 9-9-75)

Secs. 17-112—17-120. Reserved.

DIVISION 2. CURBS

Sec. 17-121. Permits; issuance restricted.

No person other than a licensed contractor will be issued a permit to construct, rebuild, or replace a bituminous concrete or concrete curb within the public rights-of-way of the town.
(Code 1960, § 2308.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-122. Grade and lines.

After obtaining a permit and before commencing operations in the public right-of-way, grades and lines shall be obtained from the town manager or his designated agent.
(Code 1960, § 2308.2; Ord. of 12-10-62)

Sec. 17-123. Curb foundation.

The curb foundation shall be thirty (30) inches wide, one course bituminous concrete two (2) inches thick after compaction, over a six-inch gravel base.
(Code 1960, § 2308.3; Ord. of 12-10-62)

Sec. 17-124. Backfill.

After installation of the curb, the contractor shall backfill the curb with suitable material in order to strengthen the curb and prevent washouts and other damage.
(Code 1960, § 2308.4; Ord. of 12-10-62)

Sec. 17-125. Protection from heavy equipment.

Wherever a contractor or person is performing work that requires the moving of heavy equipment over a curb, he shall take adequate steps to bridge, plank, or otherwise protect the curb from damage.
(Code 1960, § 2308.5; Ord. of 12-10-62)

Sec. 17-126. Removing, damaging, etc., without permit prohibited.

It shall be a violation of this division to crack, break, remove or damage any existing curb unless a permit has been issued in accordance with the provisions of this section.
(Code 1960, § 2308.6; Ord. of 12-10-62)

Sec. 17-127. Repair of damaged curbs.

If a curb is unlawfully damaged by any contractor or person the town shall give notice to such contractor or person that such curb must be repaired or replaced to the satisfaction of the town manager. If such repair or replacement is not completed within five (5) days from the mailing of such notice, the town manager may cause such work to be performed, and the contractor or person shall be liable for the full expense of such work, such expense to be paid within thirty (30) days of billing.
(Code 1960, § 2308.7; Ord. of 12-10-62)

Secs. 17-128—17-135. Reserved.

DIVISION 3. DRAINAGE SPECIFICATIONS

Sec. 17-136. Permits—To be issued to licensed contractors only.

Only a licensed contractor may be issued a permit by the town manager or his designated agent to do any type of surface or cellar drainage work which connects into the town storm drainage system either surface or underground.
(Code 1960, § 2304.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-137. Same—Waiver of claim prerequisite to issuance.

No permits for work described in section 17-136 will be issued until the property owner shall have signed a waiver of claim on forms provided by the town manager or his designated agent, relieving the town of all responsibility for any damage resulting from such connection, specifically relinquishing any claim such property owner may otherwise have against the town caused by the back up of surface water through the town storm drain system.
(Code 1960, § 2304.2; Ord. of 12-10-62)

Sec. 17-138. Location of connection.

The exact point at which a permittee may tie into a public storm drain system shall be determined by the town manager. This information shall be obtained by the permittee after a permit has been issued and before work commences in the town right-of-way. In all cases where the grade allows and the drain is to be connected to an underground storm drain pipe, such connection shall be made from the top of the storm drain pipe.
(Code 1960, § 2304.3; Ord. of 12-10-62)

Sec. 17-139. Street excavations.

If it is necessary to cut the street pavement to make a connection, the backfill and resurfacing will conform to all specifications and regulations as outlined in division 8 of this article.
(Code 1960, § 2304.4; Ord. of 12-10-62)

Sec. 17-140. Drains prohibited.

No person shall lay, or construct, or open, or maintain any drain or conductor pipe in such a manner that the water from the same is discharged upon any sidewalk, street, or highway of the town, or other public place in the town, either by discharge of such water onto private land in such a way that it drains onto such public way or public land in a definable stream.
(Code 1960, § 2304.5; Ord. of 12-10-62)

Sec. 17-141. Connections.

(a) *Permits required.* Any person who shall make any connection into the town drainage system without a permit, shall be in violation of this article.

(b) *Corrections after notice.* Any connection made not in compliance with the terms of this article shall be corrected within ten (10) days after receiving written notice from the town manager to correct such connection. If such correction is not made within ten (10) days of notification, the change may be made by the town and the cost of the same shall be paid by the owner of the property.
(Code 1960, § 2304.6; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Secs. 17-142—17-150. Reserved.

DIVISION 4. DRIVEWAYS

Sec. 17-151. Scope.

The provisions of this division shall apply to driveways within town highways and public rights-of-way.
(Code 1960, § 2303.1; Ord. of 12-10-62)

Sec. 17-152. Permits; issuance restricted.

No person other than a licensed contractor will be issued a permit to construct, surface, or resurface a driveway, paved or otherwise, within the public rights-of-way of the town.
(Code 1960, § 2303.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-153. Grade.

After obtaining a permit and before commencing operations in the public rights-of-way, a grade line shall be obtained from the town manager or his designated agent.
(Code 1960, § 2303.2; Ord. of 12-10-62)

Sec. 17-154. Width.

(a) No private residential driveway over twelve (12) feet in width shall be permitted without approval from the town manager.

(b) No public or commercial driveway over thirty (30) feet in width shall be permitted without approval from the town manager.
(Code 1960, § 2303.3; Ord. of 12-10-62)

Sec. 17-155. Distance from crosswalk.

No driveway shall be constructed within four (4) feet of a regularly constituted crosswalk.
(Code 1960, § 2303.4; Ord. of 12-10-62)

Sec. 17-156. Number and separation distance.

(a) Approval must be obtained from the town manager to install more than two (2) driveways on one (1) piece of property.

(b) Under no circumstances shall the town manager permit two (2) driveways either on the same or joining property closer than eight (8) feet at the gutter line.
(Code 1960, § 2303.5; Ord. of 12-10-62)

Sec. 17-157. Location of driveway.

No driveway shall be constructed within twenty (20) feet of a street intersection.
(Code 1960, § 2303.6; Ord. of 12-10-62)

Sec. 17-158. Extent of driveway.

No driveway apron shall extend into the street further than the gutter line unless a culvert is placed under the driveway as herein provided.
(Code 1960, § 2303.7; Ord. of 12-10-62)

Sec. 17-159. Drainage.

(a) Where, in the opinion of the town manager or his designated agent, drainage conditions require a culvert, such culvert shall be installed under the driveway at the expense of the contractor. Such culvert pipe shall conform to specifications as outlined in section 17-185. Said culvert shall extend a minimum of two (2) feet beyond each edge of the basic width of the driveway, and in no case shall it be less than twelve (12) feet in length. The top side of the pipe shall be no closer than four (4) inches from the surface of the driveway.

(b) Where construction of driveways interfere with drainage of the street, including the moving or removal of catch basins, permission shall be granted only when such change is made with the approval of the town manager or his designated agent and according to plans prepared by a competent engineer at the expense of the contractor.
(Code 1960, § 2303.8; Ord. of 12-10-62)

Sec. 17-160. Removal of trees.

The removal of large trees on town property shall be carefully avoided and plans shall be made to install driveways in such a manner that the removal of such trees may be avoided. If it is absolutely necessary to remove such a tree, in the opinion of the town manager or his designated agent, the contractor shall conform to the provisions of division 9 of this article.
(Code 1960, § 2303.9; Ord. of 12-10-62)

Secs. 17-161—17-168. Reserved.

DIVISION 5. FENCES

Sec. 17-169. Permits; issuance restricted.

No person other than a licensed contractor will be issued a permit to remove, cut, drop, relocate or otherwise perform work on cable, wood, stone, wire, chain link or other fences constructed or maintained by the town within the public rights-of-way.
(Code 1960, § 2309.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-170. Replacement and repair.

Any person who obtains a permit for performing work on any such fence owned by the town shall replace or repair such fence to the satisfaction of the town.
(Code 1960, § 2309.2; Ord. of 12-10-62)

Sec. 17-171. Private fences.

No person shall be permitted to install, build, or locate a fence within the public rights-of-way except with the written permission of the town manager and subject to such conditions as the town manager may impose.
(Code 1960, § 2309.3)

Secs. 17-172—17-180. Reserved.

DIVISION 6. MATERIALS SPECIFICATIONS

Sec. 17-181. Hot asphalt concrete pavement.

The materials for hot asphalt concrete pavement shall be in accordance with Class I, Section 4.03, Connecticut Highway Specifications.
(Code 1960, § 2310.0; Ord. of 12-10-62)

Sec. 17-182. Concrete payment.

The materials for concrete pavement shall be in accordance with Section 4.01, Connecticut State Highway Specifications.
(Code 1960, § 2310.2; Ord. of 12-10-62)

Sec. 17-183. Bank run gravel.

The materials for bank run gravel shall be in accordance with Section 4.11, Connecticut State Highway Specifications.
(Code 1960, § 2310.3; Ord. of 12-10-62)

Sec. 17-184. Processed gravel.

The materials for processed gravel shall be in accordance with Section 4.15, Connecticut State Highway Specifications.
(Code 1960, § 2310.4; Ord. of 12-10-62)

Sec. 17-185. Culvert pipe.

Culvert pipe shall be reinforced concrete or corrugated metal pipe having a minimum diameter of twelve (12) inches.
(Code 1960, § 2310.5; Ord. of 12-10-62)

Sec. 17-186. Concrete sidewalks.

The materials for concrete sidewalks shall be in accordance with Section 9.21, Connecticut State Highway Specifications.
(Code 1960, § 2310.6; Ord. of 12-10-62)

Sec. 17-187. Additional specifications.

Additional specifications of material, construction methods and details of appurtenances shall be as established by the town and shall be on file with the town manager.
(Code 1960, § 2310.7; Ord. of 12-10-62)

Secs. 17-188—17-195. Reserved.

DIVISION 7. MOVING OF BUILDINGS AND OTHER STRUCTURES*

Sec. 17-196. Permits; issuance restricted.

Permits to move a building or structure over a public right-of-way will be issued to licensed contractors only. Such contractor shall be an approved contractor regularly engaged in the business of moving buildings and structures.
(Code 1960, § 2305.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations Ch. 11.

Sec. 17-197. Responsibility.

The contractor will be responsible for any damages to street pavement, curbs, gutters, drains, culverts, traffic signs, guard rails, bridge structures and any other town-owned property in the public right-of-way, caused by such moving. Any such damage shall be repaired, with work therein to commence within twenty-four (24) hours from time of damage and to be prosecuted expeditiously. If the town manager so deems it necessary in the interest of public safety, the repair work shall be commenced before such twenty-four (24) hours. Any repair work not commenced within the time limit or not diligently pursued may be completed by the town and the contractor shall be liable for the entire cost.
(Code 1960, § 2305.2; Ord. of 12-10-62)

Sec. 17-198. Trees; removal or trimming.

Any trees in the public right-of-way that must be removed or trimmed to make way for the building or structure shall be removed or trimmed in accordance with the provisions of division 9 of this article.
(Code 1960, § 2305.3; Ord. of 12-10-62)

Sec. 17-199. Removal of public property.

The superintendent of the highway department shall be notified a minimum of forty-eight (48) hours in advance of moving such structure in the event it becomes necessary to remove any public property. The work of removal of any public property shall be performed by the highway department of the town and the expense of the same shall be paid by the contractor.
(Code 1960, § 2305.4; Ord. of 12-10-62)

Sec. 17-200. Notification of town.

(a) *Fire department.* The fire department shall be notified through its fire chief at least forty-eight (48) hours before the contemplated removal.

(b) *Police department.* The police department shall be notified through its police chief at least forty-eight (48) hours before the contemplated removal. If a traffic director is required, he shall be provided by the police department at the expense of the contractor.
(Code 1960, § 2305.5; Ord. of 12-10-62)

*__Cross reference—__Buildings and building regulations, Ch. 5.

Sec. 17-201. Not to be left on highway at night; exception.

No building or structure being moved shall be left on the street overnight except in an extreme emergency and then only with the special permission of the town manager and under such special conditions as he may impose.
(Code 1960, § 2305.6; Ord. of 12-10-62)

Secs. 17-202—17-210. Reserved.

DIVISION 8. STREET EXCAVATIONS

Sec. 17-211. Permits; issuance restricted.

No person other than a licensed contractor will be issued a permit to excavate in a paved street area.
(Code 1960, § 2302.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-212. Notification of police and fire department.

The contractor shall notify the police department and the fire department twenty-four (24) hours in advance of making an excavation which requires blocking more than fifty (50) per cent of the width of the street. The fire department shall be notified through its fire chief.
(Code 1960, § 2302.2; Ord. of 12-10-62)

Sec. 17-213. Tunneling and bracing.

Excavations shall be made in an open cut and no tunneling will be allowed except by special permission of the town manager or his designated agent and under such additional conditions as he may impose. Trenches shall be braced and sheeted whenever in the opinion of the town manager such bracing and sheeting are necessary.
(Code 1960, § 2302.3; Ord. of 12-10-62)

Sec. 17-214. Maximum width of cut.

No contractor shall make a trench cut of over thirty (30) inches width without first obtaining special permission from the town manager or his designated agent.
(Code 1960, § 2302.4; Ord. of 12-10-62)

Sec. 17-215. Public safeguard.

All excavated material shall be compactly piled and not interfere with public travel more than necessary. Suitable barricades must be provided, and warning lights kept burning between sunset and sunrise. If, in the opinion of the town manager or his designated agent, the location and extent of work is such that a traffic director is required, the town manager or his

designated agent shall determine if these services shall be provided by the police department or a "flagman" employed by the contractor. If traffic direction is provided by the police department, the cost of said services shall be borne by the contractor.
(Code 1960, § 2302.5; Ord. of 12-10-62; Ord. of 9-29-89)

Sec. 17-216. Backfill of trenches.

The backfill in trenches within the roadway limits and paved areas shall be placed in layers not more than twelve (12) inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the town manager or his designated agent. The materials used for backfill shall be subject to the inspection and approval of the town manager or his agent and if, in his opinion, the excavated material is unsuitable for backfill, the contractor shall dispose of the unsuitable material and substitute approved sand, gravel or other material in the amounts and proportions specified by the town manager or highway superintendent. When the backfill has been completed within thirteen (13) inches of the finished pavement or surface grade, the next twelve (12) inches shall be filled and compacted using an approved grade of bank-run or processed gravel as specified in division 6 of this article. The last one (1) inch will be covered by any type of bituminous mix capable of holding the surface during the six-month maintenance period.
(Code 1960, § 2302.6; Ord. of 12-10-62)

Sec. 17-217. Maintenance.

Upon completion of the trench backfill and temporary treatment, the contractor will be required to maintain the trench for a six-month period. During this period the contractor shall inspect the trench at such regular intervals as may be necessary to maintain the trench in satisfactory condition. The contractor shall make necessary repairs to maintain the trench in satisfactory condition and in the event that the contractor fails to make such repairs the town may make such repairs as are deemed necessary and the contractor shall pay the cost of this work. Failure on the part of the town to give notice that repairs are needed shall not relieve the contractor of any of the duties set forth herein.
(Code 1960, § 2302.7; Ord. of 12-10-62)

Sec. 17-218. Pavement replacement.

At the end of the six (6) months' maintenance period or sooner if specifically directed by the town, the contractor shall be required to make a permanent pavement replacement. Unless otherwise instructed by the town manager or his designated agent, the permanent replacement shall be as follows:

(a) The old pavement in the trench area shall be cut by use of either a pavement saw or compressed air pavement breaker. The pavement must be cut a minimum of six (6) inches beyond all excavated areas and more than six (6) inches if directed by the town. Pavement cuts for installation of a permanent patch must be made so as to eliminate numerous jagged edges and a straight line along both edges of the trench is to be maintained.

(b) The trench area must be excavated to a depth of ten (10) inches. Eight (8) inches of processed stone or processed gravel must be installed and compacted either with a roller of not less than five (5) tons or a power tamper.

(c) The area immediately adjacent to the edge of the trench must be swept clean so that no loose sand, temporary patch or other debris remains.

(d) A hot patch material must be placed over the processed gravel or stone so that after compaction a depth of not less than two (2) inches is in place. The material must be so installed that the original cross slope of the road is maintained.

(e) All joints must be sealed with a bituminous joint sealer.

(f) If as a result of the contract work performed under the permit which this section specifically pertains to, the pavement outside of the trench area or the shoulders of the road are damaged as a result of this work or the detouring of traffic within the area covered by the permit, these damaged areas must also be repaired to the satisfaction of the town.

(1) If the pavement area is damaged, it will be replaced as stipulated in subsections (b) through (f) of this section.

(2) If the unpaved shoulder is damaged, it will be restored to the condition which existed prior to the beginning of the work. If the area was grassed, it will be reloamed and reseeded, otherwise it must be regraded with processed gravel.

(g) If the street in which the excavation is made is a bituminous macadam penetration pavement, the town reserves the right in lieu of the hot mix pavement referred to in subsection (d) of this section to require a two and one-half (2½) inch penetration pavement to be installed.

(h) If the street in which the excavation is made is a concrete pavement, the town reserves the right in lieu of the hot mix pavement referred to in subsection (d) of this section to require a new concrete pavement to be installed.

(i) The town reserves the right to require the contractor to pay to the town, in lieu of installing a permanent pavement replacement as stipulated in this agreement, a cash payment based on a current unit price per square yard of trench area including the cutback area referred to in subsection (b) of this section. A representative of the town and the contractor will measure the trench area, but the final decision as to the area in square yards will rest with the town.

(j) Materials used in the permanent pavement replacement shall be in conformance with the specifications set forth in division 6 of this article.

(Code 1960, § 2302.8; Ord. of 12-10-62)

Secs. 17-219—17-225. Reserved.

DIVISION 9. TREE REMOVAL

Sec. 17-226. Permits; issuance restricted.

Permits to remove or trim trees in the public ways will be issued to licensed contractors regularly engaged in the business of removing or trimming trees. Trees may be removed or trimmed by the highway department of the town, the tree warden, other agencies of the town, or contractors under its supervision and in its employ, without a permit.
(Code 1960, § 2306.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-227. Responsibilities.

The removal or trimming of any tree in the public way must be approved by the town manager or his authorized agent. The town manager at that time will decide whether such work will be at the expense of the town or at the expense of any individual or company requesting such work. In general, any trees removed or trimmed for public safety or due to the condition of the tree will be at the expense of the town, whereas trees removed or trimmed for the convenience of individuals or companies will be at the expense of that individual or company.
(Code 1960, § 2306.2; Ord. of 12-10-62)

Sec. 17-228. Public safeguards.

All possible precautions will be taken to protect the public from harm due to falling limbs, etc., including the placing of warning signs during the day and the use of lights at night on fallen sections lying in the public way.
(Code 1960, § 2306.3; Ord. of 12-10-62)

Sec. 17-229. Disposition of trees, limbs, and branches.

Any tree cut in the public way whether by licensed contractors or town agencies shall be carted away and disposed of. The area of work shall be left clean and neat. Elm trees having Dutch Elm disease must be disposed of according to applicable statutes and/or regulations promulgated pursuant thereto.
(Code 1960, § 2306.4; Ord. of 12-10-62)

Sec. 17-230. Sight lines.

No person shall plant, maintain or cause to be placed any tree, shrub, bush, or other planting in such a location within the public rights-of-way so as to interfere with proper sight lines for vehicular and pedestrian traffic. Any such planting which in the opinion of the town manager causes a hazard shall be removed by the property owner within ten (10) days after mailing notice to the property owner by the town manager. If such planting is not removed within such ten (10) days the town may remove such planting, the cost of which shall be billed to the property owner.
(Code 1960, § 2306.5; Ord. of 12-10-62)

Secs. 17-231—17-240. Reserved.

ARTICLE VII. RESERVED*

*__Editor's note—__At the request of the city, Art. VII, §§ 17-241—17-248, which pertained to scenic roads, has been removed inasmuch as same was not reinstated and became void as of Apr. 24, 1994.

Chapter 18

TAXATION*

Article I. In General

Sec. 18-1. Assessment date.
Sec. 18-2. Exemption of property for places used as houses of worship and houses used by officiating clergymen as dwellings and for land acquired by tax exempt organizations for perpetual conservation or environmental protection purposes.
Sec. 18-3. Redevelopment agency authorized to use tax credits in place of payments in lieu of taxes.
Sec. 18-4. Property tax exemption solar heating or cooling systems.
Sec. 18-5. Property tax exemption for ambulance-type vehicles;
Sec. 18-6. Tax relief for elderly homeowners.
Sec. 18-7. Veterans' property tax exemption.
Sec. 18-8. Property tax exemption for buildings used in farming.
Secs. 18-9—18-20. Reserved.

Article II. Tax Abatement to Low and Moderate Income Housing

Sec. 18-21. Definitions.
Sec. 18-22. Contracts for abatement.
Sec. 18-23. Term.
Sec. 18-24. Valuation.
Sec. 18-25. State assistance.
Secs. 18-26—18-30. Reserved.

Article III. Tax Abatements for Dairy Farms

Sec. 18-31. Regulations generally.
Secs. 18-32—18-40. Reserved.

Article IV. Tax Abatement Regulations for Public Safety Volunteers

Sec. 18-41. Purpose.
Sec. 18-42. Benefit.
Sec. 18-43. Eligibility.
Sec. 18-44. Certification.

***Charter references—**Board of finance, § 501; finance and taxation, § 601 et seq.

Cross references—Administration generally, Ch. 2; licenses, permits and miscellaneous business regulations, Ch. 11.

State law references—Boards of finance, G.S. § 7-340 et seq.; finance and taxation, G.S. § 12-1 et seq.; municipal, G.S. § 7-398 et seq.; municipal auditing act, G.S. § 7-391 et seq.; municipal bond issues, G.S. § 7-369 et seq.; municipal reserve fund, G.S. § 7-359 et seq.; treasurer, G.S. § 7-79 et seq.; uniform fiscal years, G.S. § 7-381 et seq.

Sec. 18-45. Abatement schedule.
Secs. 18-46—18-50. Reserved.

Article V. Tax Payments

Sec. 18-51. Generally.

ARTICLE I. IN GENERAL

Sec. 18-1. Assessment date.

Commencing October 1, 1977, the assessment date for the town shall be October 1.
(Code 1960, § 2521; Ord. of 1-25-77; Ord. No. 305, 6-22-04)

State law reference—Adoption required, G.S. § 12-62a(a).

Sec. 18-2. Exemption of property for places used as houses of worship and houses used by officiating clergymen as dwellings and for land acquired by tax exempt organizations for perpetual conservation or environmental protection purposes.

(a) (1) The exemption authorized by G.S. § 12-81(13) and 12-81(15) shall be effective as of the date of acquisition of property on the Grand List of the Town to which the exemption applies effective for the Grand List of the Town of January 1, 1968 and subsequent years.

(2) The exemption authorized by G.S. § 12-81(7) only as it relates to land acquired by a tax exempt organization for perpetual conservation or environmental protection purposes, shall be effective as of the date of acquisition of property on the Grand List of the Town effective October 1, 2003 and subsequent years.

(b) The town tax collector, upon proper application being made in accordance with this section, shall reimburse the tax exempt organization for any tax paid by it for a period subsequent to the date of acquisition of the property to which the exemption applies or for any tax paid by the prior owner of such property for a period subsequent to such acquisition date for which such tax exempt organization reimbursed such prior owner on the transfer of title to such property.

(c) In order to qualify for reimbursement pursuant to subsection (b) of this section to tax exempt organization must make application on forms to be furnished by the tax assessor, together with such documentary proof of date of acquisition, tax adjustment and other material facts as may be required by the town assessor.
(Code 1960, §§ 2501—2504; Ord. of 9-23-68; Ord. No. 305, 6-22-04)

Sec. 18-3. Redevelopment agency authorized to use tax credits in place of payments in lieu of taxes.

Pursuant to G.S. § 8-133b, it is hereby provided that the town redevelopment agency may provide for the use of tax credits to the town instead of actual payments in lieu of taxes to be made to the town on all property acquired by the town redevelopment agency in accordance with its urban renewal plan.
(Code 1960, § 2510; Ord. of 7-24-72)

Sec. 18-4. Property tax exemption solar heating or cooling systems.

As authorized in G.S. § 12-81(56)(a), (b) and (c), any solar energy heating or cooling system as described in such section shall be exempt from the local property tax.
(Code 1960, § 2520; Ord. of 12-14-76)

Sec. 18-5. Property tax exemption for ambulance-type vehicles; application.

(a) Pursuant to G.S. § 12-81c, any ambulance-type motor vehicle which is used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicle use to transport any such individual for payment, shall be exempt from the local personal property tax.

(1) "Ambulance-type motor vehicle" means any motor vehicle specially equipped or modified in a significant way for the purpose of transporting medically incapacitated individuals, including but not limited to the inclusion of lifts, the equipping with stretchers, beds or other special seating, and significant modification to accommodate medical or emergency equipment such as oxygen; and

(2) "Used exclusively" means that the vehicle is used and devoted primarily and inherently for the purpose of transporting medically incapacitated individuals and does not mean vehicles used partly for transporting medically incapacitated individuals and partly for other purposes.

(b) Applications for such exemption shall be filed annually with the town assessor's office, in such manner and including such information as required by the town assessor, no later than November 1 following the assessment date with respect to which such exemption is claimed or for vehicles purchased on or after October 2 and on or before July 31 of the assessment year for which such exemption is requested, not later than thirty (30) days after such purchase. This section shall be applicable with respect to the assessment year which commenced October 1, 1985. Applications for exemptions relative to the assessment year which commenced on said October 1, 1985 shall be made not later than thirty (30) days following the effective date of this section [February 24, 1986], or, for vehicles purchased after said effective date, but on or before July 31, 1986, not later than thirty (30) days after such purchase.
(Ord. of 2-11-86, §§ A, B)

Editor's note—Ord. No. 227, §§ A, B, enacted Feb. 11, 1986, did not specifically amend the Code, hence inclusion of these provisions as § 18-5 was at the discretion of the editor.

Sec. 18-6. Tax relief for elderly homeowners.

(a) *[Authority.]* Pursuant to the authority granted under G.S. § 12-129n, as amended from time to time, the town hereby authorizes local real property tax relief to eligible residents. The town shall have two (2) tax relief programs, the local credit program described in subsection (b) and the tax deferred program described in subsection (c). The residential property that will be subject to any real property tax relief must be owned by the participant and the participant's principal residence. Residents' eligibility shall be established pursuant to G.S. § 12-129n and administrative procedures established pursuant to subsection (e) below.

Participation in the local credit program shall require biennial application. Participation in the tax deferral program shall require an annual application. Eligible residents may apply for and participate in either the local credit program or tax deferral program, but may not apply for or participate in both programs.

(b) *Local credit program.*

(1) The local credit program provides a tax credit to be applied towards real property taxes for eligible residents. The local credit program shall be effective with the Grand List of October 1, 2006 for property taxes first payable on July 1, 2007. The maximum income allowable to participate in the local credit program and the local tax credit for the Grand List of October 1, 2005 are set forth in below. The maximum income allowable to participate in the local credit program and the local tax credit shall be adjusted annually as an administrative function performed by the town manager, in accordance with annual income changes to qualify for the state mandated tax relief program under G.S. § 12-129b to 12-129d, inclusive, and 12-170aa and in accordance with this subsection (b).

(2) The local tax credit shall be adjusted annually by an amount equal to fifty (50) percent of the tax increase for the median value of homes owned by participants in the local credit program for the previous Grand List year and July 1 payment date.

(3) For a participant in the local credit program which has been the owner of record of real property in town for at least twenty (20) years out of the past twenty-five (25) years immediately preceding the date of application, which property was used as such participant's principal residence for those twenty (20) or more years and is currently being used by such participant as such participant's principal residence, the local tax credit shall be one hundred dollars ($100.00) higher for each level of qualifying income.

(4) The cost to the town for the local credit program shall not exceed one-half (½) percent of the applicable Grand List year current tax levy.

(5) The tax relief provided to a taxpayer in the aggregate under the state tax relief program under G.S. § 12-129b to 12-129d, inclusive, and 12-170aa and the local credit program shall not exceed seventy-five (75) percent of the property tax for which such taxpayer would be liable but for the benefits under the state tax relief program and the local credit program.

(c) *Tax deferral program.*

(1) The tax deferral program provides for a deferral of real property taxes excluding amounts from state mandated tax credits. Participation in the tax deferral program requires an agreement between the participant and the town. A town tax lien will be placed on the residential property of a participant in the tax deferral program in the amount of the taxes deferred, plus interest described in subsection (c)(4) in each year that such taxpayer is a participant in the tax deferral program. The tax deferral program shall be effective with the Grand List of October 1, 2006 for property taxes first payable on July 1, 2007.

(2) To be eligible for the tax deferral program, an applicant must have been the owner of record of real property in town, and used such property as such applicant's principal residence, for a minimum of ten (10) consecutive years prior to the date of the application.

(3) The maximum income allowable to participate in the tax deferral program shall be the same as the annual income amounts to qualify for the state mandated tax relief program under G.S. § 12-129b to 12-129d, inclusive, and 12-170aa.

(4) Interest shall continue to accrue on taxes deferred under the tax deferral program. The interest rate on the deferred taxes shall be determined each year. The interest rate shall equal the one (1) year treasury bill rate plus fifty (50) basis points (one-half (½) percent) that is in effect on October 1 immediately preceding the applicable July 1 tax payment date.

(d) *[Proration.]* The amount of the tax credit under subsection (b) or the amount of the tax deferral under subsection (c) shall, in any case where title to the real property is recorded in the name of the participant or his/her spouse and any other person or persons, be prorated to reflect the fractional ownership of such participant or spouse or, if such property is a multiple-family dwelling, the amount of the tax credit under subsection (b) or the amount of the tax deferral under subsection (c) shall be prorated to reflect the fractional portion of such property occupied by the participant.

(e) *Administrative procedures.*

(1) Administrative procedures and guidelines consistent with this section shall be developed by the town manager or his/her designee to administer the local credit program and tax deferral program.

(2) The town manager shall provide the council with an annual report on the local credit program and tax deferral program.

Town of Glastonbury
2005 Grand List/2006 Calendar Year
Elderly Tax Relief Program
State and Town

2005 Income		*State Tax Credit*		*State Tax Credit Maximum*		*State Tax Credit Minimum*		*Proposed Local Credit*	
Over	*Not Exceeding*	*Married*	*Unmarried*	*Married*	*Unmarried*	*Married*	*Unmarried*	*Married*	*Unmarried*
$—	13,800	50%	40%	1250	1000	400	350	1000	900
13,801	18,600	40%	30%	1000	750	350	250	900	800
18,600	23,200	30%	20%	750	500	250	150	800	700
23,200	27,700	20%	10%	500	250	150	150	700	600
27,700	33,900	10%	0%	250	0	150	0	600	550
33,901	39,400	0%	0%	0	0	0	0	425	425
39,401	44,700							125	125

Requirements:

Applicant or spouse:

1. Must have been sixty-five (65) years of age or older on or before December 31, 2005.
2. Must own dwelling on October 1, 2005 on which tax credit is claimed.
3. Must be a permanent resident of that dwelling.
4. Must meet income guidelines as noted above. Income based on 2005 calendar year from ALL sources including Social Security. If married, income is total for husband and wife.
5. Proof of ALL income must be filed with application.
6. Application deadline for the state credit program is May 15, 2006.

(Ord. of 2-10-87; Ord. of 3-22-88; Ord. No. 288, 7-10-01; Ord. No. 293, 4-17-03; Ord. No. 300, 4-27-04; Ord. No. 311, 6-13-06; Ord. No. 312, 3-13-07)

Editor's note—Ord. of Feb. 10, 1987, did not specifically amend the Code, hence inclusion herein as § 18-6 was at the discretion of the editor. Subsequently, inclusion of Ord. of Mar. 22, 1988, as superseding § 18-6 was also at the discretion of the editor.

Sec. 18-7. Veterans' property tax exemptions.

(a) Pursuant to the authority granted under G.S. § 12-81f:

(1) Any veteran, entitled to an exemption from property tax in accordance with G.S. § 12-81(19), and any veteran's surviving spouse entitled to an exemption from property tax in accordance with G.S. § 12-81(22), shall be entitled to an additional exemption applicable to the assessed value of property up to the amount of ten thousand dollars ($10,000.00), provided such veteran's qualifying income does not exceed the applicable maximum amount as provided under section 12-811.

(2) Any such veteran or spouse submitting a claim for such additional exemption shall file an application on a form prepared for such purpose by the assessor, not later than the assessment date with respect to which such additional exemption is claimed, provided when an applicant has filed for such exemption and received approval for the first time, such applicant shall file for such exemption biennially thereafter, subject to the provisions of subsection (3) of this section. Each such application shall include a copy of such veteran's or spouse's federal income tax return, or in the event such a return is not filed such evidence related to income as may be required by the assessor, for the tax year of such veteran or spouse ending immediately prior to the assessment date with respect to which such additional exemption is claimed.

(3) Any person who has submitted an application and been approved in any year for the additional exemption under subsection (1) of this section shall, in the year immediately following approval, be presumed to be qualified for such exemption. During the year immediately following such approval, the assessor shall notify, in writing, each person presumed to be qualified pursuant to this subsection. If any such person has qualifying income in excess of the maximum allowed under said subsection (1), such person shall notify the assessor on or before the next filing date for such exemption and shall be denied such exemption for the assessment year immediately following and for any subsequent year until such person has reapplied and again qualified for such exemption. Any person who fails to notify the assessor of such disqualification shall make payment to the municipality in the amount of property tax loss related to the exemption improperly taken.

(4) This section shall apply to the grand list of October 1, 2003 for payment of taxes due July 1, 2004 and to subsequent years.

(b) Pursuant to the authority granted under G.S § 12-81g:

(1) Effective for the assessment year commencing October 1, 2014, and each assessment year thereafter, any person entitled to an exemption from property tax in accordance with G.S. § 12-81(20), reflecting any increase made pursuant to the provisions of section G.S. § 12-62g, who has a disability rating of one hundred (100) percent, as determined by the United States Department of Veterans Affairs, shall be entitled to an additional exemption from such tax in an amount equal to three (3) times the amount of the exemption provided for such person pursuant to G.S. § 12-81(20),

provided such person's total adjusted gross income as determined for purposes of the federal income tax, plus any other income not included in such adjusted income, excluding veterans' disability payments, individually if unmarried, or jointly with spouse if married, during the calendar year ending immediately preceding the filing of a claim for any such exemption, is not more than twenty-one thousand dollars ($21,000.00) if such person is married or not more than eighteen thousand dollars ($18,000.00) if such person is not married.

(2) Any claimant who, for purposes of obtaining an exemption under subsection (1) of this section, willfully fails to disclose all matters related thereto or with intent to defraud makes any false statement shall forfeit the right to claim such additional veteran's exemption.

(3) Any person who has submitted an application and been approved in any year for the additional exemption under subsection (1) of this section shall, in the year immediately following approval, be presumed to be qualified for such exemption. If, in the year immediately following approval, such person has qualifying income in excess of the maximum allowed under subsection (1) of this section, such person shall notify the assessor on or before the next filing date for such exemption and shall be denied such additional exemption for the assessment year immediately following and for any subsequent year until such person has reapplied and again qualified for such exemption. Any person who fails to notify the assessor of such disqualification shall make payment to the Town in the amount of property tax loss related to the exemption improperly taken. Not more than thirty (30) days after discovering such person's ineligibility for the exemption, the assessor shall send written notification of such person's identity to the Secretary of the Office of Policy and Management.

(4) This section shall apply to the grand list of October 1, 2014 for payment of taxes due July 1, 2015 and to subsequent years.

(Ord. No. 292, 4-8-03; Ord. No. 330, 9-23-14)

Sec. 18-8. Property tax exemption for buildings used in farming.

(a) Pursuant to the authority granted under G.S. § 12-91(c), as amended, any building used actually and exclusively in farming, as defined in G.S. § 1-1, or for any building used to provide housing for seasonal employees of such farmer upon proper application being made in accordance with this section, shall be exempt from property tax to the extent of an assessed value of one hundred thousand dollars ($100,000.00).

(b) This exemption shall not apply to the residence of any farmer.

(c) Annually, within thirty (30) days after the assessment date, each individual farmer, group of farmers, partnership or corporation shall make written application for the exemption provided in subsection (a) of this section to the assessor, including therewith a notarized affidavit certifying that such farmer, individually or as part of a group, partnership or corporation, derived at least fifteen thousand dollars ($15,000.00) in gross sales from such farming operation, or incurred at least fifteen thousand dollars ($15,000.00) in expenses

related to such farming operation, with respect to the most recently completed taxable year of such farmer prior to the commencement of the assessment year for which such application is made, on forms prescribed by the commissioner of agriculture. Failure to file such application in said manner and form within the time limit prescribed shall be considered a waiver of the right to such exemption for the assessment year.
(Ord. No. 302, 6-22-04; Ord. No. 309, 10-11-05)

Secs. 18-9—18-20. Reserved.

ARTICLE II. TAX ABATEMENT TO LOW AND MODERATE INCOME HOUSING*

Sec. 18-21. Definitions.

For the purpose of this article:

Low and moderate income housing means housing for the elderly, the construction or rehabilitation of which is aided or assisted in any way by any federal or state statute, which housing is subject to regulation or supervision of rents, charges or sales prices and methods of operation by a governmental agency under a regulatory agreement or other instrument which restricts occupancy of such housing to elderly persons whose incomes do not exceed prescribed limits, and shall be deemed to include the property on which such housing is situated.

Owner means a person or persons, partnership, joint venture or corporation who or which has executed, or will execute, a regulatory agreement or other instrument with a governmental agency which limits occupancy of the low and moderate income housing owned or to be owned by such person or persons, partnership, joint venture or corporation to elderly persons whose incomes do not exceed prescribed limits.
(Ord. of 4-13-82, § 1)

Cross reference—Rules of construction and definitions generally, § 1-2.

Sec. 18-22. Contracts for abatement.

The council may, by a majority vote, enter into contracts for the town with owners of low and moderate income housing, granting abatement, in whole or in part, of the real property taxes on such housing; provided, that such abatement need not be conditioned upon receipt of state reimbursement to the town for such abatement; and provided, further, that each such contract shall require that the owner apply the money equivalent of the taxes so abated to one (1) or more of the following specified purposes:

(1) To reduce rents below the levels which would be achieved in the absence of abatement;

(2) To improve housing quality and design;

*__Editor's note—__**At the discretion of the editor, an ordinance of Apr. 13, 1982, has been codified as Art. II, §§ 18-21—18-25.

(3) To effect occupancy by elderly persons of varying income levels, within prescribed limits; or

(4) To provide necessary related facilities.

The amount of such abatement shall be established in each such contract, giving due consideration to the purpose or purposes to which the money equivalent of the taxes so abated is to be applied.
(Ord. of 4-13-82, § 2)

Sec. 18-23. Term.

The abatement shall become effective on the date specified in the contract between the town and the owner of low and moderate income housing. The term of abatement shall extend for the remainder of the fiscal year in which such abatement becomes effective and may continue for a period not to exceed thirty-nine (39) consecutive fiscal years thereafter; provided, that such abatement shall terminate at any time when the property for which tax abatement had been granted is not used solely for low and moderate income housing.
(Ord. of 4-13-82, § 3)

Sec. 18-24. Valuation.

For the purpose of determining the amount of taxes to be abated as aforesaid, the present true and actual value of low and moderate income housing on which rents and carrying charges are limited by regulatory agreement with, or otherwise regulated by, the federal or state government or department or agency thereof, shall be based upon and shall not exceed the capitalized value of the net rental income of such housing; provided, that for the purposes of this section, "net rental income" shall mean gross income as limited by the schedule of rents or carrying charges, less reasonable operating expenses and property taxes.
(Ord. of 4-13-82, § 4)

Sec. 18-25. State assistance.

The town may, by a majority vote of its council, enter into contracts with the state for financial assistance by the state in the form of reimbursement for all or any part of the tax

abatement granted to an owner of low and moderate income housing in accordance with this article but the entering into of such a contract for financial assistance need not be a condition of any tax abatement.
(Ord. of 4-13-82, § 5)

Secs. 18-26—18-30. Reserved.

ARTICLE III. TAX ABATEMENTS FOR DAIRY FARMS*

Sec. 18-31. Regulations generally.

The town council may abate property taxes on dairy farms and recapture taxes so abated in the event of sale, in accordance with the following procedures and requirements:

(1) Any action by the town council concerning the abatement of property taxes for dairy farms, or the recapture of any taxes so abated, is done pursuant to Public Act 90-270, § 35, codified as G.S. § 12-81m, as such statute may be amended from time to time.

(2) A request for an abatement must be made by application to the town assessor by the record owner of the property, or a person who is a tenant under a signed lease, which lease (a) is recorded on the land records of the Town of Glastonbury, (b) has a minimum term of three (3) years, and (c) requires the tenant to pay all taxes on the dairy farm.

(3) In order for an abatement to apply for the tax year beginning July 1, 1992, the application must be submitted no later than May 15, 1992. For any tax year thereafter, the application must be submitted between September 1 and October 31, of the year preceding the tax due date. Failure to reapply by October 31 of each year will result in loss of the abatement for that year.

(4) An abatement is only available for "dairy farm." The applicant must provide the town council with evidence to support the status of the farm as a "dairy farm." In determining whether a farm is a "dairy farm," the town council shall take into account among other factors: the acreage of the farm; the nature of the barns, other structures, and equipment on the farm; the number and types of livestock on the farm; the quantities of milk sold by the farm; the gross income of the farm derived from dairy-related activities; the gross income of the farm derived from other types of activities and evidence of dairy farm or milk producing permit or dairy plant or milk dealer permit, as G.S. § 22-172 or G.S. § 22-173.

(5) The town council may abate up to fifty (50) per cent of the property taxes for the real property and outbuildings used for the production of milk or feed for dairy animals.

(6) Any abatement will continue in force, so long as permitted by state law, until such time as the town council modifies or revokes the abatement, until such time as the farm is sold, or until such time as the farm ceases to be a "dairy farm," whichever occurs first.

***Editor's note—**An ordinance of Apr. 28, 1992, §§ 1—11, did not specifically amend the Code; hence, inclusion herein as Art. III, § 18-31, was at the discretion of the editor.

(7) The property owner or tenant, as applicable, receiving the abatement must notify the town assessor in writing within thirty (30) days of the sale of the property or the cessation of operations as a "dairy farm."

(8) Upon sale or other transfer of the property, and subject to the provisions of subsection (9) herein, the property owner must pay to the town a per centage of the original amount of the taxes abated, pursuant to the following schedule:

Number of Years Sale Follows Abatement for Given Tax Year	*Percentage of Original Amount of Taxes Abated Which Must Be Paid For Each Year (Per Cent)*
More than 10	0
10	10
9	20
8	30
7	40
6	50
5	60
4	70
3	80
2	90
1	100

(9) The town council may waive any of the amounts which would otherwise be owed pursuant to subsection (8) herein if the farm continues to be a dairy farm after the sale of the property. The town council may waive any of the amounts which would otherwise be owed pursuant to subsection (8) herein if the property continues to be used as "farm land," "forest land" or "open space," as those terms are defined in G.S. § 12-107b after the sale of the property.

(10) Repayment of the taxes abated and owed to the Town of Glastonbury pursuant to subsections (8) and (9) hereof shall be due and payable by the record property owner/grantor to the town clerk of Glastonbury at the time of recording of his deed or other instrument of conveyance. Such revenue received by the town clerk shall become part of the general revenue of Glastonbury. No deed or other instrument of conveyance which is subject to the recapture of tax, as set forth in subsection (8) hereof, shall be recorded by the town clerk unless the funds due under the recapture provisions of subsection (8) hereof have been paid, or the obligation has been waived pursuant to subsection (9) hereof.

(11) The tax assessor shall file annually with the town clerk, not later than thirty (30) days after abatement is approved by the town council, a certificate for any dairy farm land that has been approved for a tax abatement, which certificate shall set forth the date

of the initial abatement and the obligation to pay the recapture funds as set forth in subsection (8) hereof. Said certificate shall be recorded in the land records of the Town of Glastonbury.

(Ord. of 4-28-92)

Secs. 18-32—18-40. Reserved.

ARTICLE IV. TAX ABATEMENT REGULATIONS FOR PUBLIC SAFETY VOLUNTEERS*

Sec. 18-41. Purpose.

In recognition of the benefits provided to the Town of Glastonbury by the dedicated service of certain of the town's volunteer personnel, the Glastonbury Town Council, hereby establishes a tax abatement program pursuant to Public Act 00-120, Section 10 for volunteer members of the Glastonbury Volunteer Fire Department (GFD), Glastonbury Volunteer Ambulance Association (GVAA) and the non-salaried local director of civil preparedness (collectively "volunteers") on the conditions outlined below.

(Ord. of 10-24-00, § 1)

Sec. 18-42. Benefit.

This article shall provide a reduction of Glastonbury property taxes due from eligible volunteers. The benefit shall range from a minimum of five hundred dollars ($500.00) to a maximum of one thousand dollars ($1,000.00). This article shall apply to personal property, motor vehicle and/or real estate taxes only, and shall not include personal property taxes as it relates to business equipment and inventory.

(Ord. of 10-24-00, § 2)

Sec. 18-43. Eligibility.

Volunteers who reside or pay property taxes in the Town of Glastonbury shall be eligible when meeting the following criteria after the effective date of this article.

(1) A volunteer must have achieved one (1) year of service and successfully completed his/her probationary period by April 1 of any year in order to be eligible for a tax abatement on July 1 of the current year.

(2) A volunteer member of GFD must retain status as "an active member in good standing" in the department as defined by the GFD training and attendance policy by April 1 for the previous twelve (12) months in order to be eligible for the tax abatement.

***Editor's note—**Ord. of Oct. 24, 2000, did not specifically amend the Code; hence inclusion herein as Art. IV, §§ 18-41—18-45, was at the discretion of the editor. See the Code Comparative Table.

(3) A volunteer member of the GVAA must retain status as "an active member in good standing" in the association as defined by the GVAA by-laws regarding training and duty hours by April 1 for the previous twelve (12) months in order to be eligible for the tax abatement.

(4) The non-salaried local director of civil preparedness must retain status as "an active member in good standing" as determined by the town manager by April 1 for the previous twelve (12) months in order to be eligible for the tax abatement.

(5) A volunteer must not be delinquent in his/her real and personal property tax payments to the Town of Glastonbury to be eligible for this tax abatement.

(Ord. of 10-24-00, § 3)

Sec. 18-44. Certification.

Annually on or before April 1 of each year, the chief of the GFD and the president of GVAA shall submit to the town manager a list of the volunteers of his/her organization who are eligible for the abatement as defined in section 18-43. This list shall contain the amount for which each volunteer is eligible. The town manager shall determine the eligibility and the tax abatement amount for the non-salaried local director of civil preparedness.

(Ord. of 10-24-00, § 4)

Sec. 18-45. Abatement schedule.

Abatement of property taxes shall be granted July 1 to eligible volunteers as follows:

(1) A volunteer who has completed one (1) year of service and successfully completed his/her probationary period as of April 1 for the previous twelve (12) months, shall be entitled to a five hundred-dollar annual abatement of property taxes.

(2) A volunteer who has completed five (5) years of service as of April 1 preceding the date of abatement shall be entitled to a seven hundred fifty-dollar annual abatement of property taxes.

(3) A volunteer who has completed ten (10) years of service as of April 1 preceding the date of abatement shall be entitled to a one thousand-dollar annual abatement of property taxes.

(4) A volunteer who has completed a minimum of twenty-five (25) years of active service in good standing and has reached the age of fifty-five (55), on or after April 1, 2000, shall continue to receive an abatement of one thousand dollars ($1,000.00) annually for as long as he/she resides and/or owns property in the Town of Glastonbury, regardless of his/her status in GFD or GVAA or as local director of civil preparedness.

(Ord. of 10-24-00, § 5)

Secs. 18-46—18-50. Reserved.

ARTICLE V. TAX PAYMENTS

Sec. 18-51. Generally.

(a) The tax due on the Grand List of the Town on October 1 of each year shall become payable in equal semiannual installments on July 1 next following and on January 1 next following said July 1, except that any tax of less than one hundred dollars ($100.00) and any tax on motor vehicles shall be payable in one installment on July 1.

(b) If any installments of such tax shall not be paid on or before the first business day of the month next succeeding that in which it shall be due and payable, such installment and all succeeding installments shall immediately become delinquent and shall be considered as having become due and payable at the same time as the earliest installment of such tax to become delinquent and shall be subject to interest at the rate and in the manner provided for in the General Statutes. Any person may pay the total amount of any tax for which he is liable at the time when the first installment shall be payable.

(c) Payments for delinquent motor vehicle taxes shall be paid in cash, certified check or money order.

(Ord. No. 299, 1-13-04; Ord. No. 307, 8-24-04)

Chapter 19

WATER, SEWERS AND SEWAGE DISPOSAL*

Article I. In General

Secs. 19-1—19-15. Reserved.

Article II. Sewers and Sewage Disposal

Division 1. Generally

Sec. 19-16. Purpose.
Sec. 19-17. Definitions.
Sec. 19-18. Facilities; approval.
Sec. 19-19. Duties transferred.
Sec. 19-20. Collection of assessments and charges.
Sec. 19-21. Unlawful deposits of objectionable wastes.
Sec. 19-22. Unlawful discharge of untreated sewage or other polluted water to natural outlets prohibited.
Sec. 19-23. Private systems prohibited; exception.
Sec. 19-24. Connection to and use of public system required.
Sec. 19-25. Interfering with, damaging public system.
Sec. 19-26. Request for relocating, altering, sewers, drains, etc.
Sec. 19-27. Building sewers near water supply wells.
Sec. 19-28. Construction, repair, alteration, removal—Restricted.
Sec. 19-29. Same—Persons permitted to engage in work.
Sec. 19-30. Same—Exceptions to sections 19-28 and 19-29.
Sec. 19-31. Enforcement of article.
Sec. 19-32. Interpretation of this article.
Sec. 19-33. Provisions not covered by article.
Sec. 19-34. Appeal from manager's decision.

Secs. 19-35—19-40. Reserved.

Division 2. Water Pollution Control Authority

Sec. 19-41. Creation; officers; vacancies.
Sec. 19-42. Compensation and expenses.
Sec. 19-43. Powers and duties.

Secs. 19-44—19-50. Reserved.

Division 3. Construction by And at Expense of Developers

Sec. 19-51. Agreements with developers authorized.
Sec. 19-52. Chairman or vice-chairman of water pollution control authority authorized to sign agreements.

***Cross references—**Administration, Ch. 2; buildings and building regulations, Ch. 5; garbage, trash and refuse, Ch. 8; housing, Ch. 9; offenses and miscellaneous provisions, Ch. 13; planning, Ch. 15; streets, sidewalks and public places, Ch. 17.

Sec. 19-53. Terms and text of forms of agreement to be approved by town attorney.
Sec. 19-54. Limits, sizes and grades of sewers or drains.
Sec. 19-55. Construction costs; deposits.
Sec. 19-56. Insurance.
Sec. 19-57. Bond or other surety.
Sec. 19-58. Conveyance of rights-of-way to town prerequisite to acceptance of sewers or drains.
Sec. 19-59. Connection charges in lieu of assessments.
Sec. 19-60. Incorporation into town system.
Secs. 19-61—19-65. Reserved.

Division 4. Construction and Assessment of Benefits Against Property Owners

Sec. 19-66. Definitions.
Sec. 19-67. Resolution to construct a sewerage system—Introduction.
Sec. 19-68. Same—Public hearing.
Sec. 19-69. Same—Preliminary engineering and planning.
Sec. 19-70. Reserved.
Sec. 19-71. Resolution to construct a sewerage system—Action on proposed resolution.
Sec. 19-72. Same—Notice to be recorded of adoption.
Sec. 19-73. Assessments—Power.
Sec. 19-74. Same—Public hearing.
Sec. 19-75. Same—First filing and publication.
Sec. 19-76. Same—Second filing and publication.
Sec. 19-77. Same—Appeal.
Sec. 19-78. Same—Due date.
Sec. 19-79. Same—Duties of tax collector.
Sec. 19-80. Same—Two hundred dollars or less.
Sec. 19-81. Same—In excess of two hundred dollars.
Sec. 19-82. Same—Installment payments.
Sec. 19-83. Same—Certificate of notice of installment payment.
Sec. 19-84. Same—Lien.
Sec. 19-85. Application of General Statutes.
Secs. 19-86—19-93. Reserved.

Division 5. Deferred Assessments of Trunk Sewer Costs

Sec. 19-94. Purpose.
Sec. 19-95. Definitions.
Sec. 19-96. Assessment by sewer districts.
Sec. 19-97. Treatment of excess costs.
Sec. 19-98. Division four (4) need not apply.
Sec. 19-99. Assessment of deferred costs.
Sec. 19-100. Collection of deferred costs from developers.
Sec. 19-101. Application of General Statutes.
Secs. 19-102—19-110. Reserved.

Division 6. Connection Charges in Lieu of Assessments in Certain Cases

Sec. 19-111. Deferment of assessment authorized.
Sec. 19-112. Prerequisites to connection where assessment has been deferred.

Sec. 19-113. Prerequisites to connection to sewers constructed by developers.
Sec. 19-114. Inclusion of provisions for reimbursement in developers' agreements authorized.
Sec. 19-115. Application for connections.
Sec. 19-116. Review of connection application; levy and collection of charge.
Sec. 19-117. Basis.
Sec. 19-118. Payment to tax collector.
Secs. 19-119—19-124. Reserved.

Division 7. Sewer Assessments Sinking Fund and Sewer Operating Fund

Sec. 19-125. Definitions.
Sec. 19-126. Sewer sinking fund.
Sec. 19-127. Projects to be financed by the sewer sinking fund.
Sec. 19-128. Sewer operating fund.
Sec. 19-129. Projects to be financed by sewer operating fund.
Secs. 19-130—19-135. Reserved.

Division 8. Installation or Design of Sewers in Subdivisions Under Certain Conditions

Sec. 19-136. Definitions.
Sec. 19-137. Execution of developer's agreement prerequisite to approval of certain subdivisions.
Sec. 19-138. Permit-agreement prerequisite to approval of subdivision located in area for which master sewer plan has been accepted.
Sec. 19-139. Sewer system design approval prerequisite to acceptance of subdivision for which permit-agreement is not required.
Sec. 19-140. Exemption from requirements of sections 19-138 and 19-139.
Sec. 19-141. Connection charge.
Sec. 19-142. Alternate systems.
Sec. 19-143. Water pollution control authority authorized to waive installation where impracticable.
Secs. 19-144—19-150. Reserved.

Division 9. Supplemental Sewer Assessments in Cases of Increased Special Benefits from Sewer System

Sec. 19-151. Definition.
Sec. 19-152. Notice to authority of intent to expand or change use.
Sec. 19-153. Supplemental assessment determined.
Sec. 19-154. Payment of charges.
Sec. 19-155. Water pollution control authority's authority where owner fails to apply for permit or give notice required by section.
Secs. 19-156—19-165. Reserved.

Division 10. Private Disposal System

Sec. 19-166. When required.
Sec. 19-167. Abandonment required upon availability of public facilities.
Sec. 19-168. Certain facilities declared public.
Secs. 19-169—19-180. Reserved.

Division 11. Connections

Sec. 19-181. Restricted.
Sec. 19-182. Specifications.
Sec. 19-183. Conformance to town building and plumbing codes required.
Sec. 19-184. Separate sewers required; exception.
Sec. 19-185. Owner to bear costs, indemnify town.
Sec. 19-186. Use of old house connections.
Sec. 19-187. Lifters required where building sewer too low to permit gravity drainage.
Sec. 19-188. Prior notice required; supervision.
Sec. 19-189. Records required.
Sec. 19-190. Manager may assist by furnishing information.
Sec. 19-191. Manager's authority to require payment for inspection, etc.
Sec. 19-192. Precautions to prevent obstruction or damage.
Sec. 19-193. Sealing of abandoned connection, etc.
Sec. 19-194. Maintenance of house connection.
Secs. 19-195—19-200. Reserved.

Division 12. Use of Public Sewers and Natural Outlets

Sec. 19-201. When discharge permit required.
Sec. 19-202. Prohibited discharges to sanitary sewers.
Sec. 19-203. Certain wastes or constituents limited or prohibited.
Sec. 19-204. Manager's authority over section 19-203 wastes.
Sec. 19-205. Sanitary sewers to be used only for sanitary sewage.
Sec. 19-206. Approved discharges for stormwater drains.
Sec. 19-207. Discharge of cooling water restricted.
Sec. 19-208. Considerations as to acceptability of wastes.
Sec. 19-209. Evidence as to purpose of sewer to be used in determining use of sewer.
Sec. 19-210. Right of entry for inspection, etc.
Sec. 19-211. Measurements, tests and analyses—Generally.
Sec. 19-212. Same—When owner must provide testing or treatment facilities.
Sec. 19-213. Use of excess water to achieve compliance with limits prohibited.
Sec. 19-214. When traps, separators, other additional equipment must be supplied.
Sec. 19-215. Submission of pretreatment facility plans condition to issuance of permit.
Sec. 19-216. Self-monitoring; records.
Sec. 19-217. Accidental discharges.
Sec. 19-218. Special agreements with industries.
Sec. 19-219. Maintenance of sampling wells, etc.
Secs. 19-220—19-225. Reserved.

Division 13. Drain Layers

Sec. 19-226. Licenses—Issuance upon application.
Sec. 19-227. Same—Application contents; term.
Sec. 19-228. Same—Surety bond and insurance prerequisite to issuance.
Sec. 19-229. Same—Suspension; revocation.
Sec. 19-230. Licensee to be responsible for faithful performance of work.
Sec. 19-231. Licensee to save town harmless from claims.
Secs. 19-232—19-240. Reserved.

Sec. 19-241. Required; issuance restricted; fee.
Sec. 19-242. Who may receive applications.
Sec. 19-243. Application; contents.
Sec. 19-244. Applications and work records to be permanent town records.
Sec. 19-245. Contents of permit; transferability.
Sec. 19-246. To be kept on work premises for display on request; responsibility for compliance.
Sec. 19-247. Suspension, cancellation or termination.

Article III. Illicit Discharge and Connection Stormwater Ordinance

Sec. 19-251. Purpose.
Sec. 19-252. Definitions.
Sec. 19-253. Applicability.
Sec. 19-254. Responsibility for administration.
Sec. 19-255. Severability.
Sec. 19-256. Ultimate responsibility.
Sec. 19-257. Discharge prohibitions.
Sec. 19-258. Suspension of storm drainage system access.
Sec. 19-259. Industrial or construction activity discharges.
Sec. 19-260. Right of entry, evaluation, and monitoring of damages.
Sec. 19-261. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.
Sec. 19-262. Watercourse protection.
Sec. 19-263. Notification of spills.
Sec. 19-264. Enforcement.
Sec. 19-265. Appeals.
Sec. 19-266. Injunctive relief.
Sec. 19-267. Compensatory action.
Sec. 19-268. Violations deemed a public nuisance.
Sec. 19-269. Criminal prosecution.
Sec. 19-270. Remedies not exclusive.
Sec. 19-271. Adoption of ordinance.
Secs. 19-272—19-275. Reserved.

ARTICLE I. IN GENERAL

Secs. 19-1—19-15. Reserved.

ARTICLE II. SEWERS AND SEWAGE DISPOSAL*

DIVISION 1. GENERALLY

Sec. 19-16. Purpose.

In order to ensure proper removal and disposal of sewage wastes and wastewaters within the town; to ensure the proper operation and maintenance of public sanitary sewers, sewage treatment plants, sewage pump stations and other sewage works within said town; and to provide for keeping adequate records of sanitary sewers, and appurtenances and connections thereto, the following article regulating the construction, use, repair, alteration and discontinuance or abandonment of sanitary sewers, and appurtenances and connections thereto, including pipes discharging directly or indirectly into and through sanitary sewers and appurtenances of the public sanitary sewer systems of the town is enacted by the town as provided by the Charter of said town and by laws of the state.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-17. Definitions.

Where, and as the context will admit, the following terms shall have the meanings indicated hereafter where used in this article:

Act or *the act* shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.

Authority shall mean water pollution control authority.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5)

***Editor's note—**Ord. of Oct. 25, 1988, amended Art. II to read as herein set out. Prior to inclusion of said ordinance, Art. II pertained to sewer and sewage disposal and derived from Code 1960, §§ 1361—1366, 1367.01—1367.10, 1370.1—1370.20, 1371.1—1371.8, 1373.1—1373.3, 1374.0(d), (e), 1374.1—1374.5, 1375.1—1375.5; Ord. of Nov. 14, 1960; Ord. of Jan. 8, 1962; Ord. of May 26, 1964; Ord. of Jan. 22, 1965; Ord. of June 24, 1968; Ord. of Sept. 8, 1969; Ord. of Mar. 8, 1971; Ord. of Mar. 20, 1971; Ord. of Mar. 12, 1973; Ord. of Feb. 12, 1974; Ord. of Nov. 12, 1974; Ord. of Nov. 25, 1975; Ord. of June 14, 1977; Ord. of June 23, 1981 and Ord. of Apr. 27, 1982. See the Code Comparative Table for a detailed analysis of inclusion of Ord. of Oct. 25, 1988.

Cross reference—Building permit restrictions relating to approval and installation of sewerage facilities, § 5-26 et seq.

days at twenty (20) degrees Centigrade, expressed in parts per million by weight. The determination of BOD shall be performed in accordance with the procedures prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

Building drain shall mean that part of the lowest horizontal piping of a building's plumbing which receives the discharge from soil, waste and other sanitary sewer pipes inside the walls of the building and conveys it to the house connection, beginning five (5) feet outside the inner face of the building wall.

Building sewer shall mean a house connection (see "house connection").

Categorical standards shall mean national categorical pretreatment standards or pretreatment standards.

Combined sewer shall mean a sewer provided and intended to convey, in the same pipe, both sanitary sewage and stormwater.

Commission shall mean water pollution control authority.

Compatible pollutant is biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the water pollution control facilities NPDES permit, where the water pollution control facility is designed to treat such pollutants and, in fact, does treat such pollutants, to the degree required by the NPDES permit.

Composite sample shall mean a mixture of aliquot samples obtained at regular intervals over a time period. The volume of each aliquot is proportional to the discharge flow rate for the sampling interval. The minimum time period for composite sampling shall be four (4) hours.

Cooling water shall mean process water in general use for cooling purposes to which the only pollutant added is heat and which has such characteristics that it may be discharged to a natural outlet in accordance with federal and state laws and regulations. It shall include clean wastewater from air conditioning, industrial cooling, condensing, and similar apparatus and from hydraulically powered equipment.

Domestic sewage shall mean sewage that consists of water and human excretions, or other waterborne wastes incidental to the occupancy of a residential building or nonresidential building but not wastewater from water softening equipment, commercial laundry wastewater, and blowdown from heating and cooling equipment.

Drain layer or *licensed drain layer* shall mean either an individual, partnership or corporation to whom the manager, or an authorized agent thereof, shall have issued a license to install and repair sanitary sewers, sanitary sewer connections, and house connections during the period when such license is valid, and the proper agents and representatives of such drain layer. The term "drain layer" may also be applied to the town and state highway departments' employees, and to the employees of public utilities when they are engaged in installing, altering and repairing sanitary sewers, or connections and appurtenances thereto, under permit from the town manager or an authorized agent thereof.

Floatable oil shall mean oil, fat or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.

Garbage shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Grab sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to flow in the waste stream and without consideration of time.

Holding tank waste shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers and septage hauling trucks.

House connection, where the context so indicates or implies, shall mean so much of a pipe or pipes as connect a main sanitary sewer with a building, or buildings, house or houses, or other structure for the purpose of conveying sewage of any kind from said property to a main sanitary sewer. The house connection, when used in that sense, shall include not only the pipe extending directly from the main sewer to a point five (5) feet from the house, building or structure, but also all other drain pipes connecting directly or indirectly thereto and discharging directly or indirectly there into, or intended to so connect or discharge. From said building or buildings, house or houses, or other structure to the street line, house connections shall be maintained by the owners of property served.

House connection lateral shall mean a pipe laid incidental to the original construction of a main sanitary sewer from that sanitary sewer to the street or highway, sanitary sewer easement line or similar location, and there capped, having a house connection lateral for extension as defined in the definition of "house connection", above. When a house connection lateral has been connected with and extended for the purpose of installing a house connection, the lateral shall become and thereafter be a part of such house connection and shall be maintained by the town.

Incompatible pollutant shall mean all pollutants other than compatible pollutants as defined in the definition of "compatible pollutant", above.

Industrial wastes shall include the liquid or water-carried wastes of any industrial process not clearly included within the definitions of sanitary sewage, stormwater, cooling water, and subsoil drainage herein. In general, wastewaters carrying any quantity of oils, grease, fats, abrasives, chemicals, residues of manufacturing processes, wastes from commercial food preserving or canning, from slaughterhouses or meat processing plants, and similar substances, whether dissolved, in suspension, or mechanically carried by water, shall be considered as industrial waste.

Manager shall mean the town manager of Glastonbury or public works as the designated agent or the town manager.

May is permissive (see "shall").

National Pollution Discharge Elimination System (NPDES) permit shall mean a permit issued pursuant to the general statutes.

Overflow sewer shall mean a pipe or conduit, with appurtenances, provided to carry some part of flow entering or within any sewer in excess of the capacity of that sewer, or some portion of the flow within said sewer.

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Person shall mean any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

Pretreatment or *treatment* shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical or biological processes, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6(d).

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half (½) inch in any dimension.

Property owner or *owner of property* or *owner,* as used herein, shall include both the owner of the fee in any real estate and also all tenants, lessees or others in control or possession and use of the property in question, or any interest therein, and his, her, its or their agents or representatives.

Public sanitary sewer shall mean a sanitary sewer controlled by the town.

Sanitary sewer shall mean a sewer intended to convey only sanitary sewage or, if so stipulated with respect to the particular sanitary sewer, sanitary sewage plus industrial or other wastes. Sanitary sewers shall not be used to convey stormwater.

Sanitary sewage shall mean the common wastewater and water-carried wastes from human dwellings and from toilet and lavatory fixtures, kitchens, laundries and similar facilities of business and industrial buildings. Sanitary sewage shall not include stormwater from roofs, yards, streets or open spaces, water from land surfaces or brooks, clean waste or overflows from springs, wells or subsoil drainage, large volumes of clean water from air conditioning or other cooling or condensing facilities, clean wastewater from hydraulically operated contrivances and those wastes included within the definition of "industrial waste."

Septage shall mean the liquids and solids which are removed from a tank used to treat domestic sewage.

Sewage shall mean wastewater, water-carried wastes or a combination of them discharged into and conveyed by sanitary sewers or intended or customarily so discharged and conveyed.

Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer shall include the main pipe or conduit, manholes and other structures and equipment appurtenant thereto, provided to carry sewage, industrial wastes, cooling water or similar wastes, subject in each particular case, to the purposes and limitations imposed upon the particular sanitary sewer. Where the context so indicates the word "sewer" shall be restricted to pipes and conduits intended to convey sanitary sewage. Where the context so indicates, the word "sewer" shall be used only with respect to the main line of pipe or conduit, owned, controlled and maintained by a public municipal body for the conveyance of waste or sewage from several properties, and shall not be understood to include house connections or connections between the main sanitary sewer and individual properties.

Shall is mandatory (see "may").

Slug shall mean any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration or flows during normal operation.

Soluble oil shall mean oil which is of either mineral or vegetable origin and disperses in water or sewage at temperatures between zero degrees Celsius and sixty-five (65) degrees Celsius.

For the purposes of this article, "emulsified oil" shall be considered as soluble oil.

Storm sewer or storm drain shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Stormwater shall include the runoff or discharge of rain and melted snow or other clean water from roofs, surfaces of public or private lands or elsewhere. For most purposes within the scope of this article, stormwater shall not include the flow of any natural brook, rivulet or stream, even if the source of such water is storm runoff from land or other property once that runoff has entered the channel of such brook or natural watercourse. In general, stormwater shall include only water which is sufficiently clean and unpolluted to admit of being discharged, without treatment or purification, into any natural open stream or watercourse without offense.

Subsoil drainage shall include water from the soil percolating into subsoil drains and through foundation walls, basement floors or underground pipes or from similar sources.

Suspended solids shall mean solids that either float on the surface of or are in suspension in, water, sewage or other liquids; and which are removable by laboratory filtering as prescribed in the latest edition of "Standard Methods for Examination of Water and Wastewater."

Town as used herein shall mean the Town of Glastonbury in Hartford County, and acting on any particular matter by the town council or the town water pollution control authority.

Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provisions of Section 307(a) of the Act or other acts.

User shall mean any person who contributes, causes or permits the contribution of sewage into the town sanitary sewer system.

Water pollution control authority shall mean the water pollution control authority created by the town pursuant to Chapter 103 of the General Statutes.

Water pollution control facility (WPCF) shall mean an arrangement of devices for the treatment of sewage and sludge.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.
(Ord. of 10-25-88)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-18. Facilities; approval.

No dwelling, apartment house, boarding house, hotel or motel shall be constructed within the town unless sewage disposal facilities are approved by the health director or his assistant.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-19. Duties transferred.

All powers and duties which were previously the responsibility of the board of selectmen of the town, under various resolutions of town meetings relative to the connections to the existing sanitary sewer system, shall become the responsibility of the town manager.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-20. Collection of assessments and charges.

The tax collector is hereby designated as the collector of sewer assessments and as collector of sewer system connection and use charges.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-21. Unlawful deposits of objectionable wastes.

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the town or in any area under the jurisdiction of said town, any human or animal excrement, garbage or other objectionable waste.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-22. Unlawful discharge of untreated sewage or other polluted water to natural outlets prohibited.

It shall be unlawful to discharge to any watercourse, pond, ditch or lake within the town or in any area under the jurisdiction of said town, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-23. Private systems prohibited; exception.

Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-24. Connection to and use of public system required.

The owner of each house, building or other structure used for human occupancy, including residence, employment and recreation, situated within the town on a parcel of land having its nearest property line not more than one hundred (100) feet from a public sanitary sewer shall, at his expense install toilet facilities in said structure and shall connect such facilities to a public sanitary sewer in accordance with the provisions of this article within ninety (90) days from the mailing of written notice by the manager, or an authorized agent thereof, to said owner at his last known address; provided, however, that such connection to a public sanitary sewer need not be made if, in the opinion of the health director, adequate private sewage disposal facilities for said structure exist at the time of the installation of said public sanitary sewer.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-25. Interfering with, damaging public system.

(a) No unauthorized person shall open the cover of, enter or alter any sanitary manhole, or similar appurtenances of any public sanitary sewer, put anything therein, or interfere therewith. No person shall insert or place in any public sanitary sewer, sanitary manhole or other appurtenance thereof any sticks, rubbish or other materials which said sanitary sewer, sanitary manhole or appurtenance thereof was not intended to receive.

(b) No authorized person shall maliciously, willfully or negligently break, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the public sanitary sewer system of the town.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-26. Request for relocating, altering, sewers, drains, etc.

Should it become necessary to relocate, reset the top of, or otherwise alter any sanitary sewer, sanitary manhole or other appurtenance thereof belonging to the town or in its charge, the person or party desiring such change to be made shall make a written request to the manager, or an authorized agent thereof.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-27. Building sewers near water supply wells.

No building sewer shall be constructed within twenty-five (25) feet of a water supply well. If a building sewer is constructed within twenty-five (25) to seventy-five (75) feet of a water supply well, it shall be constructed in accordance with all applicable guidelines promulgated by the state.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-28. Construction, repair, alteration, removal—Restricted.

To ensure compliance with the provisions of this article and to facilitate the supervision of the construction, operation and repair of sanitary sewers and the keeping of records thereof, no person other than those described in section 19-29 of this article shall construct, repair, alter or remove any sanitary sewer, house connection or pipe connected to or with or discharging directly or indirectly to or into any public sanitary sewer of said town or intended to discharge thus at some future time, regardless of whether said work is located in a public street or in public or private land.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-29. Same—Persons permitted to engage in work.

The following may, as indicated, construct, repair, alter or remove sanitary sewers, subject to supervision of the manager, or an authorized agent thereof, and in the performance of work for said town:

(1) Regular forces of or a contractor employed by the town operating under the orders of the manager, or an authorized agent thereof, and in the performance of work for said town.

(2) Regular forces of the town public works department or the state highway department operating under and subject to permit for the particular job to be issued by said manager, or an authorized agent thereof, and while engaged in the regular work and operation of said public works department of said town or State Highway Department.

(3) Regular forces of any public utility company or corporation authorized by state law to construct, maintain and operate pipes or ducts within public highways within said town, while engaged in work incidental to the regular structures of said utility company and operating under and subject to the conditions of a permit for the particular job issued by the manager, or an authorized agent thereof.

(4) Any person, firm or corporation which shall have been licensed under this article by the town to perform work of the type in question during the period provided in such license and when operating under and subject to the conditions of a permit for a particular job and issued therefor by the manager, or an authorized agent thereof.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-30. Same—Exceptions to sections 19-28 and 19-29.

The limitations as to persons who may construct, alter or repair house connections, and sanitary sewers, as provided in sections 19-28 and 19-29 of this article shall not restrict the usual work of plumbers or others when operating in accordance with the plumbing and building codes of the town and when they are working on pipes within or not more than five (5) feet outside the walls of a building or similar structure; provided, no plumber or other person shall make any connection to a public sanitary sewer of said town without a permit therefor, even if said sanitary sewer is located under or immediately adjacent to any buildings or structure and all use made of them shall conform to the requirements of this article as to what may or may not be permitted to be discharged into public sanitary sewers.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-31. Enforcement of article.

(a) If any person shall construct, install, alter or repair any sanitary sewer or sanitary sewer connection to any public sanitary sewer of the town in violation of the requirements of this article, or having obtained a permit as provided by this article, shall construct, install,

alter or repair a sanitary sewer or sanitary sewer connection thereto without having given the manager, or an authorized agent, thereof, or their representatives, ample notice, time, opportunity and assistance during regular working hours to inspect such sanitary sewer, sanitary sewer connection, and the work and materials used thereon, said manager, or an authorized agent thereof, may, in his/her discretion, order or direct the person who constructed, installed, altered or repaired said sanitary sewer, etc., and the owner of any property in which such sanitary sewer, etc., may be located or which may be served thereby, or in whose interest and employ said work was done, to uncover and fully expose any or all portions of such sanitary sewer, sanitary sewer connection and afford said manager, or an authorized agent thereof, adequate opportunity to examine and inspect such sanitary sewer, etc., and to secure such records thereof as may be proper. If such sanitary sewer, sanitary sewer connection and the appurtenance thereof shall be found not to be in full accord with the requirements of this article and the standards established under its provisions, then said manager, or an authorized agent thereof, may order and direct such person, owner or lessee to make such changes in or additions to or remove portions of appurtenances of such sanitary sewer, etc., as may be necessary to ensure that such sanitary sewer, will conform to the requirements of this article and of the standards established under its provisions. All of such work shall be performed by said person, owner or lessee without delay and without expense to the town.

(b) If the manager, or an authorized agent thereof, shall have evidence that a sanitary sewer, sanitary sewer connection, or any part of appurtenance thereof, which is connected to or discharges into any public sanitary sewer of the town has been constructed, repaired or altered or is or has been used, operated or maintained, or that substances are being or recently have been discharged through the same in violation of the requirements of this article or of the standards established under its provisions, said manager, or an authorized agent thereof, shall inquire into the matter. Said manager, or an authorized agent thereof, may require that the owner, lessee or tenant of the property where such sanitary sewer, etc., may be located or of property served by such sanitary sewer, etc., assist said manager, or an authorized agent thereof, in such inquiry and permit them to examine such sanitary sewer, etc., and observe the manner in which such sanitary sewer, etc., is used, operated or maintained and the wastes discharged through the same. If said manager, or an authorized agent thereof, shall find on such inquiry that there exists good reason to believe that the requirements of this article have not been or not being complied with, he may require adequate proof that said requirements are being conformed to and will continue to be complied with. If it shall appear that said requirements have not been or are not being conformed to or complied with, or that good reason exists to believe that they may not thereafter be conformed to or complied with, said manager, or an authorized agent thereof, may order and require that such owner, lessee or tenant shall immediately take such measures, provide and install such appurtenances, or make such changes in such sanitary sewer, etc., or the manner of using and maintaining the same as will ensure that said requirements will be conformed to or complied with thereafter. All assistance, proof, changes and new appurtenances required by this section to be furnished or provided by the owner, lessee or tenant of property in question shall be promptly furnished by such owner, lessee or tenant without expense to the town.

(c) If any person, after proper order or direction from the manager, or authorized agent thereof, fails to take the remedial steps or perform the acts required by subsections (a) and (b) of this section or fails thereafter to use, operate and maintain any connection with the public sanitary sewers of the town or appurtenances thereof, as required by this article, the town, by such agents and facilities as it may choose, may disconnect the house connection which was wrongfully connected, altered, repaired or used, or through which improper wastes were discharged into the public sanitary sewer system from the public sanitary sewer of the town. In disconnecting such house connections, the town may, if necessary, interfere with or cut off drainage from other portions of the property whereon such violations of the article has occurred or of any adjacent property which is served by such house connection.

(d) If the town shall have disconnected a house connection from the public sanitary sewer system, as above provided, the town may collect the cost of making such disconnection from any person responsible for or willfully concerned in, or who profited by such violation of the requirements of this article.

(e) If the town has disconnected any property from the public sanitary sewer system, as above provided, it may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation of this article until the claim of the town for the cost of making such disconnection shall have been paid in full plus interest and the reasonable overhead and any legal expense incurred by the town in connection therewith.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-32. Interpretation of this article.

The provisions of this article with respect to the meaning of technical terms and phrases, the restrictions as to what wastes may be discharged into sanitary sewers, the regulations with respect to making connections to sanitary sewers and other technical matters shall be interpreted and administered by the manager, or an authorized agent thereof.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-33. Provisions not covered by article.

Details as to sanitary sewer use, sanitary sewer connections, etc., not otherwise regulated or described by some provision of this article shall continue as heretofore established by local custom and practice, as interpreted by the manager, or an authorized agent thereof.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-34. Appeal from manager's decision.

(a) Any person who may be aggrieved by an interpretation of any provision of this article made by the manager, or an authorized agent thereof, or by an order issued by the manager, or an authorized agent thereof, under the authority conferred by the article, or by any requirement of this article or by any classification of any sanitary sewer made by the manager, or an authorized agent thereof, may appeal from such interpretation, order, classification or requirement to the authority. Any such appeal shall be in writing, addressed to the authority, setting out the matter in reasonable detail and completeness. Said authority shall consider any such appeal made to it, and if so requested by any person interested therein, shall afford all interested parties an opportunity to be heard by the sewer authority or by a committee thereof.

(b) Thereafter said authority shall take such action in the matter of the appeal as may to it appear proper and, in its discretion, may alter the interpretation, order or requirement of the manager, or an authorized agent thereof, in whole or in part. Until such time as said authority shall have received and considered an appeal and shall have voted to change the interpretation, order or requirement of the manager, or an authorized agent thereof, such interpretation, order or requirement of the manager or an authorized agent thereof, shall be observed and remain in full force and effect.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-35—19-40. Reserved.

DIVISION 2. WATER POLLUTION CONTROL AUTHORITY

Sec. 19-41. Creation; officers; vacancies.

There shall be a water pollution control authority in the town to consist of seven (7) electors to be appointed by the town council. The members of the authority shall choose a chairman, vice-chairman and secretary from its members by ballot or voice vote, whichever is determined proper by a voice vote of the majority. Any vacancy on the commission shall be filled for the unexpired portion of the term by the town council.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-42. Compensation and expenses.

The members of the authority shall serve without compensation, but the necessary expenses of the commission shall be paid by the town through proper appropriation procedures.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-43. Powers and duties.

The authority shall have all the powers granted by the Charter and all the powers granted to municipal sewer authorities by Section 7-245 et seq., of the General Statutes.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-44—19-50. Reserved.

DIVISION 3. CONSTRUCTION BY AND AT EXPENSE OF DEVELOPERS

Sec. 19-51. Agreements with developers authorized.

The authority is authorized to enter into agreements on behalf of the town with developers or other owners of land for the construction of sewers or drains by and at the expense of such developers or owners which sewers may become part of the public sewer system under the conditions hereinafter stipulated, and the authority is empowered to make, from time to time, any necessary regulations stipulating the terms and conditions of such agreement not inconsistent with the provisions of this division.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-52. Chairman or vice-chairman of water pollution control authority authorized to sign agreements.

The chairman or vice-chairman of the authority is authorized to sign on behalf of the town all agreements described in section 19-51 when the same have been authorized by the commission.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-53. Terms and text of forms of agreement to be approved by town attorney.

The terms and text of a standard form of agreement for work under this division or any variations of such standard form to apply to any particular project hereunder shall be as approved by the town attorney.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-54. Limits, sizes and grades of sewers or drains.

The authority shall specify in the terms of agreements described in section 19-51 of this division, or on plans which are made a part thereof, the limits, sizes and grades of the sewers

of drains to be built and the nature of and limitations on the waste or liquids to be conveyed. All the terms and subsequent amendments to this article shall be applicable to work done under such agreements.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-55. Construction costs; deposits.

The agreements described in section 19-51 of this division shall provide that the full cost of construction of the sewer and all expense incidental thereto shall be borne by the developer or owner who shall, before commencing any work, deposit with the town a sum deemed by the town manager or his authorized agent, or such engineers as the authority may employ, to be sufficient to defray the cost of preliminary surveys and reports of the preparation of designs and plans, of other expenses of engineering, of inspection, supervisory engineering, grade staking, measuring, testing and all other expenses of the town incurred prior to or during construction, or during any maintenance period stipulated, including allowances for pension, insurance and similar costs related to payroll and town administrative costs attributed directly to the construction. Such agreements shall also provide that, in case such deposit proves to be insufficient at any time during the process of the work, further deposit shall be made upon notification by the town and that, upon acceptance of the sewer or drain, any unexpended portion of such deposit shall be returned to the developer or owner.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-56. Insurance.

All agreements described in section 19-51 of this division shall provide that the developer or owner shall assume all risks and hold the town harmless from any and all claims for damage arising from the work or its conduct. To secure such risks, adequate liability, property damage and compensation insurance in amounts fixed by the commission shall be required of the developer or owner who shall furnish proper and acceptable certificates of insurance before starting work.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-57. Bond or other surety.

The authority may, whenever in its opinion there is possibility of loss by the town by reason of failure of the owner or developer to complete the work contemplated in the agreement described in section 19-51 of this division, or any part thereof, or to comply with any

maintenance requirements, may require as a part of such agreement that adequate bond or other surety acceptable to the town be submitted to insure completion and maintenance of the work.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-58. Conveyance of rights-of-way to town prerequisite to acceptance of sewers or drains.

The agreements described in section 19-51 of this division shall require, whenever the work is not in a duly accepted public highway, that adequate rights-of-way be conveyed to the town prior to the acceptance of the sewer or drain, the terms of conveyance being subject to the approval of the town attorney.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-59. Connection charges in lieu of assessments.

Whenever the sewers or drains to be constructed under any agreement described in section 19-51 of this division connect directly or indirectly with any sewer or drain, the cost of which was paid for in whole or in part from assessments against benefiting property owners and in connection with which there was provided in the assessment any deferred cost which might be assessed at a later date on property then beyond the limits of direct services, or whenever the sewers or drains shall be capped because a town sewer outlet is not available, but which outlet may become available in the foreseeable future, such agreements shall provide that the developer or owner, before beginning work on the project, shall pay to the town, as a connection charge in lieu of assessment, an amount of money which the authority shall determine to be:

(1) The amount which would have been assessed by reason of such deferred costs on the property to be served if the sewers or drains to be constructed under such agreement had instead been laid out and assessed, and

(2) The amount which would be assessed as an outlet benefit when in the future the outlet sewer is constructed.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-60. Incorporation into town system.

After certification by the town manager or his authorized agent, or such engineers as the authority may employ, that any sewer or drain constructed under the terms of this article has been completed in accordance with the plans, specifications and standards of the town, and that all roadways, curbs, walks and other surfaces and appurtenances disturbed by the work

have been properly restored, or that adequate security by bond or otherwise has been furnished to assure such restoration, the authority may, by resolution incorporate such sewer or drain into the town sewer system to become effective as specified in such resolution.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-61—19-65. Reserved.

DIVISION 4. CONSTRUCTION AND ASSESSMENT OF BENEFITS AGAINST PROPERTY OWNERS

Sec. 19-66. Definitions.

For the purpose of this division, the following words and phrases shall have the meaning ascribed to them:

Commission means the water pollution control authority of the town.

Construct a sewerage system means to acquire land, easements, rights-of-way, or any other real or personal property or any interests therein, plan, construct, reconstruct, equip, extend, and enlarge all or any part of a sewerage system.

Sewerage system means any device, equipment, appurtenance, facility, and method for collecting, transporting, receiving, disposing of or discharging sewage.
(Ord. of 10-25-88)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-67. Resolution to construct a sewerage system—Introduction.

At any time a member of the authority may introduce at a meeting of the commission a resolution to construct a sewerage system, the costs of which are to be met in whole or in part by assessment of benefits. Such resolution may be initiated by petition of interested property owners or by action of any duly constituted public agency or official, whether state or local.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-68. Same—Public hearing.

The authority shall not adopt the resolution referred to in section 19-67 of this division until it holds a public hearing on such resolution at which the affected property owners of the town

shall have an opportunity to be heard concerning the proposed construction of a sewerage system. A notice containing the proposed resolution and the time, place and purpose of such hearing shall be published in a newspaper having a circulation in the town.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-69. Same—Preliminary engineering and planning.

Following the hearing provided for in section 19-68 of this division the commission may proceed, in accordance with local and state laws and regulations, with the preliminary engineering and planning to include a determination of the estimated costs of the system directed to be constructed under this division and an estimated schedule of assessments and benefits.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-70. Reserved.

Sec. 19-71. Resolution to construct a sewerage system—Action on proposed resolution.

In not less than ten (10) nor more than thirty (30) days following the public hearing provided for in section 19-68 of this division, the authority may by majority vote adopt the resolution described in section 19-67 of this division. Such resolution may be amended prior to adoption to reduce the general layout, character, and scope of the proposed sewer system without further notice and hearing but such resolution shall not be amended to increase the general layout, character, and scope of such systems.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-72. Same—Notice to be recorded of adoption.

Within thirty (30) days after affirmative action on the resolution referred to in section 19-67 of this division or final action on approval of funds to construct such sewer system, whichever occurs later, the authority shall cause a caveat or caveats warning of the adoption of such resolution to be prepared and recorded in the land records of the town on properties to be served by sewers and to be assessed therefore.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-73. Assessments—Power.

At any time after the authority has constructed a sewerage system or portion thereof, the authority may levy benefit assessments upon the lands and buildings of the town which in its judgment are especially benefited thereby, whether they abut on such sewerage system or not, and upon the owners of such land or buildings, according to such rule as the commission adopts.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-74. Same—Public hearing.

No assessment pursuant to section 19-73 of this division shall be made until after a public hearing before the authority at which the owner of property to be assessed shall have an opportunity to be heard concerning the proposed assessment. Notice of the time, place, and purpose of such hearing shall be published at least ten (10) days before the date thereof in a newspaper having a circulation in the town, and a copy of such notice shall be mailed to the owner of any property to be affected thereby at such owner's address as shown on the last completed grand list of the town or any later address of which the commission may have knowledge.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-75. Same—First filing and publication.

A copy of the proposed final assessments pursuant to section 19-73 of this division shall be on file in the office of the town clerk and available for inspection by the public for at least ten (10) days before the date of the hearing provided for in section 19-74 of this division. Not later than five (5) days after such filing, the authority shall cause such proposed final assessments to be published in a newspaper having a circulation in the town.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-76. Same—Second filing and publication.

When the authority has determined the amount of the assessment pursuant to section 19-73 of this division to be levied, it shall file a copy thereof in the office of the town clerk, and not later than five (5) days after such filing, shall cause the same to be published in a newspaper having a circulation in the town.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-77. Same—Appeal.

The second publication referred to in section 19-76 of this division shall state the date on which the assessment pursuant to section 19-73 of this division was filed and that any appeals from such assessment must be taken within twenty-one (21) days after such filing. Any person aggrieved by any assessment may appeal as provided for in the General Statutes. No such appeal shall stay proceedings for the collection of the particular assessment upon which the appeal is predicated, but the appellant shall be reimbursed for any overpayments made if, as a result of such appeal, his assessment is reduced.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-78. Same—Due date.

Assessments pursuant to section 19-73 of this division shall be due and payable at such time as is fixed by the authority, provided no assessment shall become due until the work or particular portion thereof for which such assessment was levied has been completed. The water pollution control authority shall give notice of the date when assessments are due and payable by publication at least twice within a period of fifteen (15) days in a newspaper having a circulation in the town. Such notice shall list the streets and describe the area within which are located any properties against which such assessments are due.

No assessment shall be due and payable earlier than thirty (30) days after the first publication of such notice.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-79. Same—Duties of tax collector.

Once the authority has established the amount of final assessments pursuant to section 19-73 of this division and the due date thereof, it shall deliver, in advance of said date, to the tax collector of the town the description of the properties assessed with the names of the owners and the amounts of such assessments, who shall collect the same from each of the owners so assessed, and the[n] deposit the same in the sewer sinking fund.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-80. Same—Two hundred dollars or less.

Any owner whose total assessment pursuant to section 19-73 of this division amounts to two hundred dollars ($200.00) or less on any property shall pay such assessment in full within a period of thirty (30) days after the same is due and payable, without the addition of any interest charge. Any such assessment or portion thereof which has not been paid within thirty

(30) days after the due date shall be delinquent and shall be subject to interest from such due date in accordance with rates established by the general statutes. Each addition of interest shall be collectible as part of such assessment.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-81. Same—In excess of two hundred dollars.

Any owner whose total assessment pursuant to section 19-73 of this division exceeds two hundred dollars ($200.00) on any property shall pay such assessment in full within a period of thirty (30) days after the same is due and payable, without the addition of any interest charge, or unless he should notify the tax collector within said thirty-day period of his election to pay said assessments in fifteen (15) equal installments, the due dates for the second through the fifteenth installments to be the first through fourteenth anniversaries, respectively, of the original due date of such payment.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-82. Same—Installment payments.

If an owner has elected installment payments of an assessment levied pursuant to section 19-73 of this division, all unpaid balances shall bear interest in accordance with rates established by the General Statutes; provided that, any installment which remains unpaid after thirty (30) days from its due date shall be adjudged delinquent and shall be subject to interest from such due date in accordance with rates established by the General Statutes. Each such addition of interest shall be collectible as part of such assessment or installment thereof.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-83. Same—Certificate of notice of installment payment.

The authority shall cause the town clerk to record on the land records a certificate of notice of installment payment of assessment of benefits, signed by the tax collector or treasurer, and in substantially the form prescribed by the General Statutes. Such certificate shall serve as notice of the existence of a plan for payment of assessments levied pursuant to section 19-73 of this division by installments, and the town clerk shall cancel or remove the same within seven (7) calendar days after the last installment due has been satisfied, or the total assessment together with all interest, fees, and charges has been paid in full.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-84. Same—Lien.

Any unpaid assessment pursuant to section 19-73 of this division and any interest due thereon shall constitute a lien upon the real estate against which the assessment was levied from the date of such levy. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property tax liens.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-85. Application of General Statutes.

Nothing contained in this division shall in any way be construed to change, abridge, amend, or in any other way interfere with the application of the General Statutes in reference to local sewer authorities, their duties, powers or responsibilities.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-86—19-93. Reserved.

DIVISION 5. DEFERRED ASSESSMENTS OF TRUNK SEWER COSTS

Sec. 19-94. Purpose.

In order to provide for the deferment of costs of trunk sewers to such time or times as an extension of such trunk sewer shall be laid out, assessed, and built to serve one (1) or more districts, this division is enacted by the town as provided by the Charter of the town and by the laws of the state.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-95. Definitions.

The following words and phrases, wherever referred to in this division, shall have the meaning ascribed to them below:

Commission is the town water pollution control authority.

Sewer district is an area or tract of land which may be determined by the commission to be a division or part of the total territory that can be drained by a sewer or sewer system.

Trunk sewers are items of a capital nature, including but not limited to trunk sewers, pumping stations, and force mains, which are designed and built so that sewer districts, beyond the immediate district in which such items are built, may be served by future extensions.
(Ord. of 10-25-88)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-96. Assessment by sewer districts.

In assessing sewer construction costs against benefiting properties, the authority may divide the total territory to be drained by a sewer or sewer system into districts and may assess the property benefited in each district separately. In assessing benefits against property in any district, the authority may add to the cost of the part of the sewer system located in the district a proportionate share of the cost of any part of the sewer system located outside the district but deemed by the authority to be necessary or desirable for the operation of the part of the system within the district.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-97. Treatment of excess costs.

Whenever the authority shall determine that the cost of a sewer or sewer system will exceed the benefit to the area to be sewered immediately and directly when such excess cost is due to increased size or depth of such sewer or to other costs which are necessary or incidental in order that such sewer, or the sewer system of which it is a part may be suitable for extension in the future to serve one (1) or more other districts which could naturally drain into or be served by such sewer or sewer system, the authority may elect either:

(1) To assess such excess cost as an outlet benefit in any district to be served by extensions of such sewer or sewer system being laid out and constructed, such assessment to be levied and payable at the same time as the direct assessments for the sewer system being laid out and constructed; or

(2) To pay such excess cost and defer the assessment of such excess costs until such time as the benefits shall be more immediate.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-98. Division four need not apply.

If the authority shall elect to proceed under subsection 19-97(2) of this division and shall defer the assessment of costs of outlet benefits, the procedures as provided in Division 4 of this article need not apply, except that owners of properties which are located in any district on which excess trunk sewer costs shall have been deferred shall be notified, in accordance with the provisions of such division, of any proceedings instituted by the authority for the actual assessment of such deferred excess trunk sewer costs upon such properties. No caveat or lien shall be placed on the land records against any property located in the district on which such excess costs have been deferred until after the passage by the authority of a resolution laying

out and ordering the construction or extension of a sewer or sewer system, in the cost of which such deferred excess costs are to be included as a part of the assessments to be made against such properties.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-99. Assessment of deferred costs.

Whenever the authority shall determine that the cost of any sewer for which a layout is pending and for which a benefit assessment is to be made shall include a portion of the cost of a sewer previously built which was paid for by the town, the authority shall determine the proportion of the previously deferred excess trunk sewer costs of such sewer which will benefit properties served by the sewer being laid out and shall include such proportion of such deferred costs as a part of the cost of the sewer being laid out and assessed, subject, however, to the rights of notice, hearing, appeal, and other provisions of Division 4 of this article.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-100. Collection of deferred costs from developers.

Whenever a sewer is to be built by a developer or owner in any area or district in which excess trunk sewer costs have been deferred as provided in this division, such deferred costs shall be paid by such developer or owner as provided in section 19-59 of this article.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-101. Application of General Statutes.

Nothing contained in this division shall in any way be construed to change, abridge, amend, or in any other way interfere with the application of the General Statutes in reference to local sewer authorities, their duties, powers, and responsibilities.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-102—19-110. Reserved.

DIVISION 6. CONNECTION CHARGES IN LIEU OF ASSESSMENTS IN CERTAIN CASES

Sec. 19-111. Deferment of assessment authorized.

Whenever a sanitary sewer has been laid out and constructed by the water pollution control authority in any sewer district, and the authority had or has determined at the time of the

completion thereof that the sewer would not be an immediate benefit to any real estate because of its lowness or other topographic feature, or because of its distance from a sewer main, or because of its being in an undeveloped condition, or because of its special use such as for a cemetery, or whenever such commission has levied an assessment against property which is benefited in accordance with its present use but for which a greater benefit would accrue in case of an increased intensity of use of the sanitary sewer, and that such benefits would not accrue until there is a change in conditions or accessibility, in zoning restrictions, in development of the area, in extension of a sewer, main or in use, or in other conditions, the authority may under the provisions of Sections 1 and 2 of Special Act No. 151 of the 1963 General Assembly, defer the assessment and the collection of the same until such a change occurs.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-112. Prerequisites to connection where assessment has been deferred.

(a) When an assessment for a sewer on any real estate has been deferred as provided in section 19-111 of this division, connections from such real estate to such sewer shall not be permitted until:

(1) The water pollution control authority has determined that the conditions have altered because of change in accessibility, zoning, sewer main extension, area development, use, or because of the establishment or dedication of streets, or because of the approval of subdivisions by the town plan and zoning commission, or because of some other factor sufficient for normal benefit to accrue to the real estate or any part thereof, and the authority has levied an assessment against such real estate; or

(2) A sewer connection charge has been paid, or voluntary lien executed and recorded as provided hereafter by or for the owners of the real estate which is to be served by such connection, which payment shall be in lieu of and an amount equal to the assessment on such real estate.

(b) Where the water pollution control authority in its judgment determines it would be fair and equitable to do so, prior to such connection the owners of such real estate may be allowed to enter into a special agreement providing that the permission granted to connect will not affect the power of the authority to make future sewer layouts and benefit assessments therefor against the property of such owner in the same manner as if the permission to connect had never been granted by the authority and agreeing to credit such connection charge toward any future assessment, without allowance for interest between the date of payment of such charge and the date of any future final assessment billed such owner.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-113. Prerequisites to connection to sewers constructed by developers.

Whenever a sewer has not been laid out and assessed by the authority but has been built for the authority under a developer's permit-agreement, such sewer passing land owned by others, which others might later request a connection to the sewer, no connection shall be permitted by the authority unless:

(1) Such owner first submits satisfactory written proof to the authority that he has paid the developer a normal and equitable charge of the sewer construction cost; or

(2) Such other owner first signs a form of agreement waiving the authority's usual sewer layout and assessment procedures and pays a sanitary sewer connection charge in lieu of assessment; or

(3) The authority has passed a layout and assessment covering the section in question.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-114. Inclusion of provisions for reimbursement in developers' agreements authorized.

The authority is empowered at its discretion to include in agreements with developers, or other owners, for the construction of sewers by and at the expense of such developers or owners, as now provided by ordinance, provisions for reimbursement of such developers or owners, from sanitary sewer connection charges collected in lieu of assessments, as provided in section 19-113 of this division, for the cost of sewers constructed by them in sections of highways on which lands owned by them do not abut, such reimbursement not to exceed the cost of construction within such sections of highways, and not to include any portion of the trunk sewer cost, and limiting the time within which such reimbursements may occur to such time as the authority deems expedient for the particular case, but no reimbursements shall be made after ten (10) years from the date of incorporation of the particular sewer in the public sewer system. Expiration of the time for reimbursement to the developer shall not release subsequent permittees from paying connection charges in lieu of assessments to the authority.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-115. Application for connections.

Any owner desiring to make a connection to a sanitary sewer as provided in this division shall make application to the town submitting such plans and specifications as may be required. Such plans and specifications shall contain information as to the amount of property to be utilized by the proposed buildings and improvements for which such connection is sought; and giving the type and extent of use contemplated of the sewer system.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-116. Review of connection application; levy and collection of charge.

A copy of the application pursuant to section 19-115 of this division and the accompanying information shall be submitted to the authority and such authority may upon making a determination that the planned connection and the necessary improvements are in accordance with applicable statutes, regulations, and ordinances, approve such application and forthwith levy a connection charge. Payment of such connection charge shall be made prior to issuance of a permit to connect to the sewer system in accordance with a resolution of the commission in each case, which resolution shall specify the terms of payment of principal and interest.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-117. Basis.

The connection charges provided for under section 19-112 of this division shall be determined by appropriate action of the authority and shall be based on the front foot and/or unit values used in assessing benefits against properties applied to such part of such real estate as, in the opinion of the authority is benefited at the time of connection, less a credit for real estate for which an assessment or connection charge has been paid, such credit to be determined by the authority in accordance with such formula as it finds to be equitable.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-118. Payment to tax collector.

When under the provisions of section 19-112 of this division as assessment is declared due and payable, or a connection charge is due and payable, it shall be paid to the town and should be credited to the accounts and for the purposes as provided in Section 3 of Special Act 151 of the 1963 General Assembly.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-119—19-124. Reserved.

DIVISION 7. SEWER ASSESSMENTS SINKING FUND AND SEWER OPERATING FUND*

Sec. 19-125. Definitions.

Sanitary sewerage system means any device, equipment, appurtenance, facility, and method for collecting, transporting, receiving, treating, disposing of or discharging sewage.
(Ord. No. 298, 8-26-03)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 19, Div. 7, found at the bottom of page CD19:33, for former derivation of Ch. 19, Div. 7.

Sec. 19-126. Sewer sinking fund.

There shall be a fund to be known as the sewer assessment sinking fund and the town treasurer shall maintain a separate account under this name in which shall be deposited all funds appropriated or borrowed for placement in such fund, and such assessments, connections charges, interest, lien fees, and other income from sanitary sewerage system construction as the authority shall, by resolution, determination to place in such fund.
(Ord. No. 298, 8-26-03)

Note—See editor's note for Ch. 19, Div. 7, found at the bottom of page CD19:33, for former derivation of Ch. 19, Div. 7.

Sec. 19-127. Projects to be financed by the sewer sinking fund.

There shall be financed through the sewer assessment fun such sanitary sewerage system costs associated with the construction, maintenance, repair, expansion, including plant or pump station construction or modification, and other such sanitary sewerage related costs as the authority shall by resolution determine, subject to approval of the board of finance, including sanitary sewerage system studies, design plans and specifications. Said funds may be used for any purpose related to the operation and improvements of the sanitary sewerage system, specifically including but not limited to capital projects and debt financing of sanitary sewerage system operations and improvements.
(Ord. No. 298, 8-26-03)

Note—See editor's note for Ch. 19, Div. 7, found at the bottom of page CD19:33, for former derivation of Ch. 19, Div. 7.

Sec. 19-128. Sewer operating fund.

There shall be a fund to be known as the sewer operating fund and the town treasurer shall maintain a separate account under this name in which shall be deposited sewer use charges,

*__Editor's note—__Ord. No. 298, adopted Aug. 26, 2003, amended Div. 7, in its entirety, to read as herein set out in §§ 19-125—19-129. Prior to inclusion of said ordinance, Div. 7 pertained to the sinking fund. See also the Code Comparative Table.

interest, civil penalties, lien fees, and other such revenue or charges from the use of the sanitary sewerage system and as the authority shall, by resolution, determine to place in such fund.

(Ord. No. 298, 8-26-03)

Note—See editor's note for Ch. 19, Div. 7, found at the bottom of page CD19:33, for former derivation of Ch. 19, Div. 7.

Sec. 19-129. Projects to be financed by sewer operating fund.

There shall be financed by the sewer operating fund such sanitary sewerage system costs incurred during the useful life of the sanitary sewerage system for materials, equipment, labor, utilities and any other items as the authority shall by resolution, subject to approval of the board of finance, deem necessary for operating, maintaining, repairing and managing the sanitary sewerage system. The sewer operating fund shall include a reserve for recurring capital expenditures in an amount determined by the water pollution control authority for future expenditures. Said funds may be used for any purpose relating to the operation and improvements of the sanitary sewerage system, specifically including but not limited to capital projects and debt financing of the sanitary sewerage system operations and improvements.

(Ord. No. 298, 8-26-03)

Note—See editor's note for Ch. 19, Div. 7, found at the bottom of page CD19:33, for former derivation of Ch. 19, Div. 7.

Secs. 19-130—19-135. Reserved.

DIVISION 8. INSTALLATION OR DESIGN OF SEWERS IN SUBDIVISIONS UNDER CERTAIN CONDITIONS

Sec. 19-136. Definitions.

For the purposes of this division, the following terms, phrases, and words shall have the meaning given herein:

Lateral shall mean the sewer pipe from the main sewer in the street to the property line.

Sewer system shall include the sewer, laterals, house connections, pumping stations, rights-of-way, and other structures, land, and equipment necessary to provide a complete and efficient system.

(Ord. of 10-25-88)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-137. Execution of developer's agreement prerequisite to approval of certain subdivisions.

If in the opinion of the authority a subdivision can be connected to the existing sewer system, such subdivision may not be approved by the town plan and zoning commission unless

the developer has executed with the authority a permit-agreement calling for installation of a sewer system and connection to the existing sewer system as provided in Division 3 of this article.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-138. Permit-agreement prerequisite to approval of subdivision located in area for which master sewer plan has been accepted.

No subdivision located within an area for which a master sewer plan has been accepted by the authority and filed with the town clerk may not be approved by the town plan and zoning commission until the developer has executed with the authority a permit-agreement as hereinafter provided unless such requirement is waived by the authority as provided in section 19-140 of this division. Any such permit-agreement shall provide for installation of a sewer system as provided in Division 3 of this article and as further provided below:

(1) The developer shall install not only the sewer but also the lateral from the sewer to the property line. In the case of new street construction, the developer shall make such installation before surfacing of the street is completed.

(2) When an owner of any lot, or his agent, applies for a building permit, the building inspector shall require, as a condition of the issuance of such permit, that such owner or agent show on the plot plan the layout of the future connection from the lateral to the building drain, including elevation of the lateral at the street line, elevation of the finished first floor and/or cellar floor, and elevation of the building drain to which the future house connection would be made.

(3) The developer shall cap all open ends of the sewer system and shall, along with completed as built plans of the sewer system, provide exact ties and elevations so that the capped ends can be readily located.

(4) The town shall provide elevations at each point where the sewers are capped, and the developer shall design and build the sewer system to these elevations. The town shall provide design capacities for the sewers.

(5) Where topography prevents installation of the sewer within the street the developer shall install the sewer within rights-of-way that shall be deeded to the town and of adequate width as determined by the town.

(6) If a pumping station is deemed necessary by the authority to serve the subdivision, such commission shall require either that the developer install such pumping station and appurtenant equipment therefor or that the developer deposit with such commission a sum sufficient to defray the cost of constructing, equipping and installing such pumping station. The amount of this deposit shall be based on engineers' estimates approved by the authority. It may be in the form of cash or a savings account

assignment to be deposited with the town and it shall be used only for the construction, equipping, and installation of the pumping station at such time as the sewer becomes active.

(7) The developer shall not be required to include as part of the capped sewer system construction any pipes, pumping stations or other appurtenances which would be required for or would serve areas outside of the subdivision in question unless provision is made for giving the developer a credit for the cost of such items in excess of the cost of the system required for the subdivision in question.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-139. Sewer system design approval prerequisite to acceptance of subdivision for which permit-agreement is not required.

No subdivision within an area for which a master sewer plan has been accepted and filed and for which a permit-agreement is not required, as described under section 19-138 of this division, shall be approved by the town plan and zoning commission until the authority has approved a design of a sewer serving such subdivision or has waived the requirement therefor pursuant to section 19-140 of this division. Such design shall be prepared by the developer at his expense, shall conform to accepted engineering practices and existing installation requirements, and shall provide for an economical and effective future installation of the sewer system. Any rights-of-way and temporary construction easements called for by such design as approved by the authority shall be deeded to the town.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-140. Exemption from requirements of sections 19-138 and 19-139.

(a) The authority may grant relief from any of the requirements imposed by sections 19-138 and 19-139 of this division if it determines that the need for the construction or design of sewers is impractical or remote, taking into consideration:

(1) The date upon which the sewers might be connected to the town sewer system;

(2) The estimated cost of construction; and

(3) The anticipated need for sewers within the subdivision.

(b) Such need shall be determined after consideration of all available information, including the report or opinion of the town sanitarian, any reports or environmental impact studies of such proposed subdivision performed or submitted by the conservation commission, and any report or evidence submitted by the developer of such proposed subdivision.

(c) The authority may establish and publish guidelines and procedures to be used in determining such need, and may amend the same from time to time as necessary.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-141. Connection charge.

As provided in Division 3 of this article, a connection charge shall be established as a provision of the permit-agreement calling for the installation of the sewer system, except that the amount of such charge shall not be stated nor shall it become due until the sewer system in the development is connected to the public sewer system. The authority shall, within thirty (30) days from the date of its approval of the permit-agreement, cause a caveat warning of such charge to be prepared and recorded on all lots contained within such development. At such time as connection to the public sewer system is made, the authority by resolution shall determine such charge, the amount of which shall not exceed that currently prevailing in the master sewer plan area, the due date or dates thereof, and the terms of payment of principal and interest should the authority elect to permit payment over a period not, to exceed fifteen (15) years. Any such amount or portion thereof that remains unpaid after thirty (30) days from the due date shall be adjudged delinquent and shall be subject to interest from such due date as in the case of and in the manner provided by the General Statutes for delinquent property taxes.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-142. Alternate systems.

In lieu of private sewage disposal systems, the developer may, subject to the approval of local and state authorities, build and install a mechanically operated sewage treatment unit which, subject to appropriate guarantees, shall be accepted, operated and maintained by the town and to which the sewer system may be connected. Such unit shall revert to the developer at such time as it is discontinued. The developer may, subject to approval of state and local authorities, install a community septic tank and disposal system.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-143. Water pollution control authority authorized to waive installation where impracticable.

If a developer subdivides lots fronting on an existing town road, the water pollution control authority may waive the requirement of installation of a sewer system serving such lots if it finds such installation to be impracticable; provided that, any easements necessary for future sewer installation are dedicated to the town. The authority may, by agreement with the developer, provide for immediate or future construction of the sewer system, either by the

developer as provided herein with provision for reimbursement if other properties connect, by the authority with the developer defraying his share and assessments against other properties deferred, or by the authority with the developer depositing with the town in the form of cash or a savings account assignment of his share of the estimated cost to be held by the town for construction at some future date, or by some other reasonable and equitable method.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-144—19-150. Reserved.

DIVISION 9. SUPPLEMENTAL SEWER ASSESSMENTS IN CASES OF INCREASED SPECIAL BENEFITS FROM SEWER SYSTEM

Sec. 19-151. Definition.

"Change in or expansions of use of land" shall be deemed to mean:

(1) Development of land or construction of buildings or structures on such land;

(2) Physical additions to an existing building or structure;

(3) Conversions from one use to another;

(4) Expansion of existing use within a building or structure;

(5) Any action requiring a building permit or special permit; or

(6) Any other action in connection with land which would have resulted in an increased assessment, connection charge, or outlet charge had such action been completed at the time any previous assessment, connection charge, or outlet charge had been levied.

(Ord. of 10-25-88)

Cross reference—Rules of construction and definitions generally, § 1-2.

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-152. Notice to authority of intent to expand or change use.

Whenever any owner(s) of land upon which a sewer assessment, connection charge, or outlet charge has been levied, applies for a building permit or special permit for new buildings or structures in connection with any change in or expansion of use of land as defined in section 19-151 of this division, notice in a form satisfactory to the authority of such application shall simultaneously be filed with the authority. No building permit shall be granted for such construction or expansion until the building department receives evidence that notice has been received by the authority.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-153. Supplemental assessment determined.

The authority, upon receiving notice as provided for in section 19-152 of this division, shall determine the amount of any additional or supplemental assessment to be levied against such land in accordance with its established formula for levying assessments, which shall take into consideration any previous assessments or charges levied.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-154. Payment of charges.

The assessment so levied by the authority may be paid in full or by the execution by the owner(s) of such land of a lien providing for the payment of such assessment over a period not to exceed fifteen (15) years, which lien shall be executed and recorded in the land records of the town. However, where the total supplemental assessment does not exceed the sum of two hundred dollars ($200.00), such supplemental assessment shall be payable in one (1) payment in accordance with the procedures set forth in the General Statutes, town ordinances or authority resolutions.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-155. Water pollution control authority's authority where owner fails to apply for permit or give notice required by section.

In the event an owner fails to apply for a building permit or special permit, or fails to give the authority notice as provided for in section 19-152 of this division, the authority may investigate and make such supplemental assessments based upon information otherwise provided to or obtained by such authority in accordance with the procedure provided in this division and for the purposes recited in the preamble to the ordinance from which this division is derived.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-156—19-165. Reserved.

DIVISION 10. PRIVATE DISPOSAL SYSTEM

Sec. 19-166. When required.

Where a public sanitary sewer is not available under the provisions of section 19-24 of this article, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Chapter 5, Article II, Division 2 of this Code.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-167. Abandonment required upon availability of public facilities.

At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system as provided in section 19-24 of this article, a direct connection shall be made to the public sanitary sewer in compliance with this article if the health director shall find the private sewage disposal facilities are inadequate, and any septic tanks, cesspools and similar private sewage disposal facilities shall thereafter be promptly abandoned and filled with suitable material.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-168. Certain facilities declared public.

A private sewage disposal system that provides some method or methods of treatment and that serves more than one (1) dwelling, store or other building, now or in the future to be under separate ownership, shall be construed to be a public sanitary sewer system and shall conform to the provisions of this article and any regulations which the authority may adopt.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-169—19-180. Reserved.

DIVISION 11. CONNECTIONS

Sec. 19-181. Restricted.

No person shall make any connection to any public sanitary sewer of the town, or appurtenance thereof, or to any pipe or appurtenance discharging there into, or remove or disconnect any existing connection thereto, except as provided in sections 19-27 through 19-30 of this article and 19-182 through 19-193 of this division; provided, plumbing work and fixtures within buildings and similar structures may be built and connected as provided by town plumbing codes, laws and regulations and by permits issued thereunder.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-182. Specifications.

The manager or an authorized agent thereof, shall, from time to time, establish standard requirements or specifications to regulate the sizes, materials, methods and workmanship to be used in construction of sanitary sewers, house connections, and other similar work and appurtenances thereto connected or intended to be connected or to discharge, directly or indirectly, into any public sanitary sewer of the town. Such standard requirements shall provide minimum requirements as to size, depth, slope or rate of grade for such pipes and shall

regulate the kinds of pipe, fittings, methods of laying, jointing, materials used, manner of connecting to preexisting sanitary sewers, and general considerations as to location and other pertinent features. Any such requirements or specifications as the same may from time to time be amended are hereby made a part of this article.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-183. Conformance to town building and plumbing codes required.

The requirements of town building and plumbing codes shall be observed with respect to piping and fixtures inside or immediately adjacent to buildings and within the areas of jurisdiction of said several codes, subject only to the general requirements of this article. Pipe more than five (5) feet outside the inner walls of any building or similar structure shall conform to the requirements of this article as to permits, materials and workmanship.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-184. Separate sewers required; exception.

Each independent house or building shall have a direct connection to the public sanitary sewer serving it, separate from any other house, building or structure set upon another parcel or lot of land. The manager, or an authorized agent thereof, in his discretion, may permit variations of this requirement upon receipt of a written request to that effect from the owners of all the land in any way concerned.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-185. Owner to bear costs, indemnify town.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-186. Use of old house connections.

Old house connections may be used in connection with new buildings only when they are found, on examination and test by the manager, or an authorized agent thereof, to meet all requirements of this article.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-187. Lifters required where building sewer too low to permit gravity drainage.

In all buildings in which any building sewer is too low to permit gravity flow to the public sanitary sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the house connection lateral at the owner's expense.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-188. Prior notice required; supervision.

(a) The manager, or an authorized agent thereof, shall be notified in no less than the time set by regulations in advance of the time any connection is to be made to any public sanitary sewer of said town or any similar structure connected to a public sanitary sewer, and such connection shall be made only in the presence of said inspector and agents and according to his directions.

(b) Said authorized agent shall be afforded all reasonable opportunity to oversee the construction of all parts of any sanitary sewer connections, directly or indirectly, to any public sanitary sewer of the town and to obtain and record the location and other pertinent facts with respect to such sanitary sewer connections. No public sanitary sewer shall be opened or any way disturbed except in the presence of said authorized agent. This same requirement shall apply to repairs or alterations to sanitary sewers, or pipes discharging there into.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-189. Records required.

The manager, or an authorized agent thereof, shall keep a record of all connections made to public sanitary sewers under this article and all repairs and alterations made to sanitary sewers, house connections or connected to or discharging into public sanitary sewers of the town or intended so to discharge. Licensed drain layers and others shall assist said agent to secure data needed for such records.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-190. Manager may assist by furnishing information.

The manager, or an authorized agent thereof, may assist in the installation, repair and alteration of connections to public sanitary sewers and of house connections, or drains discharging there into, by furnishing such information as may be in his possession and proper

to be furnished to the party performing such work, by taking elevations and staking out grades for sanitary sewers, house connections, or pipes where he deems it expedient, and in similar ways.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-191. Manager's authority to require payment for inspection, etc.

The manager, or an authorized agent thereof, may, in his discretion, in any case where the quantity or expense of work by town forces incidental to the construction, repair or inspection of any sanitary sewer or sanitary sewer connection warrants such a requirement, require that the owner of property concerned or the drain layer reimburse the town for the cost of services of town employees engaged in work or inspections incidental to said sanitary sewer or sanitary sewer connection. The authority, the manager, or an authorized agent thereof, may make a suitable provision for such reimbursement a condition precedent to the issuance of any permit for the construction, alteration or repair of such sanitary sewer or sanitary sewer connection, subject to such directions as the authority may issue.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-192. Precautions to prevent obstruction or damage.

Adequate precautions shall be taken to exclude from public sanitary sewers all water or other materials which may obstruct, damage or wrongfully fill sanitary sewer connections or any sanitary sewer into which they may be discharged directly or indirectly. To that end, the open ends of sanitary sewer connections and sanitary sewers shall be kept closed or protected during construction and during periods when work on any incomplete sanitary sewer connection or sanitary sewer is suspended. If any sanitary sewer connection or sanitary sewer shall have been laid to the site of a proposed building, or other structure prior to the time when the building, or structure is built, the end of the sanitary sewer connection or sanitary sewer shall be kept closed to ensure that no water or materials enter such sanitary sewer connection or sanitary sewer during the interval prior to the construction of the building or structure.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-193. Sealing of abandoned connection, etc.

(a) When any building or other structure previously served by a connection to any public sanitary sewer is demolished, destroyed, abandoned or altered so that any sanitary sewer connection or portion of an abandoned plumbing system which is directly or indirectly connected to any public sanitary sewer is no longer used and is no longer connected to the plumbing system of the buildings or structure, the open end of such connection shall be promptly closed and sealed off at the street line or edge of easement so that no water or wastes

not otherwise permitted to enter the public sanitary sewer shall be so discharged thereinto. The manager, or an authorized agent thereof, shall be notified of such abandonment or discontinuance and of the closing and sealing of such sanitary sewer connection and said agent afforded an opportunity to see such work performed.

(b) All of the said work shall be done by the person or party who demolishes the building or structure or who alters the plumbing of the premises so as to make such closing and sealing necessary and, in the event of the failure of such person or party to do so, shall be done by the owner, lessee or tenant of the premises to the satisfaction of the manager, or an authorized agent thereof, all without expense to the town.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-194. Maintenance of house connection.

(a) In the event of a complaint regarding a sanitary sewer stoppage, public works will ascertain if the main sanitary sewer is clear, and any stoppages therein will be relieved as quickly as possible at no expense to the property owner. If the main sanitary sewer is found to be clear, the property owner will so be informed and the property owner shall then, at the property owner's expense, employ a licensed plumber, reputable cleaner or licensed drain layer to clear any stoppage in the house connection. If the licensed plumber, reputable cleaner or licensed drain layer finds that the stoppage is within the house connection located within the town-owned right-of-way, and that the stoppage cannot be cleared by power-rodding or snaking, then the property owner shall inform public works. If, upon investigation by public works, the stoppage is found in the house connection located within the town-owned right-of-way, and the stoppage is of such nature that it could not have been cleared by power-rodding or snaking, the condition will be corrected by public works at no cost of the property owner. If, however, it is found that the stoppage could have been cleared by power-rodding or snaking and is not due to faulty condition (disrepair) of the house connection located within the town-owned right-of-way, the property owner will be so informed and shall pay to the town, licensed plumber, reputable cleaner or licensed drain layer, any expense incurred by public works, licensed plumber, reputable cleaner or licensed drain layer.

(b) Where necessary, public works will repair or renew the house connection located within the town-owned right-of-way at no cost to the property owner.

(c) It is to be understood that the cost for maintenance, repair and renewal of the house connection located outside the town-owned right-of-way is entirely the property owner's responsibility.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-195—19-200. Reserved.

DIVISION 12. USE OF PUBLIC SEWERS AND NATURAL OUTLETS

Sec. 19-201. When discharge permit required.

(a) In accordance with the General Statutes as amended, a permit from the department of environmental protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sanitary sewer:

(1) Industrial wastewater of any quantity.

(2) Domestic sewage in excess of the current allowable discharge approved by the department of environmental protection through any individual building sewer to a public sanitary sewer.

(b) A potential discharger must submit a permit application to the department of environmental protection not later than ninety (90) days prior to the anticipated date of initiation of the proposed discharge.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-202. Prohibited discharges to sanitary sewers.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such drains as are specifically designated as storm drains, or to a natural outlet approved by the manager or an authorized agent thereof. Industrial cooling water or unpolluted process waters may be discharged, on approval of the manager, or an authorized agent thereof, to a storm sewer, or natural outlet.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-203. Certain wastes or constituents limited or prohibited.

No person or property owner shall discharge or permit to be discharged, directly or indirectly, from any premises under his control into any public sanitary sewer, any of the following:

(1) Any substance or object likely to damage, injure, destroy or cause an obstruction in any sanitary sewer or appurtenance thereof, into which it may be discharged.

(2) Sticks, stones of material size, coarse rubbish, rags, unground or unshredded garbage, refuse or portions of any animal carcass more than one-half (½) inch in longest dimension.

(3) Any debris or substance which by depositing any considerable quantity of sediment by coagulation, by congealing, or by attaching itself to the lining of the sanitary sewer or to other substances being transported within the sanitary sewer is likely to cause an obstruction in any sanitary sewer or appurtenance.

(4) Any gasoline, kerosene, alcohol, oil, tar, benzene, naphtha, fuel oil, flammable or explosive gas, solid or vapor, or any substance which may generate or form any flammable, explosive or combustible substance, fluid, gas, vapor or mixture when combined with air, water or other substance commonly found in sanitary sewers.

(5) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit.

(6) Any waters or wastes having a pH lower than five and one-half (5½) or higher than nine (9) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(7) Objectionable poisons, cyanides or any substance likely to generate poisonous fumes that may interfere with, constitute a hazard to, or be dangerous to human beings, or domestic animals, or create any hazard in the receiving waters of the sewage treatment plant.

(8) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(9) Any ashes, cinders, straw, sand, mud, shavings, metal, glass, feathers, tar, plastics, wood, manure, animal guts or tissues, entrails, offal, blood, hair, hides, scraps, unshredded vegetables, or any other solid or viscous substance capable of causing obstruction to the flow in sanitary sewers or other interference with the proper operation of the sewage treatment works.

(10) Any water containing disinfectants, formaldehyde, toxic or poisonous substances in quantities sufficient to delay or interfere with sewage treatment and sludge digestion process including the sedimentation, biological and chemical processes used by the town at its sewage treatment plant.

(11) Any wastewater or sewage to cause damage, injury or loss to other persons or to the property of other persons who are lawfully entitled to use the sanitary sewer or sanitary sewers through which said wastes are discharged, or to any person or equipment engaged in sewage treatment and disposal for the town.

This prohibition shall be understood as applying to the kind or character of wastes discharged into any sanitary sewer and as limiting the quantity of wastes or waters may be discharged from any one parcel or plot of property and the rate or rates at which wastes are discharged to approximately the quantity of sewage or water which the sanitary sewer was intended to receive from that particular parcel or plot or from a typical parcel of that size or area.

(12) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

(13) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the manager, or an authorized agent thereof, for such materials.

(14) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the manager, or an authorized agent thereof, in compliance with applicable state or federal regulations.

(15) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Centigrade).

(16) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual BOD, biochemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of waste constituting "slugs" as defined herein.

(17) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(18) Any garbage that has not been properly shredded (see the definition of "properly shredded garbage" in section 19-17 of this article). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by the caterers.

(19) Any sewage containing odor-producing substances exceeding limits which may be established by the state.

(20) Overflow from holding tanks or other receptacles storing organic wastes.

(21) Sewage with a concentration of pollutants in excess of the following limits:

Pollutant	*Concentration in Parts Per Million (mg/l)*
Arsenic as As	0.05
Barium as Ba	5.0
Boron as BO	5.0
Cyanides as CN (amendable)	0.1
Fluoride as F	20.0
Chromium (total)	1.0
Chromium (Cr + 6)	0.1
Magnesium as Mg	100.0
Manganese as Mn	5.0
Copper as Cu	1.0
Zinc as Zn	1.0
Cadmium	0.1
Lead	0.1
Tin	2.0
Silver	0.1
Mercury	0.01
Nickel	1.0

Note—All metals are to be measured as total metals.

(22) Any substance which will cause the WPCF to violate its NPDES permit or the receiving water quality standards.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-204. Manager's authority over section 19-203 wastes.

(a) If any water or wastes are discharged, or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in section 19-203 of this article and which, in the judgment of the manager or an authorized agent thereof, may have a deleterious effect upon the sewage works processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the manager or an authorized agent thereof may:

(1) Reject the wastes.

(2) Require pretreatment to an acceptable condition for discharge to the public sanitary sewers.

(3) Require control over the quantities and rates of discharge.

(b) If the manager, or an authorized agent thereof, permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the manager, or an authorized agent thereof, and subject to the

requirements of all applicable codes, ordinances and laws. Where pretreatment or flow-equalizing facilities are provided or required for any sewage, they shall be maintained continuously in satisfactory and effective operation at the owner(s) own cost and expense.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-205. Sanitary sewers to be used only for sanitary sewage.

Sanitary sewers shall be used only for the conveyance and disposal of sanitary sewage as defined in section 19-17 of this article and for diluted, water-carried industrial wastes which are not objectionable as provided hereinafter. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil drainage, cooling water, any large continuous flow of water seeping into buildings or excavation from soils or other underground sources, flows of natural springs or groundwaters, surplus from flowing wells, the discharge from roofs, roof conductors, yard drains, street or highway drains.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-206. Approved discharges for stormwater drains.

(a) Stormwater drains (also referred to as storm drains, storm sewers, conduits, or similar terms) are in general intended to be used for conveying surface and stormwaters from streets, yards and other ground surfaces from roofs and other places. They shall also be used for conveying subsoil drainage waters, the flow of natural springs, groundwater, surplus from flowing wells, clean cooling water as defined in section 19-17 of this article and, subject to approval by the manager or an authorized agent thereof, inoffensive industrial wastes.

(b) No persons shall discharge or permit to be discharged from property under his control into a storm drain, any waste or water which is polluted with organic or other matter which can decay, which is odorous, oily or unsightly, or for any other reasons is likely to or does give offense or cause damage or injury to nearby persons or property when discharged into an open natural stream. No wastewater which is poisonous to persons, animals or fish when discharged into a natural stream shall be discharged through any storm drain. No coarse rubbish, sticks, large solids, offal, feathers, straw, cinders, ashes, scraps, leaves, oil, grease, combustible substance or similar materials shall be permitted to enter any storm drain. No material, the discharge of which into natural streams, ponds or lakes is prohibited by state or federal laws or regulations, shall be discharged into any storm drain.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-207. Discharge of cooling water restricted.

No large quantity of cooling water, as defined in section 19-17 of this article or similar wastewaters in large volumes or discharged in large quantities at one (1) time shall be

discharged into any sanitary sewer without specific permission from the manager or an authorized agent thereof. Such permission, if granted in any case, shall be revocable by said manager, or an authorized agent thereof, upon proper notice. In general, such permission shall not be granted at locations where there is conveniently available a storm drain, natural watercourse or other convenient and suitable means of disposal for such large volumes of clean wastewater. Before permitting such discharge into a sanitary sewer at any given location, the manager, or an authorized agent thereof, shall consider whether the discharge in question may cause excessive flows in the sanitary sewer or sanitary sewers through which it is to be discharged and whether such discharge will occasion a burden on any pumping equipment, sewage treatment plant, or other appurtenance of the sanitary sewer system, out of proportion to the other needs of the community and to the contribution which the property from which the discharge comes makes or has made toward the costs of providing, maintaining and operating sewerage services by the town.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-208. Considerations as to acceptability of wastes.

In determining whether any waste discharged or proposed to be discharged into any public sanitary sewer is to be excluded under section 19-203, 19-205 or 19-206 of this article, consideration shall be given to the quantity, time or times, rate and manner of discharge, dilution and character of the waste in question, the size of the sanitary sewer at the time of discharge, the quantities of other objectionable wastes likely in said sanitary sewer, and other pertinent facts. Minute quantities of a waste which would be objectionable in larger quantities may be permitted if sufficiently diluted when and as discharged, or if the quantity discharged is very small in comparison to the receiving sanitary sewer and the flow therein at the time of discharge, upon specific permission from the manager, or an authorized agent thereof, but any permission to discharge minute quantities of an otherwise excluded waste shall be revocable at any time by said manager or an authorized agent thereof.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-209. Evidence as to purpose of sewer to be used in determining use of sewer.

(a) If the proceedings by or under which any public sanitary sewer was laid out, constructed or conveyed to the town described the kinds of wastewaters for which that sanitary sewer was intended, or what wastewaters should be excluded therefrom, said description of the sanitary sewer shall be considered for purposes of determining what wastewaters may be discharged thereinto or shall be excluded therefrom; provided that if the original designation of said sanitary sewer or wastes to be conveyed by it has been legally changed since the original proceedings, such amended classification shall be applicable.

(b) If wastes other than those for the conveyance of which a particular sanitary sewer was originally intended have been at any time discharged or conveyed thereby, such discharge shall not constitute any amendment of the originally and formally expressed intended use for the sanitary sewer, unless the original designation shall have been amended by the authority.

(c) If the proceedings for the layout and construction of any sanitary sewer or for its acquisition by the town did not indicate what wastes could or could not be discharged therein, the manager or an authorized agent thereof, shall consider the pertinent facts and shall determine what waste or wastewaters shall be permitted to be discharged thereinto or be excluded therefrom in accordance with the provisions of this article. Except as, and until, the determination so made by the manager, or an authorized agent thereof, of the kinds of wastes to be permitted in, or excluded from, any sanitary sewer shall have been altered or changed by the vote of the authority, such determination by the manager or an authorized agent thereof shall control the classification of the kinds of wastes which may be permitted to be discharged thereinto or to be excluded therefrom.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-210. Right of entry for inspection, etc.

(a) The manager, or an authorized agent thereof, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The manager, or an authorized agent thereof, shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sanitary sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (a) of this section, the manager, or an authorized agent thereof, shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe sampling facilities required in section 19-212 of this article.

(c) The manager, or an authorized agent thereof, bearing proper credentials and identification, shall be permitted to enter all private properties through which the town holds a fully negotiated sanitary sewer easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said sanitary sewer easement. All entry and subsequent work, if any, on said sanitary sewer easement shall be done in full accordance with the terms of the duly negotiated sanitary sewer easement pertaining to the private property involved.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-211. Measurements, tests and analyses—Generally.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sanitary sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-212. Same—When owner must provide testing or treatment facilities.

At any premises where any of the substances prescribed as being or to be excluded from any sanitary sewer are present and liable to be discharged contrary to the limitations of this article, the manager, or an authorized agent thereof, may require that the owner of said premises provide, operate and maintain a sampling well or wells, a flow-measuring device, manholes or other suitable devices or treatment facilities on any or all house connections from said premises near the point or points where said pipes connect to any public sanitary sewer. By means of said sampling well or wells or other devices, the owner, owners and occupants of said premises and said manager, or an authorized agent thereof, or any public officer charged with any duty involving the supervision of the disposal of wastewaters may secure samples of or examine the wastes and waters discharged into said public sanitary sewer and measure the quantities thereof for the purpose of ascertaining the compliance or noncompliance with the requirements of this article.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-213. Use of excess water to achieve compliance with limits prohibited.

No user shall increase the use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any specific pollutant limitations which may be developed by the state.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-214. When traps, separators, other additional equipment must be supplied.

At all premises where wastes or substances specified to be excluded from sanitary sewers by this article are customarily present and liable to be discharged directly or indirectly into any public sanitary sewer, suitable and sufficient piping layouts, oil and grease traps or separators; screens, sedimentation chambers, diluting devices, storage and regulating treatment, cooling or condensing equipment and similar devices or equipment shall be provided, maintained and operated to ensure that no waste substance or water required to be excluded from said sanitary sewer shall be discharged therein violation of the requirements of this article.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-215. Submission of pretreatment facility plans condition to issuance of permit.

To facilitate compliance with the requirements of this division, the manager, or an authorized agent thereof, may require that the owner or party applying for a permit to install a new connection to any sanitary sewer, or to alter or extend an existing house connection shall, in any case where a sampling well, oil or grease trap or separator, diluting device, or similar appurtenance is or may be required, furnish to said manager, or an authorized agent thereof, as part of the application for said permit, a plan or satisfactory description (or both) of the device (of whatever kind) which it is proposed to provide in accordance with the requirements of this division and description of the proposed operation thereof. Said plan, description, or both, shall become part of said application and the installation of the device in accordance therewith shall be a condition attached to granting of said permit.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-216. Self-monitoring; records.

All industries discharging into a public sanitary sewer shall perform such monitoring of their discharge as the town manager, or an authorized agent thereof, may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the town manager, or an authorized agent thereof. Such records shall be made available upon request to other agencies having jurisdiction over discharges to the receiving waters.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-217. Accidental discharges.

(a) Each user shall provide protection from accidental discharge or prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and

expense. The manager, or an authorized agent thereof, shall require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.

(b) Within five (5) days following an accidental discharge, the user shall submit to the manager, or an authorized agent thereof, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the WPCF, fish kills, aquatic plants, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees are advised of the emergency notification procedure.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-218. Special agreements with industries.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor by the industrial concern, provided that such agreements do not contravene any requirements of existing federal or state laws and are compatible with any user charge and industrial cost recovery system in effect.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-219. Maintenance of sampling wells, etc.

Sampling wells and other devices required by this division shall be provided, operated and maintained by the persons in control of the premises where required, without expense or cost to said town. Such devices shall be subject to the approval of the town manager, or an authorized agent thereof.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-220—19-225. Reserved.

DIVISION 13. DRAIN LAYERS

Sec. 19-226. Licenses—Issuance upon application.

The town may license as a drain layer any person, firm or corporation believed by it to be suitable and competent, who shall have applied to it on forms to be provided for that purpose and who shall have furnished the surety bond and insurance required by section 19-228 of this article.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-227. Same—Application contents; term.

Every application for a license as a drain layer shall state the name of the drain layer (in case of partnership or trade names, both the names under which the firm does business and names of all individual members of the firm) and the business address of the prospective licensee, together with such other information as the town may properly require. Should any licensed drain layer change his, their or its name, composition of firm or business address during the term of his, their or its license, he, they or it shall immediately notify said town in writing, giving both old and new name, address, etc., as the case may be. Every license issued shall expire on December 31 of the year for which it was issued. The fee for issuance of said license shall be established by the manager or an authorized agent thereof.

(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-228. Same—Surety bond and insurance prerequisite to issuance.

Every person making application for a license as a drain layer shall file with the town satisfactory bond and a protective liability insurance policy in the name of the town, together with satisfactory insurance policies or certificates to the effect that the licensee is properly insured against claims by employees or the public and against liabilities to be assumed under the terms of the drain layer's permit, as determined by the town manager or an authorized agent thereof. The bond and insurance, in combination, shall provide that the town, the state, and their respective agents shall be indemnified and saved harmless from all suits and actions of every name and description brought against any of said public bodies or their agents, for or on account of any injuries or damages received or sustained by any person or property in consequence of, or resulting from, any work performed by the applicant, his agents or servants, or from any act or omission of the applicant, his agents or servants, while operating under the license applied for or from any negligence regarding said work; that the applicant shall reimburse the town for any expense to said town or its agents arising from any injury or damage to any sewer or drain or other property of said town or by reason of any violation by the applicant or his agents or employees of any requirements of this article; that the applicant shall faithfully execute in all respects all work performed under the license proposed to be issued; that the applicant shall restore the portion of any street or public place in which the

applicant may have made an excavation incidental to work under said license to as good condition as it was prior to said work, and also shall keep said street or public place in like good condition to the satisfaction of the town for a period of not less than one (1) year after said restoration; that the applicant shall reimburse the town or the state for the expense of repairs to such street or public place made necessary by reason of the excavation made by the applicant; and that the applicant shall comply in all respects with the rules, regulations, laws, ordinances, etc., relative to work in such streets or public places and with the terms of the permits which may be issued to the applicant by the town or the state and shall pay all fines imposed on the applicant for violation of this article or of such rules and regulations.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-229. Same—Suspension; revocation.

Should the manager, or an authorized agent thereof, find that any licensed drain layer has failed to conform to the requirements of this article and to the conditions of any permit issued hereunder, or that such drain layer has not been faithful in the performance of work or furnishing materials under his license, the manager, or an authorized agent thereof, may suspend such license until the next meeting of the authority and shall report the matter to such meeting. Such suspended drain layer and any complainant in said matter shall be notified of such meeting and afforded an opportunity to be heard on the matter at that time. The authority may, after said opportunity to be heard has been provided, revoke said license or may extend the suspension of such license for such period or limit the activities of such drain layer in such manner as may appear to be to the public interest.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-230. Licensee to be responsible for faithful performance of work.

Each licensed drain layer shall be responsible for the faithful performance of all work performed under the license or permits issued to him and for the conduct of all work and all materials furnished on work by his employees or agents. No work shall be sublet by a licensed drain layer under any permit issued under such license in any manner to divest said drain layer of full control and responsibility for all parts of said work. Only competent men shall be employed on work performed under such license and only suitable materials conforming to the standards established by the manager, or an authorized agent thereof, shall be furnished or used on such work.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-231. Licensee to save town harmless from claims.

Each licensed drain layer shall save the town, its agents and servants, and the state harmless from all loss or claims for loss, damages or injury (including death) arising from the

operations of such drain layer under any permits issued under his license or any negligence or failure on the part of such drain layer in guarding, protecting or conducting the work thereunder or from damage to or obstructions or disturbance of any highways, pavements, walks, pipes, sewer, drains, etc., caused by such work.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Secs. 19-232—19-240. Reserved.

DIVISION 14. PERMITS

Sec. 19-241. Required; issuance restricted; fee.

No person, other than those working for and under the direction of the town shall make any excavation for, or construct, install, lay, repair, alter or remove any sanitary sewer, sanitary sewer connection, etc., which is in any way connected to or discharges directly or indirectly to or into any public sanitary sewer of said town, or is intended at some future time to be so connected or so discharge, until said person or party shall have applied for and secured from the manager, or an authorized agent thereof, a permit for doing such work. Such permits may be issued only to those qualified to perform such work as provided in section 19-29 of this article. The fee for such permits shall be established by the manager, or an authorized agent thereof.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-242. Who may receive applications.

The manager, or an authorized agent thereof, may authorize competent representatives to act for him in receiving applications for permits and issuing such permits.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-243. Application; contents.

(a) Every application for a permit shall be made in writing on forms to be provided by the town for that purpose and shall be signed by the licensed drain layer or other qualified person, or party, or an authorized agent thereof. The application shall state the location and ownership of the property to be served by the sanitary sewer in question; the post office address of said property owner, a brief description of the work to be done, and shall contain an agreement that the permittee will do the work in accordance with the requirements of the town and local laws, ordinances and regulations, and permits as those laws, etc., may apply to the particular location or work, and will save the said town and others harmless from damages, loss, damage

claims, etc., in accordance with the terms of the drain layer's surety bond provided for in section 19-228 of this article; all in such form and detail as may be directed by the town in the form provided.

(b) The manager, or an authorized agent thereof, may, in his discretion, require as a prerequisite to the issuance of any permit that he be furnished evidence:

(1) That any and all necessary permits, etc., to open public streets, public or private grounds or property have been or will be issued;

(2) That the agent of the applicant is properly authorized to sign the application in question;

(3) That the devices or provisions to prevent the entry into public sanitary sewers of any substances forbidden entry by section 19-205 of this article shall be installed; and

(4) Other information or proof pertinent to the particular job in question.

The fee for issuance of such permit shall be established by the manager, or an authorized agent thereof.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-244. Applications and work records to be permanent town records.

All completed applications for permits and a record of work performed under every permit issued thereupon shall be kept as permanent records of the town.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-245. Contents of permit; transferability.

Each permit to construct, alter or repair any sanitary sewer or house connection under this division shall be issued only after an application, as herein provided, has been made. It shall state the location and character of the work to be performed thereunder, the person granted permission to perform such work, a time limit within which the work must be performed and at the expiration of which the privileges for construction under the permit shall terminate, unless such time limits shall have been extended in writing by the manager, or an authorized agent thereof; shall indicate the general character of wastes which may be discharged into the sewer in question, and any other pertinent information or conditions. Permits shall not be transferable or assignable by the permittee.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-246. To be kept on work premises for display on request; responsibility for compliance.

Permits shall be kept on the premises at all times where work is in progress and shall be shown to any proper person asking to see the same. All persons operating under such permits shall be held responsible for conformity to the requirements thereof and of this article.
(Ord. of 10-25-88)

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

Sec. 19-247. Suspension, cancellation or termination.

Any permits may be suspended, cancelled or terminated by the manager, or an authorized agent thereof, on written notice to the permittee for violation of the conditions thereof or for violation of the requirements of this article or of the standards and specifications established by the manager or an authorized agent thereof for such work as provided by this article or for other reasons in the public interest. Suspension, cancellation or termination of a permit may cover all or any portion of the work contemplated thereunder as the manager, or an authorized agent thereof, may direct. Suspension, cancellation or termination of a permit shall not entitle the permittee to any compensation or reimbursement from the town or its agents for any alleged loss or expense incurred thereby, and permits shall be issued only on this condition.
(Ord. of 10-25-88)

ARTICLE III. ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

Sec. 19-251. Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of Glastonbury through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the storm drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

(1) To regulate the contribution of pollutants to the storm drainage system through stormwater discharges by any user.

(2) To prohibit illicit connections and discharges to the storm drainage system.

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

(Ord. No. 317, 2-23-10)

Sec. 19-252. Definitions.

For the purposes of this article, the following shall mean:

Best management practices (BMPs) shall mean schedules of activities, prohibition of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act shall mean the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity shall mean activities subject to NPDES construction permits. Currently these include construction projects resulting in land disturbance of five (5) acres or more. Beginning in March 2003, NPDES storm water phase II permits have been required for construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous materials shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hearing officer shall mean the person designated from time to time by the town manager to hear appeals in accordance with section 19-265 herein.

Illegal discharge shall mean any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 19-257 of this article.

Illicit connections shall mean an illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the town manager; any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the town manager.

Industrial activity shall mean activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) storm water discharge permit shall mean a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge shall mean any discharge to the storm drain system that is not composed entirely of stormwater.

Person shall mean any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Facility shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm drainage system shall mean the publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater shall mean any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater pollution prevention plan shall mean a document that describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Town manager shall mean the Glastonbury Town Manager or his/her authorized designee.

Wastewater shall mean any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse shall mean a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water. This includes but is not limited to lakes, ponds, rivers, streams and any other surface water defined as a watercourse by the town's inland wetland regulations.
(Ord. No. 317, 2-23-10)

Sec. 19-253. Applicability.

This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the town manager.
(Ord. No. 317, 2-23-10)

Sec. 19-254. Responsibility for administration.

The town manager shall administer, implement, and enforce the provisions of this article. The town manager may delegate his/her powers and duties under this article to an authorized designee.
(Ord. No. 317, 2-23-10)

Sec. 19-255. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.
(Ord. No. 317, 2-23-10)

Sec. 19-256. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
(Ord. No. 317, 2-23-10)

Sec. 19-257. Discharge prohibitions.

(1) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the storm drainage system any materials, including but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this article: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one (1) PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

(b) Discharges specified in writing by the town manager as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a written notification to the town manager prior to the time of the test. Said written notification may be in the form of electronic mail, facsimile transmission or hard copy letter format.

(d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(2) *Prohibition of illicit connections.*

(a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this article if the person connects a line conveying sewage to the storm drainage system, or allows such a connection to continue.

(Ord. No. 317, 2-23-10)

Sec. 19-258. Suspension of storm drainage system access.

Suspension due to illicit discharges in emergency situations. The town manager may, without prior notice, suspend storm drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the town manager may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system or Waters of the United States, or to minimize danger to persons.

Suspension due to the detection of illicit discharge. Any person discharging to the storm drainage system in violation of this article may have their storm drainage system access terminated if such termination would abate or reduce an illicit discharge. The town manager will notify a violator of the proposed termination of its storm drainage system access. The violator may petition the town manager for reconsideration and hearing.

A person commits an offense if the person reinstates storm drainage system access to premises terminated pursuant to this section, without the prior approval of the town manager. (Ord. No. 317, 2-23-10)

Sec. 19-259. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to town manager prior to the allowing of discharges to the storm drainage system.
(Ord. No. 317, 2-23-10)

Sec. 19-260. Right of entry, evaluation, and monitoring of damages.

(a) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial or construction activity, and any other commercial or residential facilities that discharge stormwater to the storm drainage system.

(b) *Access to facilities.*

(1) The town manager shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the town manager.

(2) Facility operators shall allow the town manager ready access to all parts of the facility for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a town, state or federal NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The town manager shall have the right to set up on any NPDES permitted facilities such devices as are necessary in the opinion of the town manager to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The town manager has the right to require the installation of sampling and monitoring equipment on any NPDES permitted facility by the discharger at it's own expense. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the town manager and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the town manager access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the town manager reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(7) If the town manager has been refused access to any part of the facility from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the town manager may seek issuance of a search warrant from any court of competent jurisdiction.

(8) While performing the necessary work on private properties referred to in subsections (b)(1) through (5) of this section, the town manager shall observe all safety rules applicable to the premises established by the facility.

(Ord. No. 317, 2-23-10)

Sec. 19-261. Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The town manager will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or facility, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drainage system as directed by the town manager. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial or construction activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 317, 2-23-10)

Sec. 19-262. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. No. 317, 2-23-10)

Sec. 19-263. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information

of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the town manager in person or by phone, electronic mail or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the town manager within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.
(Ord. No. 317, 2-23-10)

Sec. 19-264. Enforcement.

(a) *Notice of violation.* Whenever the town manager finds that a person has violated a prohibition or failed to meet a requirement of this article, he/she shall order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit discharges or connections;

(3) That violating discharges, practices, or operations shall cease and desist;

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and

(5) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the town manager may order the work be done by a designated governmental agency or a contractor and the violator fined an amount equal to the expense thereof. in addition to any fines imposed in subsections (b) or (c) of this section.

(b) *Procedure for issuance of citations.*

(1) The town manager shall issue a written notice to any person who violates any provision of this article. No written notice may be issued against the state or any state official or state employee acting within the scope of his employment. Such written notice shall explain the nature of the violation and the steps required for compliance, and shall allow a seventy-two-hour period within which to correct the violation or within which a written plan for correction shall be submitted to the town manager, setting forth a reasonable time period for correction of the violation as agreed upon by

the town manager. A written notice issued pursuant to this subsection shall be served: 1) by hand delivery, at which time the seventy-two-hour period shall begin; or 2) by certified mail return receipt requested and by regular first class mail. Three (3) business days shall be allowed for mail delivery of the notice prior to the commencement of the seventy-two-hour period.

(2) Within two (2) business days after the period for correction established in subsection (a) expires, the town manager shall reinspect the subject property to determine compliance.

(3) If the violations set forth in the written notice have not been corrected at the time of reinspection, the town manager, in his/her capacity as chief executive officer, may issue a citation and fine of up to two hundred fifty dollars ($250.00) for each violation by hand, by certified return receipt requested, by leaving a true and attested copy of the citation at the usual place of abode or residence of the person in violation, or in the case of a corporate or business entity, delivery to the business address or the address of the statutory agent of said entity. No such fine shall be levied against the state or any state official or state employee acting within the scope of his employment. All citations issued pursuant to this section shall state the violation for which the citation is being issued, the fine imposed for the violation, the time period within which the fine must be paid, and an address for remittance of the fine.

(c) *Compliance periods after citation.*

(1) Any violation for which a citation is issued and which is not corrected within the time period specified in subsection (b) of this section shall be a new violation of this article, and every twenty-four-hour period thereafter in which the violation is not corrected shall constitute a new violation. The citation shall include a notice to the alleged violator that each twenty-four-hour period of noncompliance after the time period specified in section [19-264(b)] shall constitute a new violation and a new fine of up to two hundred fifty dollars ($250.00).

(2) The town manager shall not be responsible for a daily reinspection. Rather, the person to whom the citation has been issued shall be responsible for reporting subsequent compliance by way of written report to the town manager. The town manager shall reinspect to confirm compliance within one (1) business day of receipt of such report.

(d) *Payment of fines.*

(1) All fines imposed under this article which are uncontested shall be made payable to the Town of Glastonbury and shall be received by the town manager within ten (10) calendar days from date of notice of the citation. All fines collected by the town manager shall be deposited into the Town of Glastonbury General Fund.

(Ord. No. 317, 2-23-10)

Sec. 19-265. Appeals.

(a) If the town manager issues a notice of violation, the town manager shall send written notice of action and a statement of the right to an appeal to the facility operator or facility owner.

(b) The facility operator or facility owner may appeal a notice of violation to the town manager by setting forth in writing the reasons for the appeal within fifteen (15) calendar days after date of the notice of violation.

(c) The facility operator or facility owner may appeal the decision of the town manager to the hearing officer as follows:

(1) The facility operator or facility owner may file a written request for a review by paying an appeal fee of twenty-five dollars ($25.00) and setting forth the reasons for the appeal within twenty (20) calendar days after the date of notification of the decision from the town manager. Appeal fees shall be returned to the appealing facility operator or facility owner if the appeal is upheld.

(2) The hearing officer shall conduct a hearing within thirty (30) calendar days of the receipt of the request. The hearing shall be informal in nature. The person requesting the hearing may testify concerning the facts, circumstances and nature of his/her appeal and may present supporting documentation.

The hearing officer shall render a written decision within fifteen (15) calendar days of the hearing. The decision will affirm or reverse the decision of the town manager.

(d) Filing of a request for appeal shall stay the action by the town manager requiring payment of a surcharge until the hearing officer has completed his review. If a request for appeal is not made within the twenty-calendar day period, the action of the town manager is final.
(Ord. No. 317, 2-23-10)

Sec. 19-266. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the town manager may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
(Ord. No. 317, 2-23-10)

Sec. 19-267. Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the town manager may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, watershed cleanup, or other related activities.
(Ord. No. 317, 2-23-10)

Sec. 19-268. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
(Ord. No. 317, 2-23-10)

Sec. 19-269. Criminal prosecution.

Any person that has violated or continues to violate this article shall be liable to criminal prosecution to the fullest extent of the law. The town manager may recover all attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.
(Ord. No. 317, 2-23-10)

Sec. 19-270. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the town manager to seek cumulative remedies.
(Ord. No. 317, 2-23-10)

Sec. 19-271. Adoption of ordinance.

This article shall be in full force and effect ten (10) days after publication. All prior ordinances and parts of ordinances in conflict with this article are hereby repealed.
(Ord. No. 317, 2-23-10)

Secs. 19-272—19-275. Reserved.

Note—See editor's note for Ch. 19, found at the bottom of page CD19:7, for former derivation of Ch. 19.

CODE COMPARATIVE TABLE

1960 CODE

This table gives the location within this Code of those sections of the 1960 Code, which are included herein. Sections of the 1960 Code not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

Section	Section this Code	Section	Section this Code
130—134	2-31	394	5-54
141	2-41	401	9-31
142	2-42	402	9-33
143	2-43	403.1	9-34
144	2-44	403.2	9-35
145	2-45	403.3	9-36
146	2-46	403.4	9-37
147	2-47	403.5	9-38
171	2-16(note)	403.6	9-39
173	13-1	403.7	9-40
174	2-1	404.1	9-51
175	2-182	404.2	9-52
176	2-56	404.3	9-53
176(1)	2-57	404.4	9-54
176(2)	2-58	404.5	9-55
176(3)	2-59	405	9-66
176(4)	2-60	405.1	9-67
176(5)	2-61	405.2	9-68
176(6)	2-62	405.3	9-69
301.3	5-17	405.4	9-70
303	5-2	405.5	9-71
306	5-18	405.6	9-72
307	5-1	405.7	9-73
308	5-19	405.8	9-74
309.1	5-26	406	9-81
309.2	5-27	406.1	9-85
309.3	5-28	406.2	9-86
309.4	5-29	406.3	9-87
309.5	5-30	406.4	9-88
309.6	5-31	406.5	9-89
309.7	5-32	406.6	9-90
309.8	5-33	406.7	9-83
309.9	5-34	406.8	9-84
309.10	5-35	406.9	9-82
309.11	5-36	407	9-96
371	2-196	407.1	9-97
372	2-197	407.2	9-98
391	5-51	407.3	9-99
393	5-53	407.4	9-100

Section	Section this Code	Section	Section this Code
407.5	9-101	1153	8-3
408	9-111	1154	8-4
408.1	9-112	1155	8-5
408.2	9-113	1156	8-6
409	9-121	1157	8-7
409.1	9-122	1161	13-2
409.2	9-123	1171	10-1
409.3	9-124	1173	10-2
409.4	9-125	1181	2-91
409.5	9-126	1183	2-92
409.6	9-127	1184	2-93
410	9-136	1185	2-94
410.1	9-137	1191	2-111
410.2	9-138—9-140	1193	2-112
410.3	9-141	1194	2-113
410.4	9-142	1195	2-114
410.4(a)	9-143	1196	2-115
410.5	9-144	1201	2-226
410.6	9-145	1202	2-227
410.7	9-146	1204	2-229
411	9-151	1205	2-230
411.1	9-152	1225	2-151
411.2	9-153	1227	2-152
411.3	9-154	1228	2-153
411.4	9-155	1229	2-154
411.5	9-156	1235	2-166
411.6	9-157	1236	2-167
413	9-41	1237	2-168
414	9-32	1238	2-169
501.1—5-1.14	Ch. 11, Art. III(note)	1239	2-170
		1301	2-211
531	11-16	1302	2-212
532	11-17	1303	2-213
533	11-18	1321	13-3
581	3-1	1341	8-22
911	2-71	1342	8-26
912	2-72	1343	8-27
913	2-73	1344	8-23
914	2-74	1345	8-24
1101	13-16	1346	8-21
1102	13-17	1347	8-25
1103	13-18	1351.1	2-246
1104	13-19	1351.2	2-247
1120	11-1	1351.3	2-248
1131	2-131	1351.4	2-249
1132	2-132	1361	19-41
1133	2-133	1362	19-42
1134	2-134	1363	19-43
1151(b)—(e)	8-1	1364	1918
1152	8-2	1365	19-19

Section	Section this Code
1366	19-20
1367.01	19-51
1367.02	19-52
1367.03	19-53
1367.04	19-54
1367.05	19-55
1367.06	19-56
1367.07	19-57
1367.08	19-58
1367.09	19-59
1367.10	19-60
1368	Ch. 19, Art. II, Div. 1(note)
1370.01	19-66
1370.02	19-67
1370.03	19-68
1370.04	19-69
1370.05	19-70
1370.06	19-71
1370.07	19-72
1370.08	19-73
1370.09	19-74
1370.10	19-75
1370.11	19-76
1370.12	19-77
1370.13	19-78
1370.14	19-79
1370.15	19-80
1370.16	19-81
1370.17	19-82
1370.18	19-83
1370.19	19-84
1370.20	19-85
1371.1	19-94
1371.2	19-95
1371.3	19-96
1371.4	19-97
1371.5	19-98
1371.6	19-99
1371.7	19-100
1371.8	19-101
1372.1	19-111
1372.2	19-112
1372.3	19-113
1372.4	19-114
1372.5	19-115
1372.6	19-116
1372.7	19-117
1372.8	19-118
1373.1	19-126
1373.2	19-127
1373.3	19-128
1374.0(d), (e)	19-136
1374.1	19-137
1374.2	19-138—19-140
1374.3	19-141
1374.4	19-142
1374.5	19-143
1375.1	19-152
1375.2	19-151
1375.3	19-153
1375.4	19-154
1375.5	19-155
1383	Ch. 8, Art. III(note)
1386—1394	Ch. 8, Art. III(note)
1399—1401	Ch. 8, Art. III(note)
1701	14-16
1702	14-17
1703	14-18
1750.0(b), (d), (e)	14-31
1751.0	14-32
1752.0	14-33
1753.0	14-34
1754.0	14-35
1755.0	14-36
1756.0	14-37
1757.1	14-38
1757.2	14-39
1757.3	14-40
1757.4	14-41
1757.5	14-42
1757.6	14-43
1758.0	14-44
1759.0	14-45
1770	14-54
1771.0	14-55
1772.0	14-56
1773.0	14-57
1774.1	14-58
1774.2	14-59
1774.3	14-60
1774.5	14-61
1775.0	14-62
1780	14-1
1800	6-1
1801	6-2

Section	Section this Code	Section	Section this Code
1802	6-3	2301.6	17-102
1803	6-4	2301.7	17-97
1901	16-1	2301.8	17-101
1910.0	13-31	2301.9	17-105
1911.0	13-32	2301.10	17-106
1912.0	13-33	2301.11	17-107
1913.0	13-34	2301.12	17-108
1914.0	13-35	2301.13	17-109
1915.0	13-36	2301.14	17-110
1916.0	13-37	2301.15	17-96
1917.0	13-38	2301.16	17-111
1918.0	13-39	2302.1	17-211
1950	11-31	2302.2	17-212
1950.1	11-32	2302.3	17-213
1950.3	11-51	2302.4	17-214
1950.4	11-52	2302.5	17-215
1950.5	11-53	2302.6	17-216
1950.6	11-59	2302.7	17-217
1950.7	11-60	2302.8	17-218
1950.8	11-54	2303.1	17-151
1950.9	11-56		17-152
1950.10	11-61	2303.2	17-153
1950.11	11-58	2303.3	17-154
1950.12	11-62	2303.4	17-155
1950.13	11-55	2303.5	17-156
1950.14	11-34	2303.6	17-157
1950.15	11-35	2303.7	17-158
1950.16	11-36	2303.8	17-159
1950.17	11-57	2303.9	17-160
1950.18	11-37	2304.1	17-136
1950.20	11-38	2304.2	17-137
1950.21	11-39	2304.3	17-138
1950.22	11-40	2304.4	17-139
1951—1953	4-1	2304.5	17-140
1960	13-4	2304.6	17-141
2001	7-16	2305.1	17-196
2002	7-17	2305.2	17-197
2003	7-18	2305.3	17-198
2004	7-19	2305.4	17-199
2005	7-20	2305.5	17-200
2006	7-21	2305.6	17-201
2007	7-22	2306.1	17-226
2101	2-261	2306.2	17-227
2102	2-262	2306.3	17-228
2103	2-263	2306.4	17-229
2301.1	17-98	2306.5	17-230
2301.2	17-99	2307.1	17-46
2301.3	17-100	2307.2	17-47
2301.4	17-104	2307.3	17-48
2301.5	17-103	2307.4	17-51

Section	Section this Code
2308.1	17-121
2308.2	17-122
2308.3	17-123
2308.4	17-124
2308.5	17-125
2308.6	17-126
2308.7	17-127
2309.1	17-169
2309.2	17-170
2309.3	17-171
2310.0	17-181
2310.2	17-182
2310.3	17-183
2310.4	17-184
2310.5	17-185
2310.6	17-186
2310.7	17-187
2321	17-3
2331	12-32
2332	12-33
2351.1	17-49
2351.2	17-50
2352.1—2352.5	17-51
2353.1—2353.3	17-52
2354.1	17-53
2355.1	17-54
2355.2	17-54
2357.0	17-61
2357.2	17-63
2357.3	17-64
2357.4	17-65
2371(A)—(F), I—(K)	12-1
2372	12-2
2373	12-3
2374	12-4
2375	12-21
2376	12-25
2377	12-16
2378	12-17
2379	12-18
2380	12-19
2381	12-20
2382	12-22
2383	12-23
2384	12-24
2391	17-76
2392	17-77
2393	17-78
2394	17-79
2395	17-80
2396	17-81
2401—2403	Ch. 17, Art. III(note)
2441.0	17-1
2451—2453	17-2
2501—2504	18-2
2510	18-3
2520	18-4
2521	18-1
2701	15-81
2703	15-82
2705	15-1
2706	15-2
2711	15-36
2712	15-37
2713	15-38
2714	15-39(note)
2715	15-51
2716	15-52
2717	15-53
2719	15-55
2721	15-94
2724	15-95
	15-96
2725	15-3
1741	15-16
1741.1	15-17
1741.3	15-19
1741.4	15-20
1741.5	15-21
1741.6	15-22
1741.7	15-23
2901	15-66
2902	15-67

CODE COMPARATIVE TABLE

ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1960 Code, which are included herein. Ordinances adopted prior to such date were incorporated into the 1960 Code, a table of which immediately precedes this table. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

Code Comparative Table Terms:

The term "Added" means a chapter, article, division, sections, section or subsection has been added to this Code.

The term "Dltd" means a chapter, article, division, sections, section or subsection has been deleted from this Code.

The term "Rpld" means a chapter, article, division, sections, section or subsection has been repealed from this Code.

The term "Rnbd" means a chapter, article, division, sections, section or subsection has been renumbered.

Adoption Date	Section	Section this Code
6-12-39		15-38
11-14-60		19-51—19-53
11-14-60		19-55—19-60
12-20-60		19-16
12-20-60		Ch. 19, Art. II, Div. 1(note)
7-10-61		17-49—17-53
1- 8-62		19-94—19-99
4- 9-62		8-1
4- 9-62		8-41—8-53
7- 9-62		8-1—8-5
		8-7
12-10-62		17-97—17-110
12-10-62		17-121—17-127
		17-136—17-141
		17-151—17-160
		17-169
		17-170
		17-181
		17-187
		17-196—17-201
		17-211—17-218
		17-226—17-230
1-14-63		11-76—11-88
1-28-63		17-54

Adoption Date	Section	Section this Code
4-22-63		2-71
		2-73
		2-74
3-16-64		16-1
5-11-64		5-19
5-26-64		19-111—19-118
6-29-64		2-182
1-22-65		19-126—19-128
3-22-65		14-31
3-22-65		14-32—14-45
7-26-65		14-54—14-62
11- 8-65		17-61—17-65
12-13-65		15-36
1-10-66		2-131—2-134
3-14-66		15-51—15-53
3-14-66		15-55
11-28-66		2-111—2-114
1- 9-67		2-196
1- 9-67		5-26—5-36
6-12-67		9-31—9-41
		9-51—9-55
		9-66—9-74
		9-81—9-90
		9-96—9-101
		9-111—9-114
		9-121—9-127
6-12-67		9-136—9-146
		9-151—9-157
12-11-67		8-51
4-22-68		8-27
6-24-68		19-136—19-140
		19-142
		19-143
9-23-68		18-2
1-13-69		15-51—15-53
1-13-69		15-55
7-28-69		11-79
9- 8-69		19-136—19-140
		19-143
10-14-69		2-41—2-47
10-27-69		2-31
12- 8-69		17-49—17-53
3- 8-71		19-151—19-155
3-20-71		19-111
3-20-71		19-117
5-10-71		14-31
		14-33

Adoption Date	Section	Section this Code
		14-44
5-10-71		17-76—17-81
10-26-71		5-2
1- 8-72		2-31
1-22-72		2-31
1-24-72		5-51
		5-53
		5-54
7-10-72		8-24
7-24-72		9-31—9-41
		9-51—9-55
		9-66—9-74
		9-81—9-90
		9-96—9-101
		9-111—9-114
		9-121—9-127
7-24-72		9-136—9-146
		9-151—9-157
7-24-72		18-3
9-25-72		2-226
		2-227
		2-229—2-233
10- 9-72		8-47
11-13-82		7-16
		7-17
		7-19—7-22
12-26-72		2-56—2-61
1- 8-73		2-31
2-13-73		14-1
2-26-73		5-2
3-12-73		13-31—13-39
3-12-73		19-136—19-140
		19-142
		19-143
7-23-73		6-4
10- 9-73		2-151—2-154
1- 8-74		15-16
		15-17
		15-19—15-22
1-22-74		11-1
2-12-74		2-213
2-12-74		19-66—19-68
		19-71—19-85
7- 9-74		5-34
7- 9-74		14-62
8-13-74		9-31—9-41
		9-51—9-55

Adoption Date	Section	Section this Code
		9-66—9-74
		9-81—9-90
		9-96—9-101
		9-111—9-114
		9-121—9-127
8-13-74		9-136—9-146
		9-151—9-157
11-12-74		2-166—2-170
11-12-74		14-18
3-14-75		15-51—15-53
9- 9-75		17-96
9- 9-75		17-111
10-28-75		11-31—11-39
10-28-75		11-51—11-62
11-13-75		5-1
11-13-75		9-111—9-114
11-25-75		19-151—19-155
11-28-75		11-39
		11-51
12- 9-75		Ch. 19, Art. II, Div. 1(note)
4-13-76		2-246—2-248
6-22-76		14-18
9-14-76		12-1—12-4
		12-16—12-25
9-28-76		4-1
9-28-76		15-22
		15-23
12-14-76		18-4
1-11-77		3-1
1-25-77		18-1
5-24-77		Ch. 19, Art. II, Div. 1(note)
6-14-77		13-4
6-14-77		19-151—19-155
9-13-77		8-47
9-27-77		15-1
3-28-78		Ch. 19, Art. II, Div. 1(note)
6-27-78		5-29
6-27-78		5-53
6-27-78		12-22—12-25
6-27-78		15-95
		15-96
6-27-78		17-98
		17-106
7-11-78		2-229
7-25-78		9-36
7-25-78		Ch. 19, Art. II, Div. 1(note)
8- 8-78		14-38

Adoption Date	Section		Section this Code
9-12-78			15-36—15-38
			15-39(note)
11-14-78			19-116
11-14-78			19-154
11-28-78			8-46
3-11-80	a		17-16
	b		17-17
	c		17-18
	d		17-19
	e		17-20
7- 8-80			2-17(note)
9-30-80	2		9-16
	3		9-17
5-26-81			2-91—2-94
6-23-81			19-151—19-155
12-26-81			2-91—2-94
3-23-82		Rpld	2-16
3-23-82		Rpld	2-17
3-23-82			2-271—2-278
4-13-82	1—5		18-21—18-25
4-27-82			19-16, 19-17
			19-21—19-34
			19-166—19-168
			19-181—19-194
			19-201—19-219
			19-226—19-231
			19-241—19-247
6-23-82			9-36
6-23-82			5-53
6-23-82			15-95, 15-96
6-23-82			5-16, 5-17
7-27-82		Rpld	15-39
9-28-82		Rpld	8-41—8-53
		Added	8-41—8-57
11-23-82		Rpld	17-31—17-33
		Added	17-31—17-35
12-14-82		Rpld	11-76—11-89
		Added	11-76—11-92
1-11-83	1—9		Adopting ordinance, p. ix
3- 8-83	1	Rpld	12-32, 12-33
	3	Rpld	17-61
			17-63—17-65
3- 8-83(Res.)			2-31(note)
8- 9-83		Rpld	2-261—2-263
	1, 2		2-261
	3—5		2-262—2-264
3-12-84			2-211—2-214

Adoption Date	Section		Section this Code
4-23-84	1		2-31, 2-219
	2, 3		2-220, 2-221
5-14-84			8-1—8-11, 8-21—8-24, 8-41—8-53
9-11-84			2-31, 15-56, 15-57,
		Rpld	15-51—15-53, 15-55
10-23-84	1, 2		8.5-1, 8.5-2
	3		2-31, 8.5-3
	4—13		8.5-4—8.5-13
2-11-85	1, 2		2-2
	3—5		2-3
3-12-85			2-196—2-199
3-12-85	1, 2		2-261
	3—5		2-262—2-264
5-14-85			8-1—8-11, 8-21—8-24 8-41—8-55
6-25-85			8-5-7(d)
7-23-85			8-1—8-11, 8-21—8-24, 8-41—8-56
2-11-86			18-5
4-22-86			5-16(a)
4-22-86			5-17(b)
4-22-86			15-38
6-24-86			8-50(1), (2)
2-10-87			18-6
2-24-87	1—6		12-36—12-41
5-26-87			5-16, 5-17
7-14-87			7.5-1—7.5-14
9- 8-87	1—8		2-285—2-292
3-22-88			18-16
6-28-88	1—8		2-285—2-292
10-25-88			19-16—19-34, 19-41—19-43, 19-51—19-60, 19-66—19-69, 19-71—19-85, 19-94—19-101, 19-111—19-118, 19-126—19-128, 19-136—19-143, 19-151—19-155, 19-166—19-168, 19-181—19-194, 19-201—29-219, 19-226—19-231, 19-241—19-247
11- 9-88			17-16—17-20
11-22-88	1—5		5-61—5-65
	7—9		5-66—5-68
1-10-89			15-39

Adoption Date	Section		Section this Code
1-24-89	1—12		2-301—2-312
2-28-89	1—7		17-214—17-247
4-11-89			5-29, 7.5-5, 9-137
4-11-89	1—7		17-241—17-247
	9		17-248
4-25-89			15-38
4-25-89	1—6		9-171—9-176
7-11-89			17-2
7-11-89			15-22
9-29-89			17-215
11-13-90			2-166—2-171
3-12-91		Rpld	2-312
6-25-91			7-1—7-4, 7-11
2-11-92			2-271—2-274
			2-276, 2-278
			2-279
3-10-92			17-248
4-14-92			14-62(a)
4-28-92			18-31
6- 9-92			8-1—8-14,
			8-21—8-26,
			8-21—8-26,
			8-41—8-56,
			8-61—8-74
10-24-95			11-93
10-24-95			14-18
1-23-96			17-52
3-12-96			2-182
5-14-96			2-31(Ed. note)
			2-151
7-23-96			8-45, 8-49
			8-50
1-14-97			5-29
1-14-97			5-31
1-14-97			7.5-1—7.5-16
5-27-97			14-31—14-60
		Added	14-61—14-70
12- 8-98			2-1—2-3
5-26-98			2-262, 2-263
7-28-98			8-45, 8-49
		Added	8-50(6)
5-26-98			11-93(3)
5-26-98			12-16
5-26-98			12-21
5-26-98			12-25
2- 9-99			7-17, 7-19,
			7-23

Adoption Date	Section		Section this Code
3-23-99			8-26, 8-27
4-27-99			13-20—13-23
4-11-00			13-5
6-13-00			5-16(a)
7-11-00		Rpld	11-31—11-40, 11-51—11-62
		Added	11-31—11-35
7-13-00		Rnbd	13-23
		as	13-24
		Added	13-23
9-26-00			14-33(a), (d), (e)
10-24-00	1—5		18-41—-18-45

Ordinance Number	Date	Section		Section this Code
286	6-12-01			3-321, 2-322
287	6-26-01			5-16(a)
288	7-10-01			18-6(b), (c)
289	1-22-02			8-26
290	2-26-02		Rpld	2-271—2-279
			Added	2-271—2-280
291	4-23-02			5-16(a)
292	4- 8-03			18-7
293	4-17-03			18-6(c)
294	6-10-03			5-17, 5-29 5-33, 5-34 7.5-6 15-38, 15-96 15-96
295	6-10-03			5-16
296	7- 8-03			2-56—2-69
297	8-26-03			12-25
298	8-26-03			19-125—19-129
299	1-13-04			18-51
300	4-27-04			18-6(c)
301	6- 8-04			15-40
302	6-22-04			18-8
303	6-22-04		Added	13-31—13-45
304	6-22-04		Added	11-94—11-101
305	6-22-04			18-1, 18-2
306	7-13-04		Added	2-2(b)(1)d. 2-2(b)(7), (8)
307	8-24-04			18-51
308	10-12-04			8-47
309	10-11-05			18-8
310	11-22-05			13-33(b)(2) 13-37(a)

Ordinance Number	Date	Section		Section this Code
311	6-13-06			18-6
312	3-13-07			18-6
313	4-10-07		Added	14-71
314	6-26-07			2-56—2-71
315(Ref.)	2-24-09		Added	14-72
316	6- 9-09		Added	2-323—2-325
317	2-23-10		Added	19-251—19-271
318	4-13-10			8-6
				8-75
				11-93
				13-1
			Dltd	13-20—13-24
				14-31
				14-36, 14-37
				14-39
				14-44
				14-54
				16-1
				17-52
319	5-11-10		Added	7-12
320	7-27-10		Added	8-80—8-91
321	3- 8-11		Dltd	2-211—2-214
322	6-14-11		Added	8-57
323	7-12-11		Added	12-51
324	7-24-12			3-1
325	9-11-12		Added	15-97—15-103
326	10- 9-12			15-38(4)
327	9- 9-13		Added	2-4
328	10-22-13			2-56—2-69
			Rpld	2-70
329	6-24-14			2-262(a)
				2-263(a)
330	9-23-14			18-7
331	2-10-15			17-52
332	9-22-15			7.5-1—7.5-16
333	5-24-16		Added	9-200—9-209
334	6-13-17			5-28, 5-29
				5-33, 5-34
				7.5-11
335	9-12-17		Added	14-84—14-89
336	9-12-17		Added	13-50—13-56

STATUTORY REFERENCE TABLE

This table shows the location within this Charter and Code, either in the text or notes following the text, of references to the state law or related matters.

Year	Special Act No.	Section	Section this Code
1937	126	7	16-1

G.S.	Section this Code
1-1	1-2
	18-8
1-82	2-69
2-1 et seq.	Ch. 6
4-124i—4-124p	15-66, 15-67
4-183	2-69
7-9	Char. § 607
7-9, 7-9a	Char. § 607
7-79 et seq.	Ch. 18
7-129a	Ch. 14
7-131a	Ch. 15, Art. II
7-136	Ch. 2, Art. VI
7-139 et seq.	Ch. 17
7-142	17-78
7-147i	8.5-12
7-147a et seq.	Ch. 8.5
7-147a et seq.	5-68
7-147a—7-147k	8.5-6, 8.5-7
7-147c	8.5-2
7-147g	8.5-11
7-147j	5-64
7-147y	5-64
7-148	Ch. 13
	13-50
	15-3
7-148aa	9-209
7-148(c)(4)(B)	Ch. 7
7-148(c)(4)(H)	Ch. 8
7-148(c)(6)(A)(i)	Ch. 14
7-148(c)(6)(C)	Ch. 17
7-148(c)(6)(H)(iv)	Ch. 11, Art. II
	Ch. 11, Art. IV
7-148(c)(7)	Ch. 5
7-148(c)(7)(B)	Ch. 12
7-148(c)(7)(B)(i), (c)(7)(D)	Ch. 4
7-148(c)(7)(H)(xv)	9-209
7-148(c)(7)(H)(xvi)	9-200
	14-84
7-148(c)(10)(B)	Ch. 2, Art. III, Div. 3
7-148(c)(10)(a)	2-310
7-148L(c)(4)(i)	Ch. 9, Art. III
7-148a	1-1
7-148b et seq.	Ch. 2, Art. XVII
7-148b—7-148f	2-301
	2-304
7-148e	2-309
7-148h	2-56
	2-58
7-148h(b)	2-64
7-148ii	9-208
	15-101
7-148aa	9-209
7-152c	17-52
7-152c(b)	17-52
7-152c(f)	15-101
7-161, 7-162	Ch. 8
7-163a	17-52
7-170—7-186	11-1
7-171	11-1
7-194	Char. § 104
7-245 et seq.	19-43
7-273aa—7-273oo	8-80
7-274 et seq.	Ch. 16
7-281—7-283	Ch. 16
7-285	Ch. 16
7-291, 7-292	Ch. 16
7-303	Ch. 7
7-308	Ch. 7
7-314 et seq.	Ch. 7
7-340 et seq.	Ch. 18

G.S.	Section this Code
7-359 et seq.	Ch. 18
7-369 et seq.	Ch. 18
7-381 et seq.	Ch. 18
7-383	Char. § 1201, App. § 9
7-391 et seq.	Ch. 18
7-398 et seq.	Ch. 18
7-450(b)	2-323
8-1b	15-2
8-3	15-1
	Char. § 1201, App. § 1, Char. § 1201, App. § 2
8-4a	Ch. 15, Art. III
8-5 et seq.	Ch. 15, Art. VII
8-5a	15-2
8-6, 8-7	15-95
8-8	5-2
8-11	2-66
	15-1, 15-2
8-12a	15-98
8-18 et seq.	Ch. 15, Art. III
8-21	2-66
8-22(a)	2-66
8-31	15-81
8-31a et seq.	Ch. 15, Art. VI
8-41(a)	2-31
8-126	2-31
	Ch. 15, Art. IV
8-133b	18-3
8-208	Ch. 9, Art. III
8-336f	Ch. 9, Art. IV
9-183a	2-182
9-199(c)	2-322
10-248	2-4
10-248a	2-4
11-20	Ch. 10
11-36	Ch. 10
12-1 et seq.	Ch. 18
12-42	Char. § 1201, App. § 4
12-62a(a)	18-1
12-62g	18-7
12-81(7)	18-2
12-81(13)	18-2
12-81(15)	18-2
12-81(19)	18-7
12-81(20)	18-7
12-81(22)	18-7
12-81(56)(a), (b), (c)	18-4
12-81c	18-5
12-81f	18-7
12-81m	18-31
12-91(c)	18-8
12-107b	18-31
12-129b—12-129d	18-6
12-129(n)	18-6
12-170aa	18-6
13a-8—13a-11	Ch. 17
13a-12	Ch. 17
13a-39 et seq.	Ch. 17
13a-48	Ch. 17
13a-49 et seq.	Ch. 17
13a-63 et seq.	Ch. 17
13a-71	Ch. 17
13a-83 et seq.	Ch. 17
13a-99 et seq.	Ch. 17
13a-107, 13a-108	Ch. 17
13a-111	Ch. 17
13a-149	17-52
13a-175	Ch. 17
13a-175a et seq.	Ch. 17
13a-176 et seq.	Ch. 17
14-1	12-1
14-162	Ch. 12
14-212 et seq.	Ch. 12
14-234	12-4
14-250b	12-51
14-251 et seq.	Ch. 12, Art. II
14-253a	12-22
14-297	12-1
	17-33
17-53	13-17
17-410 et seq.	Ch. 2, Art. XII
19a-36	Ch. 7.5
19a-36a	Ch. 7.5
19a-355 et seq.	Ch. 5
	Ch. 9
20-206a et seq.	Ch. 11, Art. III
20-206a(d)	11-33
20-206b	11-33
20-206b(a), (b)	11-33
20-234	11-94
20-250	11-94
21-9 et seq.	Ch. 11, Art. II
21-13	11-18

G.S.	Section this Code
21-30	11-80
21-35a	11-77
21a-13 et seq.	Ch. 7.5
22-3(b)	9-201
22-172, 22-173	18-31
22-327 et seq.	4-1
22-331a	4-1
22a-42(c)	2-66
22a-170 et seq.	Ch. 7, Art. II
22a-207 et seq.	Ch. 8
22a-220a	8-1
22a-226	8-61
22a-226a	8-61
22a-354o	15-40
22a-354p	15-40
22a-354v	15-40
25-4g	5-2
25-85—25-98	15-39
25-401	Ch. 17
26-16	14-33
27-103	11-80
28-7	Ch. 6
29-252 et seq.	Ch. 5
29-297	Ch. 7
29-401 et seq.	Ch. 5, Art. IV
29-407	5-62
30-1	13-20
30-1 et seq.	Ch. 3
30-91	3-1
32-7	15-81
47-88d	9-17
47a-20	2-304
	2-310
47a-23c(b)	2-304
47a-50	Ch. 9
47a-50 et seq.	Ch. 5
47a—23c	9-16
52-180	9-208
	15-101
52-259	9-208
	15-101
53-215	13-2
53a-109, 53a-110	13-4
ch. 54	2-69
chs. 90—119	Ch. 2
ch. 103	19-17
ch. 103b	8-81
ch. 127	15-81
chs. 141—154	Ch. 2, Art. XV
220a-220 et seq.	Ch. 8
ch. 333	9-31
ch. 446d	8-70
	8-81
ch. 446e	8-2
	8-81
ch. 541	7-1

CHARTER INDEX

Section

A

ACTING CLERK
Town meeting provisions re 702

ACTING MANAGER
Generally 405

ADMINISTRATIVE DEPARTMENTS AND OFFICERS
Departments, etc. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN
Officers, etc. See: OFFICERS AND EMPLOYEES

AGREEMENTS. See: CONTRACTS AND AGREEMENTS

ALLEYS. See: STREETS AND SIDEWALKS

ANNUAL BUDGET. See: BUDGET

ANNUAL TOWN REPORT
Town manager's powers and duties re 407

APPEALS
An act changing the assessment and related dates and the fiscal year
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly
Annual meetings of board of tax review, etc..... 1 et seq.
Personnel appeals generally 1003
Validating alleged irregularities in enactment of amendments to zoning regulations
Special Act No. 306 of the 1965 General Assembly
Actions of plan and zoning commission validated generally 3

APPROPRIATIONS
Board of finance's powers and duties re generally..... 501
Effect of appropriations..... 611
Finances generally. See: FINANCES
Insurance reserve fund, appropriations from 314
Lapse of appropriations..... 613
Nonbudgeted appropriations
Board of finance's powers and duties generally 501
Budget. See also that subject
Generally 313, 610
Transfer of appropriations..... 612

ASSESSMENTS. See also: TAXATION
Act changing the assessment and related dates and the fiscal year of town. See: FINANCES
Assessments of benefits for public improvements
Act to clarify the power of the town relating to Special Act No. 181 of the 1967 General Assembly
Act cumulative..... 7
Application of act to existing work..... 6

	Section
ASSESSMENTS (Cont'd.)	
Determination of private benefits	3
Foreclosure of assessment liens	5
Hearing required	2
Payment, etc., of assessments	4
Special assessments authorized	1
ASSESSOR	
Appointment of tax collector and assessor	903
ATTORNEY. See: TOWN ATTORNEY	
AUDITS	
Annual audit	310
Council designating annual audit	310
Payment of claims; audits	617
B	
BALLOTS	
Breaking tie votes generally	208
BIDS, BIDDING	
Contracts for public improvements generally	616
Purchasing generally	614
BOARDS, ETC. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN	
BOND ISSUES	
Borrowing, provisions re bonds or notes	622
Negotiations necessary for bond issues	
Board of finance determining method of financing, etc.	501
Obligatory referendum on bond issues	312
Transition provisions	102
BONDS	
Board of finance's powers and duties re bond issued	501
Borrowing generally	622
Official bonds	619
Transition, provisions re	102
BOOKS. See: RECORDS, REPORTS, ETC.	
BUDGET (Annual town budget, etc.)	
Annual budget meeting	701
Appropriations, etc. See: APPROPRIATIONS	
Board of education's own system of budgetary control	611
Board of finance's powers and duties re generally	501, 650
Effect of adoption of town budget	609
Emergency ordinances and resolutions; annual budget or appropriation	311
Final authority concerning budget vested in council	307
Nonbudgeted appropriations	313
Board of finance's powers and duties generally	501

	Section
BUDGET (Annual town budget, etc.) (Cont'd.)	
Generally	610
School budget	604
Town council's action and final action on the budget	606, 607
Town manager's duties re budget generally	407, 603
Town meeting, when action by required	701, 703
BUILDINGS	
Contracts for design services and public improvements	615, 616
Town council's power to enact, amend or repeal any building ordinance	307

C

CANDIDATES. See: ELECTIONS	
CAPITAL EXPENDITURES	
Board of finance's powers and duties	501
CAUCUSES	
Act concerning the preparation of voting lists	
Special Act No. 251 of the 1967 General Assembly	
Party caucuses, etc., generally	1, 2
CEREMONIES	
Chairman of town council shall be ceremonial head of government	302
CERTIFICATES AND CERTIFICATIONS	
Act to clarify the power of the town re assessments of benefits for public improvements	
Special Act No. 181 of the 1967 General Assembly	
Foreclosure of assessment liens; certificates of liens	5
Appropriations, transfer of; certificate of manager	612
Board of finance's powers and duties re certification of resolution	501
Initiative; certification of proposal	316
Referendum on ordinances and resolutions; certification of valid signatures	315
CHARTER	
Administrative departments and officers; duties generally	902
General grant of powers	103
Severability	1201
Town council's powers and duties re ordinances and resolutions	307
Town manager's powers and duties, specific	407
Transition provisions	102
CHIEF EXECUTIVE OFFICER	
Town manager's powers and duties generally	406
CLERK. See: TOWN CLERK	

	Section
CODE OF CONDUCT ORDINANCE	
Removal of members from board, committee or commission	802
CODES	
Authority of council to incorporate by reference, etc.	307
COMFORT STATIONS	
Powers of town	App. 104(8)
COMMISSIONS, COMMITTEES, ETC. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN	
CONFLICT OF INTEREST	
Generally	1101
CONSTABLES	
Appointment of	903
Nomination, voting	203
Terms of office	203
CONSTRUCTION	
Act to clarify the power of the town re assessments of benefits for public improvements	
Special Act No. 181 of the 1967 General Assembly	
Special assessments, etc. See: ASSESSMENTS	1 et seq.
Contracts for public improvements generally	616
Erection, etc., of buildings	App. 104(5)
CONTRACTS	
Conflict of interest	1101
Contracts for services and use of facilities of United States, federal agencies, etc.	
Authority of manager	307
Initiative	316
Design services, contract for	615
General grant of powers, entering into contracts with United States Government, etc.	103
Public improvements, contracts for	615, 616
Purchasing generally	614
Taxation of reservoir land and watershed land	
Agreements with other municipal corporations re taxation of reservoir land and watershed land owned by them	
Special Act No. 130 of the 1967 General Assembly	
Agreements authorized; terms	1, 2
Town manager contracting for services, authority	307
Town manager, contracts with	402, 403
Executing new contract with manager	
Initiative	316
Referendum	315
Transition provisions	102

	Section
CONTRACTS AND AGREEMENTS	
An act changing the assessment and related dates and the fiscal year	
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly	
Other tax collection dates; agreeing to comply, etc.	9
Appropriation, effect of; contracts and agreements	
Appropriation, effect of generally	611
COUNCIL. See: TOWN COUNCIL	
COURTS (Litigation, etc.)	
Validating alleged irregularities in enactment of amendments to zoning regulations	
Special Act No. 306 of the 1965 General Assembly	
Effect on pending litigations	4
D	
DEPARTMENTS AND OTHER AGENCIES OF TOWN	
Administrative departments and officers	
Administrative department heads, etc.	
Compensation of	307
Departments; establishing or abolishing duties	901, 902
Fire commission	903
Appropriation, effect of	611
Board of education	203 et seq.
Board of finance	203 et seq.
Board of fire commissioners	203 et seq.
Board of selectmen	
Town manager's powers and duties re	407
Board of tax review	203 et seq.
Budget, effect of adoption of	609
Council-appointed boards, commissions and committees	
Powers and duties; directly responsible to council	802, 803
Departmental estimates re finances, etc.	602
Employees. See: OFFICERS AND EMPLOYEES	
Fire commission	904
Investigations of departments, offices and agencies by town council	308
Personnel appeals board	1003
Powers, general grant of	103
Purchasing generally	614
Temporary boards, committees or commissions; establishing, etc.	802
Town council. See also that subject	
Council regulating internal operations of boards, commissions, etc.	307
Town manager shall be chief executive administrative officer of the town	406

	Section
DEPARTMENTS AND OTHER AGENCIES OF TOWN (Cont'd.)	
Town manager's powers and duties re department heads, appointments, budget, etc.	407, 603
Voting by elected and appointed bodies	1102
Zoning board of appeals	203 et seq.
DESIGN SERVICES (Streets, sewers, buildings, etc.)	
Contracts for	615
DISTRICTS	
Polling districts	207
See also: ELECTIONS	

E

EDUCATION. See: SCHOOLS	
EDUCATION, BOARD OF	
Appropriation, effect of; board of education's own system of budgetary control	611
Composition	203
Election, terms of members	203
EDUCATION, DEPARTMENT OF	
Claims against department of education, etc.	617
ELECTIONS	
Act concerning the preparation of voting lists in the town	
Special Act No. 251 of the 1967 General Assembly	
Application of state law	2
Contents of registry list	1
Elective officers	203
Qualifications	205
Vacancies in	204
Federal, state and county district offices	
Nomination of	201
Initiative	
Generally	316
Nomination and election procedure	207
Elective officers generally	203
Political activity of town employees	1005
Polling districts	206
Qualifications of elective officers	205
Referendum	
Obligatory referendum on bond issues and the sale of real estate by the town	312
Ordinances and resolutions, referendum on	315
Registrars of voters	
Election and state elections, etc.; nominations; terms of office	203
Tie votes, breaking	208
Town elections generally	202
Town meeting moderator, election of	702

	Section
ELECTIONS (Cont'd.)	
Transition provisions re filling any office by election	102
Voting by elected and appointed bodies generally	1102
When town election shall take place	202
EMERGENCIES	
Emergency ordinances or resolutions	311
Payment of claims; countersigning checks	617
EXAMINATIONS. See: INSPECTIONS, EXAMINATIONS AND INVESTIGATIONS	
F	
FEDERAL AGENCIES. See: UNITED STATES GOVERNMENT	
FEES	
Town fees collected by town officers and employees	618
FINANCES	
Act changing the assessment and related dates and the fiscal year of town	
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly	
Board of tax review and notice thereof	1
Deadline for appeals of assessor's actions	2
Deadline for listing property	4
Effective date	10
Equalization of assessments	5
Installment payment of taxes	8
Notice to public to list property	3
Other tax collection dates	9
Special provisions for business, industrial, etc., property	7
Transmittal of assessment list to tax commissioner	6
Audits	
Annual audit, council designating	310
Board of finance	
Budget	
Duties of board on budget	501, 605
Composition	203
Election of members, terms of office	203
General powers and duties	501
Terms of office	203
Bonds, official	619
See also: BONDS	
Borrowing	622
Budget, annual. See: BUDGET	
Capital expenditures	
Board of finance determining method of financing capital expenditures	501
Claims, payment of	617

	Section
FINANCES (Cont'd.)	
Conflict of interest	1101
Contracts. See: CONTRACTS AND AGREEMENTS	
Departmental estimates	602
Fiscal year	601
Insurance reserve fund	314
Payments of claims	617
Purchases, purchasing	
Contracts for public improvements, etc.	615, 616
Purchasing generally	614
Taxes, etc. See: TAXATION	
Town council expenses, etc.	301
Town fees collected by town officers and employees	618
Transition provisions re bonds, debts, contracts, etc.	102
FINES AND FORFEITURES	
An act changing the assessment and related dates and the fiscal year	
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly	
Transmittal of assessment lists to tax commissioner; forfeiture of fifteen dollars for neglecting	6
FIRE COMMISSION	
Generally	904
FIRE COMMISSIONERS, BOARD OF	
Composition	203
Election of members, terms of office	203
FISCAL YEAR	
Act changing the assessment and related dates and the fiscal year of town. See: FINANCES	
Designated	601
FORECLOSURES	
Act to clarify the power of the town re assessments of benefits for public improvements	
Special Act No. 181 of the 1967 General Assembly	
Foreclosure of assessment liens generally	5
FORFEITURES. See: FINES AND FORFEITURES	

G

GENERAL STATUTES	
Administrative departments and officers; duties generally	902
Assessment and collection of taxes generally	621
Council-appointed boards, commissions and committees; powers and duties generally	803
Election, etc., of federal, state, county and district officers	201
Incorporation and general power	101, 103
Nomination and election procedure generally	207

Section

GENERAL STATUTES (Cont'd.)
Town manager's powers and duties, specific 407

GLASTONBURY. See: TOWN

GRANTS
Town manager's powers and duties re state and federal aid grants 407

H

HEALTH AND SANITATION
Emergency ordinances and resolutions generally 311

HEARINGS
Act to clarify the power of the town re assessments of benefits for public improvements
Special Act No. 181 of the 1967 General Assembly
Hearing required 2
Board of finance's duties re budget 605
Personnel appeals generally 1003
Public hearing on publication of ordinances and resolutions, etc. 306
Town manager's removal and termination; public hearings . 403
Town meeting, when action by required re annual budget .. 703
Validating alleged irregularities in enactment of amendments to zoning regulations
Special Act No. 306 of the 1965 General Assembly
Prior zoning amendments validated 2

I

ICE. See: SNOW, ICE, SLEET, ETC.

IMPROVEMENTS. See also: PUBLIC WORKS AND IMPROVEMENTS
Assessments of benefits for public improvements. See: ASSESSMENTS

INCORPORATION
Generally 101

INITIATIVE. See also: REFERENDUM
Generally 316

INSPECTIONS, EXAMINATIONS AND INVESTIGATIONS
An act changing the assessment and related dates and the fiscal year
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly
Equalization of assessments; list open for public inspection 5
Transmittal of assessment lists to tax commissioner; examination of 6

Section

INSPECTIONS, EXAMINATIONS AND INVESTIGATIONS (Cont'd.)
Audits. See that subject
Investigations generally 308
Personnel appeals generally 1003
Purchasing generally; record of bids open to public inspection 614
Town council's definition and introduction of ordinances and resolutions; public inspection 305
Town council's powers and duties re rules and regulations; examination by public 307
Town council's relations with administrative officers and employees; investigation 309

INSURANCE
Insurance reserve fund 314

L

LEGAL AGENT OF THE TOWN
Town manager shall be 407

LIENS
Act to clarify the power of the town re assessments of benefits for public improvements
Special Act No. 181 of the 1967 General Assembly
Foreclosure of assessment liens 5

LITIGATION. See: COURTS

M

MANAGER. See: TOWN MANAGER

MAPS. See: PLANS, MAPS, PLATS

MEETINGS
An act changing the assessment and related dates and the fiscal year
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly
Annual meetings of board of tax review, etc. ..... 1 et seq.
Emergency ordinances and resolutions generally 311
Public hearing on ordinances and resolutions, etc. 306
Town council's meetings 302, 304
Town meeting ..... 701 et seq.
Town meeting. See that title

MERIT SYSTEM
Generally 1002

MUNICIPAL CORPORATION. See: TOWN

Section

N

NOMINATIONS
Election provisions re ..... 203 et seq.
See: ELECTIONS

NOTICES AND NOTIFICATIONS
Act changing the assessment and related dates and the fiscal year
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly
Meetings, notice of; notice to public to list property; publication of in newspaper 1, 3
Board of finance's duties re budget; notice of public hearings published in newspaper 605
Contracts for public improvements; publication of notice in newspapers 616
Investigations generally 308
Obligatory referendum on bond issues and sale of real estate by town; posting notice 312
Purchasing generally; publication of notice in newspaper ... 614
Town council's introduction of ordinances and resolutions, etc.; public hearing, notice of 305, 306
Validating alleged irregularities in enactment of amendments to zoning regulations
Special Act No. 306 of the 1965 General Assembly
Prior zoning validated; publication of notices, etc. 1

O

OATHS
Town council's oath 302

OFFICERS AND EMPLOYEES
Acting clerk 702
Acting manager 405
Administrative officers (generally)
Appointment of certain municipal officers (town clerk, town treasurer, tax collector and assessor, constables) 903
Duties generally 902
Establishing or abolishing generally 901
Town council fixing salary of 307
Town council's relations with generally 309
Town manager shall be chief executive and administrative officer; acting manager 405, 406
Appeals
Personnel appeals board 1003
Chairman and vice-chairman of town council 302
Chief executive and administrative officer of town; town manager's powers and duties generally 406

	Section
OFFICERS AND EMPLOYEES (Cont'd.)	
Code of conduct ordinance	
Removal of member from board, committee or commission appointed by council	802
Compensation, salaries, etc.	
Compensation of administrative officers, etc.	307
Conflict of interest	1101
Constables	203
Departments, etc. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN	
Elective officers, etc.	203 et seq.
Elections. See that title	
Federal, state, county and district officers	201
Fire chief and fire marshal	904
Merit system or civil service system	1002
Officers and boards directly responsible to the council	801 et seq.
Official bonds	619
Pensions	1004
Personnel appeals board	1003
Personnel manager, officer	
Town manager as, etc.	407, 1001
Political activity	1005
Powers, general grant of	103
Registrar of voters	203 et seq.
Elections. See that title	
Retirement. See herein: Pensions	
Tax collector and assessor, appointment of	903
Temporary manager	404
Town attorney	801 et seq.
Town clerk. See that subject	
Town fees collected by town officers and employees	618
Town manager. See also that subject	
Town manager's powers and duties, general and specific	406, 407, 1001
Town treasurer, appointment of	903
Transition provisions re filling office by election or appointment, etc.	102
Vice-chairman of town council	302
Voting by elected and appointed bodies	1102
OFFICIAL BOND. See also: BONDS	
Generally	619
ORDINANCES AND RESOLUTIONS	
Administrative departments and officers; duties generally	902
Appointment of certain municipal officers	903
Borrowing generally; issuance of bonds and notes authorized by resolution	622
Emergency ordinances and resolutions	311
Establishing, etc., departments and offices generally	901
Initiative, generally	316
Nomination and election procedure generally	207

Section

ORDINANCES AND RESOLUTIONS (Cont'd.)
Officers and boards directly responsible to town council
Council-appointed board, commissions and committees; establishment, etc., by ordinance 802
Official bonds determined by resolution 619
Pensions, establishment of, etc..... 1004
Polling districts, dividing, etc. 206
Referendum on 315
Town council's procedure re; definition and introduction of, etc. ..... 304 et seq.
Town manager shall see that ordinances are properly executed 406
Town manager's powers and duties, specific 407
Transition provisions..... 102

P

PAPER BALLOTS. See: BALLOTS

PENALTIES
Penalties for specific offenses, etc. See specific subjects

PENSIONS
Generally..... 1004

PERSONNEL AND MERIT SYSTEM
Generally..... 1001 et seq.
See: OFFICERS AND EMPLOYEES

PETITIONS
Initiative, generally 316
Referendum on ordinances and resolutions 315

PLANS, MAPS, PLATS
Validating alleged irregularities in enactment of amendments to zoning regulations
Special Act No. 306 of the 1965 General Assembly
Zoning map generally..... 2, 3

POLITICAL ACTIVITY
Political activity of town employees, etc. 1005

POLITICAL PARTIES
Council-appointed boards, commissions and committees; provisions re political parties 802
Elective officers generally; vacancies in elective offices..... 203, 204
Personnel appeals re political organizations, etc..... 1003

POLLING DISTRICTS. See also: ELECTIONS
Generally..... 206

Section

POSTING, ETC.
Act changing the assessment and related dates and the fiscal year
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly
Posting notices, etc., on sign posts 1, 3
Obligatory referendum on bond issues and sale of real estate by town; posting notice 312
Town council's introduction of ordinances and resolutions, etc.; posting in town office building 305

POWERS GENERALLY. See also herein specific subjects, etc.
General grant of powers 103
Incorporation and general powers 101, 103
Officers and boards directly responsible to the council: powers and duties generally 803

PROPERTY
Act to clarify the power of the town re assessments of benefits for public improvements
Special Act No. 181 of the 1967 General Assembly
Special assessments authorized, etc. ..... 1 et seq.
See: ASSESSMENTS
An act changing the assessment and related dates and the fiscal year
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly
Notice to public to list property; deadline 3, 4
Special provisions for business, industrial, etc., property 7
Sale of real estate by the town
Obligatory referendum on 312
Taxes, assessment and collection of generally 621

PUBLIC HEARINGS. See: HEARINGS

PUBLIC RECORDS. See: RECORDS, REPORTS, ETC.

PUBLIC WORKS AND IMPROVEMENTS
Assessments of benefits for public improvements. See: ASSESSMENTS
Contracts for improvements and design services 615, 616

PURCHASES, PURCHASING
Contracts for public improvements 616
Purchasing generally 614

PURCHASING AGENT
Appropriation, effect of; duty of to spend money, etc. 611

R

REAL ESTATE. See also: PROPERTY
Sale of real estate by the town
Obligatory referendum 312

	Section
RECORDS, REPORTS, ETC.	
Annual audit	310
Annual town budget; inclusion of with annual town report	607
Contracts for public improvements; records of bids	616
Personnel appeals; memorandum of circumstances as public document	1003
Purchasing; permanent record	614
Town council procedures re clerk; public record	304
Town manager's powers and duties re preparation and publication of annual town report	407
Validating alleged irregularities in enactment of amendments to zoning regulations	
Special Act No. 306 of the 1965 General Assembly	
Prior zoning amendments validated; record book ("Copies of Required Filings of Amendments to Zoning Regulations and Map")	2
REFERENDUM. See also: INITIATIVE	
Obligatory referendum on bond issues, etc.	312
Ordinances and resolutions, referendum on	315
Town manager's termination and removal; following referendum, etc.	403
REGISTRARS AND REGISTRY	
Act concerning the preparation of voting lists	
Special Act No. 251 of the 1967 General Assembly	
Contents of registry lists; application of state law re	1, 2
Registrars of voters	
Federal, state, county and district officers; election of, etc.	201
Generally	203
RESERVOIRS	
Taxation of reservoir land and watershed land, etc. See: TAXATION	
RESIDENCY REQUIREMENTS	
Election qualifications generally	205
RESOLUTIONS. See: ORDINANCES AND RESOLUTIONS	
RETIREMENT. See: PENSIONS	

S

SALES, ETC.	
An act changing the assessment and related dates and the fiscal year	
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly	
Special provisions for business, industrial, etc., property	7
Sale of real estate by town, obligatory referendum on	312
SANITATION. See: HEALTH AND SANITATION	

	Section
SCHOOLS	
Department of education	
Claims against department of education, etc.	617
School budget	604
SEWERS	
Contracts for design services and public improvements generally	615, 616
SIDEWALKS. See: STREETS AND SIDEWALKS	
SIGN POSTS. See: POSTING, ETC.	
SIGNATURES OR SUBSCRIPTIONS	
Act to clarify the power of the town re assessments of benefits for public improvements	
Special Act No. 181 of the 1967 General Assembly	
Foreclosure of assessment liens; liens signed by town manager	5
Initiative; signing petitions, etc.	316
Official bonds; persons designated to sign checks	619
Payments of claims	
Signature of manager; countersigned by chairman of board of education	617
Referendum on ordinances and resolutions; valid signatures, etc.	315(a)
SPECIAL ACTS RELATING TO THE TOWN (Appendix)	
(Note—References to ordinances found under this title refer to ordinances found within the Appendix to the Charter)	
Modified House Bill No. 4080—Special Act No. 283 of the 1965 General Assembly	
Act changing the assessment and related dates and the fiscal year of town	
Board of tax review and notice thereof	1
Deadline for appeals of assessor's actions	2
Deadline for listing property	4
Effective date	10
Equalization of assessments	5
Installment payment of taxes	8
Notice to public to list property	3
Other tax collection dates	9
Special provisions for business, industrial, etc., property	7
Transmittal of assessment list to tax commissioner	6
Special Act No. 130 of the 1967 General Assembly	
Reservoir land and watershed land, taxation of	
Agreements with other municipal corporations re taxation of reservoir land and watershed land owned by them	
Agreements authorized	1
Terms	2

Section

SPECIAL ACTS RELATING TO THE TOWN (Appendix) (Cont'd.)
Special Act No. 181 of the 1967 General Assembly
Assessments of benefits for public improvements
Act to clarify the power of the town relating to Special Act No. 181 of the 1967 General Assembly
Act cumulative 7
Application of act to existing work..... 6
Determination of private benefits..... 3
Foreclosure of assessment liens 5
Hearing required..... 2
Payment, etc., of assessments 4
Special assessments authorized 1
Special Act No. 251 of the 1967 General Assembly
Act concerning the preparation of voting lists in the town
Application of state law..... 2
Contents of registry list 1
Special Act No. 306 of the 1965 General Assembly
Act validating alleged irregularities in enactment of amendments to zoning regulations
Action of plan and zoning commission validated 3
Effect on pending litigation 4
Prior zoning amendment validated..... 2
Prior zoning validated 1

SPECIAL LAWS. See also herein specific subjects, etc.
Assessment and collection of taxes generally 621

SPECIAL TAX
Board of finance's powers and duties re 501

STATE LAW
Act concerning the preparation of voting lists
Special Act No. 251 of the 1967 General Assembly
Application of state law..... 2

STATE OF CONNECTICUT
Contracting for services and the use of facilities of any state agency, etc.
Authority of manager..... 307
Initiative 316
Election, etc., of federal, state, county and district officers.. 201
Entering into contracts with
General grant of powers 103
General statutes. See also that subject
Powers, general grant of..... 103
Town manager making application for state grants..... 407

STATUTES. See: GENERAL STATUTES

STREETS AND SIDEWALKS
Contracts for design services and public improvements 615, 616

Section

SUBSCRIPTIONS. See: SIGNATURES OR SUBSCRIPTIONS

SUITS
Power of town to sue and be sued ..... App. 104(1)
Transition provisions re suits, actions or rights of actions, etc. 102

SURETY BONDS. See: BONDS

T

TAX COLLECTOR AND ASSESSOR
Appointment of 903

TAXATION
Act changing the assessment and related dates and the fiscal year of town. See: FINANCES
Assessment and collection of taxes 621
Assessment of benefits for public improvements. See: ASSESSMENTS
Board of tax review
Composition 203
Election of members, terms of office 203
Effect of adoption of town budget 609
Finances generally. See: FINANCES
Fixing the tax rate 608
Reservoir land and watershed land, taxation of
Agreements with other municipal corporations re taxation of reservoir land and watershed land owned by them
Special Act No. 130 of the 1967 General Assembly
Agreements authorized 1
Terms 2
Special tax authorized by state statute
Board of finance, powers and duties 501
Tax bills 620

TEMPORARY MANAGER
Generally 404

TOWN
Incorporation 101
Powers of town
General grant of powers 103
Transition, provisions re 102

TOWN ATTORNEY
Council appointing attorney, etc. 801
Powers and duties 803

TOWN CLERK
Appointment of generally 903
Town council meetings, duties re 304, 305
Town council's public hearing on ordinances and resolutions, etc.; clerk to record in book 306

	Section
TOWN CLERK (Cont'd.)	
Town meetings, duties re	702
TOWN COUNCIL	
Annual audit	310
Bond issues	
Obligatory referendum on bond issues, etc.	312
Budget. See also that title	
Council action on budget	606, 607
Chairman, vice-chairman	
Election of, presiding over meetings by chairman, etc.	302
Clerk of council	
Appointment, compensation, duties generally, etc.	304
Compensation of members	301
Composition	203, 301
Duties generally	307
Election of members, terms of office	203
Expenses, reimbursement	301
Holding other offices	303
Insurance reserve fund	314
Investigation by council	308
Meetings	
Clerk of council's duties re meetings	304
Generally	304
Organizational meetings	302, 304
Nonbudgeted appropriations	313
Officers and boards directly responsible to the council	
Council-appointed committees, commissions and boards	802
Powers and duties	803
Town attorney	801
Ordinances and resolutions	
Authority to make, alter and repeal	307
Definition of	305
Emergency ordinances or resolutions	311
Incorporation of ordinances by reference, etc.	307
Initiative	316
Introduction of	305
Meetings of council open to public	
Prerequisite to passage of ordinance, etc.	304
Public hearing on and publication of	306
Quorum for passage	304
Referendum on	315
Zoning or building ordinances	
Power to enact, amend or repeal	307
Organization	302
Procedure generally	304
Other offices, holding	303
Powers generally	307
Quorum	304
Relations with administrative officers and employees	309

	Section
TOWN COUNCIL (Cont'd.)	
Resolutions. See herein: Ordinances and Resolutions	
Rules of procedure	304
Sale of real estate by town	312
Terms of office	203
Town manager, authority of council	307
Town manager's powers and duties re council generally	406
Voting	304
TOWN ELECTIONS	
When generally	202
See also: ELECTIONS	
TOWN MANAGER	
Acting manager	405
Appointment and supervision by council	307
Appropriation, effect of; duty of to spend money, etc.	611
Budget	
Duties of manager re budget generally	407, 603
Compensation	402
Personnel officer	
Town manager as	1001
Powers and duties of manager, general and specific	406, 407
Qualifications	401
Removal and termination	403
Resolution to remove manager from office, to execute new contract with, etc.	
Referendum on	315(b)
Suspension from office	403
Temporary manager	404
Tenure	402
Town council	
Relations with administration officers and employees	309
Town council's authority re town manager	307
TOWN MEETINGS	
Annual budget meeting	701
Council meetings generally	302, 304
Limitation of powers	704
Procedure	702
When action by town meeting required	703
TOWN TREASURY	
Appointment of town treasurer	903
Town fees collected by town officers and employees; paid into	618

U

UNITED STATES GOVERNMENT	
Contracting for services and use of facilities of any federal agency, etc.	
Authority of manager	307

	Section
UNITED STATES GOVERNMENT (Cont'd.)	
Initiative	316
Entering into contracts with, etc.	
General grant of powers	103
Federal, state, etc., officers	201
Town manager making application for federal aid grants	407

V

VOTING. See also: ELECTIONS	
Emergency ordinances and resolutions	311
Town council procedure generally	304
Town manager's removal and termination generally	403
Town meeting, when action by required re annual budget	703
Voting by elected and appointed bodies	1102
VOTING LISTS	
Act concerning the preparation of	
Special Act No. 251 of the 1967 General Assembly	
Generally	1, 2
VOTING MACHINES	
Breaking tie votes; provisions re voting machines	208

W

WATERSHED LAND	
Taxation of reservoir land and watershed land. See: TAXATION	
WITNESSES	
Investigations by town council	
Power to call witnesses, etc.	308
Purchasing; opening bids in presence of at least two witnesses	614

Z

ZONING	
Act validating alleged irregularities in enactment of amendments to zoning regulations	
Special Act No. 306 of the 1965 General Assembly	
Action of plan and zoning commission validated	3
Effect on pending litigation	4
Prior zoning amendment validated	2
Prior zoning validated	1
Appeals	
Zoning board of appeals. See herein that subject	
Town council's power to enact, amend or repeal any zoning ordinance, etc.	307
Zoning board of appeals	
Composition	203
Election of members, terms of office	203

CODE INDEX

Section

A

ABANDONMENT
- Abandoned or inoperable vehicles ..... 12-36 et seq.
  See: TRAFFIC
- Iceboxes and airtight containers, abandoned..... 13-3
- Sewer provisions re abandonment of septic tanks, etc., required upon availability of public facilities; sealing of abandoned connections, etc..... 19-167, 19-193

ACCUMULATIONS
- Refuse, accumulation of generally..... 8-2
- Sewer provisions re unlawful deposits..... 19-21

ACIDS
- Sewer provisions re prohibited discharges, etc.; pickling wastes, plating solutions ..... 19-203(12)

ADMINISTRATION
- Boards, commissions, etc. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN
- Employees, officials, etc. See: OFFICERS AND EMPLOYEES

ADVERTISING
- Acceptance of streets and highways; hearing; publication of advertisement..... 17-2(b)
- Park regulations re peddling advertising..... 14-43
- Posting of signs, posters, notices or advertisements..... 13-1
- Sidewalk construction; installation; advertising for competitive bid..... 17-51(d)
- Street names; proposed changes..... 15-37

AFFIDAVITS. See: WRITS, WARRANTS AND OTHER PROCESSES

AGE CONSIDERATIONS
- Elderly homeowners, tax relief for 18-6

AGENCIES OF TOWN. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN

AGING, COMMISSION ON
- Compensation..... 2-93
- Establishment 2-91
- Organization; vacancies; records and reports 2-92
- Powers and duties..... 2-94
- Terms of members..... 2-31(b)

AGREEMENTS. See: CONTRACTS AND AGREEMENTS

AIR CONDITIONING. See: HEATING, AIR CONDITIONING, LIGHTING AND VENTILATION

AIR POLLUTION EMERGENCY EPISODE
- Open burning permits or certificates generally..... 7-17

Section

AIR-RIFLES. See: FIREARMS AND WEAPONS

AIRTIGHT CONTAINERS
Abandoned 13-3

ALARM SYSTEMS
Appeals 13-40
Confidentiality 13-43
Definitions 13-32
Duties and authority of the alarm administrator 13-36
Duties of alarm installation company and monitoring company 13-35
Duties of the alarm user 13-34
Enforcement and penalties 13-42
Fire alarms 7-11
Government immunity 13-44
Notification 13-38
Purpose 13-31
Registration required; application; fee; transferability; false statements 13-33
Reinstatement 13-41
Severability 13-45
Suspension of response 13-39
Surcharges 13-37

ALCOHOL
Sewer provisions re use of public sewers; certain wastes, etc., limited or prohibited ..... 19-203(4)

ALCOHOLIC BEVERAGES
Parks
Consumption or possession of alcoholic beverages; entering park in intoxicated condition 14-38
Permitted special permit use; application fee ..... 15-38(5)
Salons ..... 11-94 et seq.
See: SALONS
Sunday sales permitted 3-1
Town property, restrictions on use of; alcoholic beverages prohibited 2-247

ALLEYS. See: STREETS, SIDEWALKS AND PUBLIC PLACES

ALMS. See: BEGGING OR SOLICITING

AMBULANCES
Property tax exemption for ambulance-type vehicles; application 18-5
Public safety volunteers; tax abatement regulations ..... 18-41 et seq.
See: TAXATION

	Section
AMUSEMENTS AND AMUSEMENT PLACES	
Fines arts commission generally	2-151 et seq.
See: FINE ARTS Commission	
Games. See that subject	
ANIMALS AND FOWL	
Carcasses. See that subject	
Dogs	
Removal of dog litter	13-5
Roaming and barking	4-1
Parks	
Allowing dogs to run at large prohibited	14-39
Horses	14-36(c)
Wildlife	14-33
Sewer provisions re prohibited discharges, etc.; fumes dangerous to domestic animals, etc.	19-203(7), 19-206(b)
APARTMENTS. See: HOTELS, MOTELS, ETC.	
APPEALS	
Board of assessment appeal	
Appointment of additional members to the board of assessment appeal	2-321 et seq.
Building board of appeals	5-51 et seq.
See: BUILDINGS	
Building regulations re locking devices in multiple dwelling complexes; appeals	5-1(e)
Channel encroachments; permission required, etc.	5-2(e)
Historic preservation, decisions re	8.5-12
Housing	
Blighted premises	
Penalties and enforcement; appeals	9-208
Housing code appeals committee; appeal from committee action	9-34, 9-40
Park permits; appeal from denial	14-45(d)
Personnel appeals board	2-3(d)
Planning	
Penalties for violations of building zone regulations	
Citation appeal and hearing process	15-101
Sewers and sewage disposal	
Appeal from manager's decision	19-34
Assessment of construction against property owners, etc.; appeal	19-77
Deferred assessment of trunk sewer costs; appeal	19-99
Street paving; levy of assessment; appeal to superior court	17-78
Zoning board of appeals	15-94 et seq.
See: ZONING	
ARSENIC. See: POISONS AND POISONING	

Section

ARTS
Fine arts commission generally ..... 2-151 et seq.
See: FINE ARTS COMMISSION

ASSEMBLIES. See: MEETINGS AND ASSEMBLIES

ASSESSMENT APPEAL, BOARD OF
Appointment of additional members to the board of assessment appeal
Appointment of members 2-322
Generally; membership 2-321

ASSESSMENTS
Liens. See also that subject
Sewers and sewage disposal
Collection of assessments generally 19-20
For various other provisions re assessment of benefits against property owners, deferred assessments, supplemental sewer assessments, etc. See: WATER AND SEWERS
Sidewalks required on street frontage, etc.; credit towards future assessments ..... 17-54(a)
Street paving assessments, etc. ..... 17-76 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES
Taxation generally ..... 18-1 et seq.
See: TAXATION
Tree removal; responsibility; sight lines, etc. 17-227, 17-280

B

BACKFILL. See: EXCAVATIONS

BALLOTS. See: ELECTIONS

BANS AND BANNING
Fires, banning of during periods of extreme fire danger 7-21

BARRICADES
Street excavations; public safeguards 17-215

BARS
Special sporting facility bar permit; Sunday alcoholic beverage sales permitted 3-1

BASEMENTS OR CELLARS
Housing code provisions re screening against insects 9-74
Housing code space, use and location requirements
Use of cellar or basement space as habitable room or dwelling 9-99, 9-100

BATHROOM FACILITIES, ETC.
Housing code general maintenance requirements re bathroom and water closet floors 9-89
Housing code minimum standards, etc.; rooming houses
Bathroom facilities 9-52, 9-138

Section

BATHROOM FACILITIES, ETC. (Cont'd.)
Housing code provisions re lighting, ventilation of bathrooms 9-69
Park regulations re sanitation; restrooms ..... 14-35(a)

BAZAARS
Adoption of state bazaars and raffles law 11-1

BEAUTIFICATION COMMITTEE. See: COMMUNITY BEAUTIFICATION COMMITTEE

BEDROOMS. See: SLEEPING ROOMS

BEGGING OR SOLICITING
Curfew for minors; responsibility of parents or guardians . 13-17

BENZENE, See: FUELS, ETC.

BIDS, BIDDING
Purchasing regulations generally ..... 2-261 et seq.
See: FINANCES
Sidewalk construction; installation; competitive bids ..... 17-51(d)

BILLBOARDS. See: SIGNS AND BILLBOARDS

BIRDS. See: ANIMALS AND FOWL

BLASTING AGENTS. See: EXPLOSIVES AND BLASTING AGENTS

BLIGHT
Blighted premises ..... 9-200 et seq.
See: HOUSING

BOARDING HOUSES. See: HOTELS, MOTELS, ETC.

BOARDS, ETC. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN

BOATS, ETC. See: VESSELS
Use of motorboats and other motor-driven vessels and devices on Diamond Lake prohibited 14-1

BODIES OF WATER. See: WATERWAYS

BONDS
Certain ordinances not affected by Code 1-3
Drain layer's license requirements 19-226, 19-228
Sewer permit requirements generally ..... 19-243(a)
Sewers and sewage disposal
Construction by developers, etc.; bond or other surety ... 19-57
Work performed within rights-of-way
Bond exemption ..... 17-111(d)
License requirements re bond 17-98, 17-99

BOTTLES. See: CONTAINERS

BOUNDARIES
Election districts described ..... 2-272 et seq.

	Section
BOWLING ALLEYS	
Alcoholic beverage Sunday sales permitted	3-1
BOWS AND ARROWS. See: FIREARMS AND WEAPONS	
BOXES. See: CONTAINERS	
BREACH OF PEACE. See: DISTURBANCES, ETC.	
BRIDLE PATHS	
Park regulations	14-36(c)
BUDGETS. See: FINANCES	
BUILDING BOARD OF APPEALS	
Terms generally	2-31(c)
BUILDINGS	
Abandoned iceboxes and airtight containers	13-3
Building board of appeals	
Appeals to and from board	5-53, 5-54
Establishment	5-51
Building permits	
Fees	
Building permits	5-16
Certificate of occupancy; demolition permits	5-17
Fallout shelters	5-18
Permit application fees; plan and zoning commission	15-38
Tests; costs	5-29
Food service licenses	
Building permit requirements	7.5-3
Prohibition of certain building permits	5-19
Sewerage facilities, restrictions re approval and installation of	
Building permit issuance authorized if sewer connection permit is obtained	5-27
Conflict with public health code	5-36
Installation by licensed contractors only; permits required	5-34
Plans to be disapproved upon determination of excessive impervious soil, rock, etc.	5-32
Plans to be submitted when building is not to be connected to municipal system; contents	5-28
Plans to show expansion area in certain instances	5-30
Powers and requirements of provisions additional to other powers and requirements	5-35
Soil layer, required	5-31
System plan approval prerequisite to issuance of building and occupancy permits	5-26
Tests; costs	5-29
Well water use permit required	5-33
Building sewers near water supply wells generally	19-27
Channel encroachments restricted	5-2

	Section
BUILDINGS (Cont'd.)	
Condominium conversions; determination of income level and moving and relocation expenses	9-16, 9-17
Damaging, defacing, etc., town property generally	13-2
Dangerous buildings; designation and condemnation of unfit buildings	9-151 et seq.
Housing code. See: HOUSING	
Demolitions of buildings	
Permit	
Additional requirements	5-62
Authority of building official	5-67
Authority of historic district commission	5-68
Duration	5-66
Fees and costs for	5-65
Legal notice procedures	5-63
Objection procedures	5-64
Required; requirements	5-61
Doors. See: DOORS, WINDOWS, ETC.	
Electricity. See that subject	
Entrances, etc. See: ENTRANCES AND/OR EXITS	
Excavations, trailer and mobile home regulations adopted	15-3
Fair rent commission	2-301 et seq.
See: FAIR RENT COMMISSION	
Fees. See also herein: Building Permits	
Appeals; fee	5-63
Sewerage disposal permit fees	5-34
Well water use permit fee	5-33
Fire lanes; establishment, installation and maintenance	12-19, 12-20
Garbage and trash generally. See herein: Solid Waste	
Historic preservation	8.5-1 et seq.
See: HISTORIC PRESERVATION	
House numbering generally	17-16 et seq.
See: HOUSE NUMBERING	
Housing code generally	9-31 et seq.
See: HOUSING	
Locking devices in multiple dwelling complexes	5-1
Mobile home regulations adopted	15-3
Moving of buildings and other structures	
Not to be left on highway at night; exception	17-201
Notification of town (fire department, police department)	17-200
Permits; issuance restricted	17-196
Removal of public property	17-199
Responsibility	17-197
Trees; removal or trimming	17-198
Numbering of houses	17-16 et seq.
See: HOUSE NUMBERING	
Permits. See also herein: Building Permits	
Permit application fees (schedule of); plan and zoning commission	15-38

Section

BUILDINGS (Cont'd.)
Planning generally, commissions, agencies, etc. ..... 15-1 et seq.
See: PLANNING
Public buildings commission ..... 2-196 et seq.
See: PUBLIC BUILDINGS COMMISSION
Restrictions on use of town property generally ..... 2-246 et seq.
See: TOWN PROPERTY
Sewerage facilities, building permit restrictions re. See herein: Building Permits
Sewers and sewage disposal ..... 19-16 et seq.
See: WATER AND SEWERS
Solid waste (generally) ..... 8-1 et seq.
See: SOLID WASTE
Stairs. See: STAIRWAYS, ETC.
Streets, sidewalks and public places generally ..... 17-1 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES
Subdivisions. See that subject
Trailer regulations adopted 15-3
Unfit dwellings, designation and condemnation of ..... 9-151 et seq.
Housing code. See: HOUSING
Violations
Channel encroachments ..... 5-2(g)
Water and sewers. See that subject
Windows. See: DOORS, WINDOWS, ETC.

BURGLAR ALARM SYSTEMS, ETC.
Alarm systems ..... 13-31 et seq.
See: ALARM SYSTEMS

BURNING
Open burning generally ..... 7-16 et seq.
See: OPEN BURNING
Solid waste; disposal of by owner or occupants on premises 8-8

BUS STOPS
Penalties for unlawful parking generally 12-25

BUSHES. See: VEGETATION

C

CAFES. See: FOOD AND FOOD ESTABLISHMENTS

CAMPING. See: PARKS AND RECREATION

CANS. See: CONTAINERS

CANVASSERS, ETC.
Generally; license, etc. ..... 11-76 et seq.
See: PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN

CAPITAL REGION PLANNING AGENCY
Terms of members ..... 2-31(a)

	Section
CAR WASHES	
Permitted special permit use; application fees	15-38(6)
CARCASSES	
Sewer provisions re prohibited discharges, etc.	19-203(2), (9)
CELLARS. See: BASEMENTS OR CELLARS	
CERTIFICATES AND CERTIFICATION	
Certificate of insurance	
Sewers and sewage disposal construction by developers, etc.	19-56
Work performed within rights-of-way	
License requirements re insurance; valid insurance certificate	17-100
Certificate of occupancy	
Building permit fees re	5-17(a)
Fire lanes; installation and maintenance	12-20
Sidewalks required along street frontage, etc., prior to issuance of	17-54
Certificate of residency	
Peddlers, hawkers, etc., license application requirements	11-80(b)
Certificate of zoning compliance	
Itinerant vendor license; additional information required for	11-80
Open burning certificates	7-17
Permits generally. See: LICENSES AND PERMITS	
Sewers and sewage disposal	
Assessment against property owners, etc.; certificate of notice of installment payment	19-83
Construction by developers, etc.; certification by town manager generally	19-60
Street paving; collection of assessments; certificate	17-80
CESSPOOLS. See: PRIVIES, ETC.	
CHANNELS. See also: DRAINS AND DRAINAGE	
Building regulations re channel encroachments restricted	5-2
CHARITABLE AND NONPROFIT ORGANIZATIONS	
Charitable organization permit	
Alcoholic beverage Sunday sales permitted	3-1
Peddlers, solicitors, etc.; exemptions	11-91(3)
CHILDREN. See: MINORS	
CHLORINE. See: DISINFECTANTS	
CHURCHES, ETC.	
Tax exemption of property for places used as houses of worship and houses used by officiating clergymen as dwellings and for land acquired by tax exempt organizations for perpetual conservation or environmental protection purposes	18-2

	Section
CIGARETTES, ETC.	
Dropping matches, cigarettes, burning material etc., prohibited	14-41
See: PARKS AND RECREATION	
CIVIL PREPAREDNESS	
Disaster emergency generally	6-4
Local organization	
Advisory council's duties; terms	6-3
Created; director; advisory council	6-1
Duties of director	6-2
CLUBS	
Alcoholic beverage Sunday sales permitted	3-1
CODE OF CONDUCT	
Code of conduct for boards, commissions and committees	2-41 et seq.
See: DEPARTMENTS AND OTHER AGENCIES OF TOWN	
CODE OF ETHICS	
Acknowledgment form	2-68
Confidential information	2-60
Conflict of interest	2-64
Consultants	2-59
Declaration of policy and purpose	2-56
Definitions	2-57
Disclosure and disqualification	2-65
Equal treatment	2-63
Ethics commission	2-58
Ethics commission rules of procedure	2-69
Gifts and favors	2-62
Incompatible employment and activities	2-66
Penalty for violation	2-67
Use of influence and/or intentional misrepresentation	2-61
CODE OF ORDINANCES	
Altering code	1-9
Amendments to Code; effect of new ordinances; amendatory language	1-6
Certain ordinances not affected by Code	1-3
Code does not affect prior offenses, rights, etc.	1-4
Designated and cited	1-1
Effect of repeal of ordinances	1-7
General penalty	1-10
Headings of sections	1-5
Rules of construction and definitions	1-2
Severability of parts of Code	1-8
Supplementation of Code	1-11
CODES REVIEW COMMITTEE	
Terms of members	2-31(c)

Section

COLISEUM CONCESSION PERMIT
Sunday alcoholic beverage sales permitted..... 3-1

COMBUSTIBLE SUBSTANCES. See: FLAMMABLE SUBSTANCES

	Section
COMMERCIAL SOLID WASTE COLLECTORS	
Generally	8-21 et seq.
See: SOLID WASTE	
COMMISSIONS, COMMITTEES, ETC. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN	
COMMUNITY BEAUTIFICATION COMMITTEE	
Compensation	2-115
Duties	2-112
Membership	2-111
Organization	2-113
Terms of members	2-31(b)
Vacancies	2-114
COMPREHENSIVE PLAN	
Community beautification committee's duties re	2-112
CONCESSION STANDS	
Food service	7.5-1 et seq.
See: FOOD SERVICE	
Special sporting facility concession permit; Sunday alcoholic beverage sales permitted	3-1
CONDEMNATION. See also: DESTRUCTION, DEMOLITION, ETC.	
Examination and condemnation of food	7.5-12
See also: FOOD SERVICE	
Housing code provisions re unfit dwellings, designation and condemnation of	9-151 et seq.
See: HOUSING	
Special sporting facility concession permit; Sunday alcoholic beverage sales permitted	3-1
CONDOMINIUM CONVERSIONS	
Determination of income level for protection against certain landlord actions	9-16
Determination of moving and relocation expenses	9-17
CONFISCATION	
Park provisions	14-44(e)
CONFLICTS OF INTEREST	
Code of conduct for boards, commissions and committees	2-43
CONSERVATION COMMISSION	
Duties and powers	
Environmental protection	15-23
Generally	15-20
Natural resources	15-21
Water resources	15-22
Establishment	15-16
Fees for application re water resources	15-22
Membership	15-17

	Section
CONSERVATION COMMISSION (Cont'd.)	
Organization	15-19
Terms of members	2-31(b)
CONSTRUCTION	
Building board of appeals	5-51 et seq.
See: BUILDINGS	
Building permits generally	5-16 et seq.
See: BUILDINGS	
Housing code provisions generally	9-31 et seq.
See: HOUSING	
Permits. See also: BUILDINGS	
Street and sidewalk provisions re permits, etc. See: STREETS, SIDEWALKS AND PUBLIC PLACES	
Public building commission	2-196 et seq.
See: PUBLIC BUILDING COMMISSION	
Sewer permits generally	19-241 et seq.
Sewers and sewage disposal. See: WATER AND SEWERS	
Sewer provisions re use of public sewers and natural outlets	
Evidence as to purpose of sewer to be used and determining use of sewer; construction, etc.	19-209(c)
Sewers and sewage disposal provisions re construction by and at expense of developers, etc.	19-51 et seq.
See: WATER AND SEWERS	
Sidewalk construction, etc.	17-46 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES	
Street paving generally	17-76 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES	
Streets, sidewalks and public places; construction requirements, etc., generally	17-1 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES	
Subdivisions. See that subject	
Temporary parking prohibitions re construction of public works, etc.	12-18
CONTAINERS	
(Note—Cans, bottles, boxes, trash receptacles, storage, etc.)	
Abandoned iceboxes and airtight containers	13-3
Food vendors located on private property, etc.; special requirements for re trash container	11-89(5)
Garbage and trash. See herein: Solid Waste	
Housing provisions re garbage and rubbish storage facilities	9-53
Owners and occupants re disposal of garbage	9-124
Park regulations re sanitation; use of receptacles, etc.	14-35(c), (d)
Restrictions on use of town property; alcoholic beverages prohibited	2-247
Sewer provisions re prohibited discharges, etc.; overflow from holding tanks or other receptacles storing organic wastes	19-204(0)
Solid waste	8-6 et seq.
See: SOLID WASTE	

	Section
CONTRACTS AND AGREEMENTS	
Bids. See: BIDS AND BIDDING	
Certain ordinances not affected by Code	1-3
Housing code provisions re responsibilities of owners and occupants; written agreement between owner and occupant re screens	9-126
Insurance. See also that subject	
Peddlers, etc.; conditions of license re signing contracts, etc.	11-88(7)
Private roads and streets; maintenance services to be provided; agreement	17-33(b)
Sewers and sewage disposal	
Construction by developers, etc.; agreements with developers authorized; authority to sign agreements, etc.	19-51 et seq.
Installation or design of sewers in subdivisions, etc.; permit-agreement, etc.; execution of developer's agreement	19-137 et seq.
Subdivisions, sewers in; agreement with developer by sewer commission, etc.	19-143
Use of public sewers, etc.; special agreement with industries	19-218
Sidewalks required along street frontage in business, commercial and industrial zones, etc.	17-54(a)
Street excavations; pavement replacement; agreement	17-218(i)
Supplementation of Code generally	1-11(a)
Tax abatement to low and moderate income housing	
Contracts for abatement	18-22
Work performed within rights-of-way; license requirements, etc.	17-96 et seq.
Rights-of-way. See: STREETS, SIDEWALKS AND PUBLIC PLACES	
COOKING. See: KITCHENS. See also: FOOD AND FOOD ESTABLISHMENTS	
COOLING SYSTEMS. See: SOLAR HEATING OR COOLING SYSTEMS; See also: HEATING, AIR CONDITIONING, LIGHTING AND VENTILATION	
COTTON HOLLOW PRESERVE	
Operating policies	14-54
Parks, generally. See: PARKS AND RECREATION	
COUNCIL. See: TOWN COUNCIL	
COUNCIL OF GOVERNMENTS	
Regional council of governments. See: REGIONAL COUNCIL OF GOVERNMENTS	15-66 et seq.
COUNTRY CLUBS	
Sunday alcoholic beverage sales permitted	3-1
COURTS AND CRIMINAL PROCEDURES	
Housing code appeals from committee action generally	9-40

Section

COURTS AND CRIMINAL PROCEDURES (Cont'd.)
Justices of the peace
Number fixed 2-182
Street paving; levy of assessment; appeal to superior court. 17-78
Warrants, etc. See: WRITS, WARRANTS AND OTHER PROCESSES

CROSSWALKS. See: TRAFFIC

CULVERTS. See: DRAINS AND DRAINAGE

CURBS
Work performed within rights-of-way ..... 17-121 et seq.
Rights-of-way. See: STREETS, SIDEWALKS AND PUBLIC PLACES

CURFEW
Curfew for minors ..... 13-16 et seq.
See: MINORS

CYANIDE. See: POISONS AND POISONING

D

DAIRIES
Dairy products. See: FOOD AND FOOD ESTABLISHMENTS
Tax abatements for dairy farms 18-31

DAMAGING PROPERTY, ETC. See: DESTRUCTION, DEMOLITION, ETC.

DANGEROUS BUILDINGS
Unfit dwellings, designation and condemnation of ..... 9-151 et seq.
Housing code. See: HOUSING

DEAD ANIMALS, ETC. See: CARCASSES

DECALS. See: STICKERS OR DECALS

DEEDS
Certain ordinances not affected by Code 1-3

DELINQUENTS. See: JUVENILE DELINQUENTS

DEPARTMENTS AND OTHER AGENCIES OF TOWN
Advisory council of civil preparedness organization 6-3
Board of appeals, zoning ..... 15-94 et seq.
Zoning board of appeals. See: ZONING
Board of assessment appeal
Appointment of additional members to the board of assessment appeal ..... 2-321 et seq.
Board of education; terms of members ..... 2-31(a)
Board of finance; terms of members ..... 2-31(a)
Budget
Establishment of depts. for budget purposes 2-2

	Section
DEPARTMENTS AND OTHER AGENCIES OF TOWN (Cont'd.)	
Building board of appeals generally	5-51 et seq.
See: BUILDINGS	
Capital regional planning agency; terms of members	2-31(a)
Central Connecticut Solid Waste Authority	8-80 et seq.
See: SOLID WASTE	
Civil preparedness; local organization, etc.	6-1 et seq.
See: CIVIL PREPAREDNESS	
Code of conduct for boards, commissions and committees	2-41 et seq.
See: OFFICERS AND EMPLOYEES	
Codes review committee; terms of members	2-31(c)
Commission on aging	2-91 et seq.
See: AGING, COMMISSION ON	
Community beautification committee	2-111 et seq.
See: COMMUNITY BEAUTIFICATION COMMITTEE	
Conservation commission	15-16 et seq.
See: CONSERVATION COMMISSION	
Economic development commission	2-131 et seq.
See: ECONOMIC DEVELOPMENT COMMISSION	
Fair rent commission	2-301 et seq.
See: FAIR RENT COMMISSION	
Fine arts commission	2-151 et seq.
See: FINE ARTS COMMISSION	
Flood and erosion control board	15-39
Heritage committee; terms of members	2-31(a)
Historic district commission	8.5-1 et seq.
See: HISTORIC PRESERVATION	
Housing authority; terms of members	2-31(c)
Housing code appeals committee	9-34
Human relations commission	2-166 et seq.
See: HUMAN RELATIONS COMMISSION	
Insurance advisory committee	2-219 et seq.
See: INSURANCE ADVISORY COMMITTEE	
Municipal aquifer protection agency	15-40
Officers, etc. See: OFFICERS AND EMPLOYEES	
Personnel appeals board; terms of members	2-31(d)
Plan and zoning commission	15-36 et seq.
See: PLAN AND ZONING COMMISSION	
Planning commissions, agencies, etc.	15-1 et seq.
See: PLANNING	
Public buildings commission	2-196 et seq.
See: PUBLIC BUILDINGS COMMISSION	
Recreation commission	14-16 et seq.
See: PARKS AND RECREATION	
Redevelopment agency	15-51 et seq.
See: REDEVELOPMENT AGENCY	
Regional council of governments	15-66 et seq.
See: REGIONAL COUNCIL OF GOVERNMENTS	
Regional planning authority	15-81 et seq.
See: REGIONAL PLANNING AUTHORITY	

	Section
DEPARTMENTS AND OTHER AGENCIES OF TOWN (Cont'd.)	
Town plan and zoning commission	15-36 et seq.
See: PLAN AND ZONING COMMISSION	
Water pollution control authority	19-41 et seq.
See: WATER POLLUTION CONTROL AUTHORITY	
Youth and family resources commission	2-226 et seq.
See: YOUTH AND FAMILY RESOURCES COMMISSION	
Zoning board of appeals	15-94 et seq.
See: ZONING	
DESTRUCTION, DEMOLITION, ETC.	
Condemnation	
Housing code provisions re unfit dwellings, designation and condemnation of	9-151 et seq.
See: HOUSING	
Curb construction	
Removing, damaging, etc.; repair of damaged curbs	17-126, 17-127
Drain layer's licenses to save town harmless from claims generally	19-231
Killing. See: HUNTING, ETC.	
Moving of buildings; responsibility re damages to property, etc.	17-197
Parks	
Damaging, defacing, etc., park property	14-32
Permittee liable for damages	14-45(e)
Wildlife; hunting, molesting, etc.	14-33(a)
Sewer provisions re prohibited discharges, etc.	19-203, 19-206(b)
Sewers and sewage disposal	
Connection; precautions to prevent damage, etc.	19-192
Sealing of abandoned connections, etc.	19-193
Use of public sewers and natural outlets; certain wastes or constituents limited or prohibited generally	19-203 et seq.
Use of public sewers, etc.; accidental discharges, damage to system, etc.	19-217(b)
Sewers and sewage disposal provisions re interfering with, damaging public systems	19-25
Town property	
Damaging, defacing, etc.	13-2
Unfit dwellings; demolition; removing, defacing placard	9-154(b), 9-155
DEVELOPMENT AND IMPROVEMENTS	
Conservation commission's powers and duties re environmental protection generally	15-23
Damaging, defacing, etc., town property generally	13-2
Historic preservation	8.5-1 et seq.
See: HISTORIC PRESERVATION	
Housing partnership	9-171 et seq.
See HOUSING	
Land acquisition reserve	2-285 et seq.
See: FINANCES	

	Section
DEVELOPMENT AND IMPROVEMENTS (Cont'd.)	
Permit application fees re planned area development zone	15-38(4)
Plan of development; application fee for change in	15-38(13)
Planning generally, commissions, agencies, etc.	15-1 et seq.
See: PLANNING	
Private roads and streets; maintenance services to be provided	17-33
Redevelopment agency	15-51 et seq.
See: REDEVELOPMENT AGENCY	
Tax abatement to low and moderate income housing generally	18-21 et seq.
See: TAXATION	
Work performed within rights-of-way generally	17-96 et seq.
Rights-of-way. See: STREETS, SIDEWALKS AND PUBLIC PLACES	
DEVELOPMENT PLAN	
Certain ordinances not affected by Code	1-3
DIAMOND LAKE. See: WATERWAYS	
DIGGING, ETC. See: EXCAVATIONS	
DISABLED PERSONS. See: HANDICAPPED OR DISABLED PERSONS	
DISASTER EMERGENCIES	
Generally	6-4
See also: CIVIL PREPAREDNESS	
DISCRIMINATION	
Human relations commission generally	2-166 et seq.
See: HUMAN RELATIONS COMMISSION	
DISINFECTANTS	
Sewer provisions re prohibited discharges, etc.	19-203(10), (13)
DISMISSALS	
Removal from office, etc. See: OFFICERS AND EMPLOYEES	
DISORDERLY CONDUCT	
Park regulations re disorderly conduct generally	14-42
Removal from office; code of conduct provisions	2-46(a)(1)
DISORDERLY PERSONS	
Curfew for minors; responsibility of parents and guardians	13-17
DISTRICTS	
Election districts	2-271 et seq.
See: ELECTIONS	
Historic preservation districts	8.5-8

Section

DISTURBANCES, ETC.
Code of conduct provisions re removal from office; disruptive conduct ..... 2-46(a)(2)
Dogs, roaming and barking 4-1
Food vendors on private property, etc.; prohibitions..... 11-90(a)
Park regulations re disorderly conduct 14-42

DOGS. See: ANIMALS AND FOWL

DOORS, WINDOWS, ETC.
Housing code provisions re ventilation, etc.
Window glass area; openable window area 9-67, 9-68
Rooming house requirements re window shades, etc..... 9-143
Screens. See: SCREENS AND SCREENING

DRAIN LAYERS
Licenses, etc..... 19-226 et seq.
Sewers and sewage disposal. See: WATER AND SEWERS

DRAINS AND DRAINAGE
Driveway construction, etc.; drainage generally 17-159
Housing code general maintenance requirements re rainwater drainage 9-90
Illicit discharge and connection..... 19-251 et seq.
See: WATER AND SEWERS
Sewers and sewage disposal provisions
Request for relocating, offering, etc., drains, etc..... 19-26
Solid waste; throwing in drains..... 8-5
Storm drains, etc.
Sewer provisions re use of public sewers and natural outlets generally ..... 19-201 et seq.
See: WATER AND SEWERS
Street paving generally..... 17-76 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES
Work performed within rights-of-way
Drainage specifications, permits, etc..... 17-136 et seq.
Rights-of-way. See: STREETS, SIDEWALKS AND PUBLIC PLACES

DRIVEWAYS
Work performed within rights-of-way, construction, etc..... 17-151 et seq.
Rights-of-way. See: STREETS, SIDEWALKS AND PUBLIC PLACES

DRUGS AND MEDICINES
Parks
Consumption or possession of alcoholic beverages; entering park in intoxicated condition..... 14-38

DUTCH ELM DISEASE
Tree removal; disposition of trees, limbs and branches 17-229

DWELLINGS. See: HOUSING. See also: BUILDINGS

Section

E

EARTH AND SOIL. See: SAND, ROCKS, ETC.

ECONOMIC DEVELOPMENT COMMISSION
- Chairman, vacancies 2-132
- Compensation 2-133
- Duties 2-134
- Establishment 2-131
- Terms of members ..... 2-31(b)

EDUCATION, BOARD OF
- Terms of members ..... 2-31(a)

ELDERLY
- Commission on aging ..... 3-91 et seq.
  - See: AGING, COMMISSION ON
- Pensions. See: PENSIONS AND RETIREMENT
- Tax relief for elderly homeowners 18-6

ELECTIONS
- Commission on aging; election of members by ballot ..... 2-92(a)
- Community beautification committee's organization; election by ballot 2-113
- Conservation commission election of officers 15-19
- Districts re
  - Described 2-272
  - Number of established 2-271
- Economic development commission's election of chairman and secretary by ballot 2-132
- Election of officers by ballot generally 2-167
- Fine arts commission's election of officers by ballot 2-152
- Sewer commission members generally 19-41
- Sidewalk evaluation program commission; choosing chairman and secretary by ballot 17-64
- Voting. See also that subject
- Youth and family resources commission; election of chairman and secretary by ballot 2-231

ELECTRICITY
- Electrical permits
  - Building permit fees generally 5-16
- Housing code provisions re minimum standards for light, ventilation and heating; electrical facilities 9-70

EMERGENCIES
- Civil preparedness organization and director, etc. ..... 6-1 et seq.
  - See: CIVIL PREPAREDNESS
- House numbering system, purpose of 17-16
- Moving of buildings, etc.; left overnight on street; exception 17-201
- Parking, all night 12-17
- Parking during; penalties for unlawful parking 12-25

Section

EMERGENCIES (Cont'd.)
Sewer provisions re use of public sewers, etc.; accidental discharge
Emergency notification procedure..... 19-217(c)
Street excavations; notification of police department 17-212
Work performed within rights-of-way; exemptions for emergency..... 17-111(c), (e)

EMPLOYEES. See: OFFICERS AND EMPLOYEES

EMPLOYMENT (Other than town employees, etc.)
Commission on aging's studies re elderly..... 2-94(a)
Drain layer's license requirements, etc..... 19-226 et seq.
Sewers and sewage disposal. See: WATER AND SEWERS
Work performed within right-of-way
Employment of incompetent workers prohibited 17-105

ENCLOSURES. See: FENCES, WALLS, HEDGES AND OTHER ENCLOSURES

ENCROACHMENTS
Channel encroachments restricted generally..... 5-2

ENGINEER. See: TOWN ENGINEER

ENTERTAINMENT. See also: AMUSEMENTS AND AMUSEMENT PLACES
Curfew for minors; responsibility of parents and guardian.. 13-17

ENTRANCES AND/OR EXITS
Housing code provisions re use of basement space means of egress ..... 9-100(3)
Housing provisions re minimum standards, etc.; means of egress 9-54
Rooming houses; means of egress 9-144

ENVIRONMENTAL PROTECTION
Conservation commission..... 15-16 et seq.
See: CONSERVATION COMMISSION

EXAMINATIONS. See: INSPECTIONS, EXAMINATIONS AND INVESTIGATIONS

EXCAVATIONS
Backfill
Curb construction, etc.; backfill generally..... 17-124
Street excavations; backfill of trenches..... 17-216
Drain layer's license requirements, etc..... 19-226 et seq.
Sewers and sewage disposal. See: WATER AND SEWERS
Drainage specifications re street excavations generally 17-139
Parks
Damaging, defacing, etc., park property ..... 14-32(b)
Permit application fees generally..... 15-38(1)
Planning provisions re excavation regulations adopted..... 15-3

	Section
EXCAVATIONS (Cont'd.)	
Planning provisions re excavation regulations adopted	15-3
Street excavations generally	17-211 et seq.
Work performed within rights-of-way. See: STREETS, SIDEWALKS AND PUBLIC PLACES	
Work performed within rights-of-way	
Exemptions re unnecessary excavations, etc.	17-111(c)
EXCREMENT	
Sewers and sewage disposal provisions re unlawful deposits of objectionable wastes	19-21
See also: WATER AND SEWERS	
EXHIBITION OF LICENSES, ETC. See: POSTING, ETC.	
EXITS. See: ENTRANCES AND/OR EXITS	
EXPENSES, EXPENDITURES. See: FINANCES	
EXPERIMENTS	
Parks	
Permit required	14-45(a)(3)
Recreational activities	14-36(d)
EXPLOSIVES AND BLASTING AGENTS	
Sewer provisions re use of public sewers; certain wastes, etc., limited or prohibited	19-203(4)
EXTERMINATION. See also: INSECT AND RODENT CONTROL	
Housing code provisions re responsibilities of owners and occupants; pest extermination	9-127
F	
FAIR RENT COMMISSION	
Appeal	2-309
Conciliation	2-306
Created	2-301
Determining fair rental charge	
Consideration in	2-307
Hearings; complaints	2-305
Meetings, rules and regulations	2-303
Membership	2-301
Organization and vacancies	2-302
Powers and duties	2-304
Rent reductions, repairs, other orders	
Authority to	2-308
State law or municipal charter	
Amendments	2-311
Sunset	2-312
Violation, penalty	2-310

	Section
FALLOUT SHELTERS	
Building permits; no fee	5-18
FALSE STATEMENTS. See: FRAUD, ETC.	
FARMERS AND GARDENERS	
Buildings used in farming, property tax exemption for	18-8
Dairy farms, tax abatements for	18-31
Peddlers, solicitors, etc.; exemptions	11-91(4)
FEES	
Annual fees	7.5-6
Fire prevention and protection	
Fire marshal	7-12
Tests; costs	5-29
FENCES, WALLS, HEDGES AND OTHER ENCLOSURES	
Construction of fences; work performed within rights-of-way	17-169 et seq.
See: STREETS, SIDEWALKS AND PUBLIC WAYS	
Parks	
Damaging, defacing, etc., park property	14-32(a), (d)
Work performed within rights-of-way; fence construction	17-169 et seq.
Rights-of-way. See: STREETS, SIDEWALKS AND PUBLIC PLACES	
FINANCES	
Assessments. See that subject	
Board of finance	
Terms of members	2-31(a)
Bonds. See that subject	
Budgets	
Commission on aging's powers and duties re generally	2-94(c)
Establishment of departments for budget purposes	2-2
Establishment of unexpended education funds account; deposits; use of funds	2-4
Transfers of unencumbered funds	2-3
Certain ordinances not affected by Code	1-3
Economic development commission	2-131 et seq.
See: ECONOMIC DEVELOPMENT COMMISSION	
Expenses, expenditures	
Commission on aging's expenses	2-93
Community beautification committee's expenses	2-115
Economic development commission's expenses	2-133
Fine arts commission's expenses	2-153
Human relations commission's expenses	2-171
Youth and family resources commission's expenses	2-230
Land acquisition reserve	
Administrative provisions	2-289
Approval	2-289
Definitions	2-286
Dissolution of reserve	2-292
Establishment	2-285

	Section
FINANCES (Cont'd.)	
Funding	2-290
Minimum balance of reserve	2-291
Public hearings	2-288
Types of land to be considered for acquisition	2-287
Liens. See that subject	
Pension system generally	2-72 et seq.
See: OFFICERS AND EMPLOYEES	
Purchasing regulations	
Order of precedence	2-264
Procedures, generally	2-262
Professional services procurement	2-263
Purpose and objectives	2-261
Sewer sinking fund and sewer operating fund	
Assessment against property owners, etc.; duties of tax collector re deposit	19-79
Generally	19-126 et seq.
Sewers and sewage disposal construction costs, enforcement of provisions	19-31, 19-55
Taxation generally	18-1 et seq.
See: TAXATION	
FINE ARTS COMMISSION	
Compensation	2-153
Duties and responsibilities	2-154
Establishment	2-151
Organization and vacancies	2-152
Terms of members	2-31(b)
FINES, FORFEITURES AND PENALTIES	
Code does not affect prior offenses, rights, etc.	1-4
General penalty	1-10
Housing	
Blighted premises	
Penalties and enforcement; appeals	9-208
Natural gas and oil	
Prohibition of natural gas waste from natural gas or oil extraction activities	
Fines and penalties	13-54
Parking regulations, violation of; fines and penalties	12-21, 12-25
Penalties generally (general penalty)	1-10
See also herein specific penalties, remedies, violations, etc.	
Planning	
Penalties for violations of building zone regulations	
Amount of fines	15-102
Uncontested payment of fines	15-99
FIRE ALARMS, ETC.	
Alarm systems	13-31 et seq.
See: ALARM SYSTEMS	

	Section
FIRE ALARMS, ETC. (Cont'd.)	
Special requirements	7-11
FIRE DEPARTMENT	
Moving of buildings, etc.; notification of fire department	17-200(a)
Public safety volunteers; tax abatement regulations	18-41 et seq.
See: TAXATION	
Street excavations; notification of fire department	17-212
FIRE HYDRANTS	
Penalties for unlawful parking	12-25
FIRE LANES	
Establishment, installation and maintenance of	12-19, 12-20
Unlawful parking, penalties for	12-25
FIRE PREVENTION AND PROTECTION	
Access requirements	
Definitions	7-1
Dry hydrants	7-4
Fire department connections	7-4
Fire hydrants	7-4
Fire lanes	7-3
Property access	7-2
Burning	
Solid waste; disposal of by owner or occupants on premises	8-8
Fees—Fire marshal	7-12
Fire alarms	
Special requirements	7-11
Fuels, etc. See also that subject	
Inspection services	
Fees—Fire marshal	7-12
Open burning generally	7-16 et seq.
See: OPEN BURNING	
Parks; fire prevention re. See: PARKS AND RECREATION	
Solid waste; disposal of by owner or occupants on premises re burning	8-8
FIREARMS AND WEAPONS	
Hunting, etc. See also that subject	
Parks	14-33(d), 14-36(b)
Trespassing for target practice generally	13-4
FIRES	
Open burning generally	7-16 et seq.
See: OPEN BURNING	
Park provisions	14-40, 14-41
FISHING. See: HUNTING, ETC.	
FLAMMABLE SUBSTANCES. See also: FUELS, ETC.	
Sewer provisions re prohibited discharges, etc.	19-203(4), 19-206(b)

	Section
FLOOD HAZARDS	
Channel encroachments restricted generally	5-2(c)
FLOORS	
Housing code general maintenance requirements re floors and bathrooms floors, etc.	9-85, 9-89
FLORA, FAUNA AND FLOWERS. See: VEGETATION	
FOOD AND FOOD ESTABLISHMENTS (Generally)	
Alcoholic beverage Sunday sales permitted	3-1
Dairy farms, tax abatements for	18-31
Farmers. See: FARMERS AND GARDENERS	
Food vendors located in town park	
Special requirements	11-93
Food vendors located on private property in the planned industrial zone	
Special requirements for	11-89
Housing code provisions re rooming houses; cooking	9-139
Peddlers, solicitors, etc.; license exemptions	11-91(4), (5)
Permitted special permit use	
Retail trade eating and drinking without drive-in curb service; application fee	15-38(9)
Sewer provisions re prohibited discharges, etc.; unshredded vegetables and garbage grinders	19-203(9), (18)
FOOD SERVICE	
Definitions	7.5-1
Establishments outside town limits	7.5-14
Examination and condemnation of food	7.5-13
Annual fees	7.5-6
Fees, reinspection	7.5-7
Food service establishment classification	7.5-5
Inspections	
Generally	7.5-4
Pre-operational inspection	7.5-12
Reinspection fees	7.5-7
Licenses	
Issuance of licenses	7.5-3
Required	7.5-2
Suspended license, reinstatement of	7.5-10
Suspension of licenses	7.5-8
Temporary food service licenses	7.5-15
Plans, submission of	7.5-11
Service of notices	7.5-9
Violations and penalties	7.5-16
FORECLOSURES	
Street paving; collection of assessments	
Foreclosure and manner of foreclosure of tax liens	17-80
FORFEITURES. See: FINES, FORFEITURES AND PENALTIES	

Section

FORMALDEHYDE. See: POISONS AND POISONING

FOWL. See: ANIMALS AND FOWL

FRANCHISES
Certain ordinances not affected by Code..... 1-3

FRAUD, ETC.
Altering Code..... 1-9
Peddlers, solicitors, etc.; revocation of license; application requirements ..... 11-79(10), 11-86

FREE ACADEMY
Incorporators of; term ..... 2-31(d)

FUELS, ETC.
Building permit fees re oil or gas burning furnace 5-16
Housing code provisions re heating facilities, etc. ..... 9-71(b)
Natural gas and oil ..... 13-50 et seq.
See: NATURAL GAS AND OIL
Sewer provisions re use of public sewers, certain wastes, etc., limited or prohibited ..... 19-203(4)

FUMES, ETC.
Sewer provisions re use of public sewers
Certain discharges, etc., limited or prohibited generally. 19-203(4), (5), (7)

G

GAMBLING
Curfew for minors; responsibility of parents or guardians . 13-17

GAMES. See: SPORTING EVENTS AND GAMES

GARBAGE AND TRASH. See: SOLID WASTE

GARDENERS. See: FARMERS AND GARDENERS

GAS OR GASOLINE. See: FUELS, ETC.; See also: FUMES, ETC.

GASOLINE SERVICE STATIONS
Permitted special permit use; application fee ..... 15-38(8)

GIFTS OR GRATUITIES
Code of ethics..... 2-62
Community beautification committee's duties re gifts, etc.. 2-112
Conservation commission's duties and power re natural resources, etc..... 15-21

GLASTONBURY REDEVELOPMENT AGENCY. See: REDEVELOPMENT AGENCY

GOLF COUNTRY CLUBS. See: COUNTRY CLUBS

Section

GRADES AND GRADING
Curb construction, etc.; grades and lines 17-122
Driveway construction, etc.; grade 17-153
Sewers and sewage disposal
Limits, sizes and grades of sewers or drains generally... 19-54
Sidewalk construction, etc.; grade 17-48
Street paving generally ..... 17-76 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES
Work performed within rights-of-way
Line and grade generally 17-107

GRANTS, ETC.
Conservation commission general duties and powers 15-20, 15-21

GRATUITY. See: GIFTS OR GRATUITIES

GRAVEL. See: SAND, ROCKS, ETC.

GREAT POND PRESERVE
Operating policies 14-61
Parks, generally. See: PARKS AND RECREATION

GROUNDWATER. See: WATER AND SEWERS

GUARDIANS. See: PARENTS AND GUARDIANS

GUNS. See: FIREARMS AND WEAPONS

H

HANDICAPPED OR DISABLED PERSONS
Parking spaces reserved for handicapped
Establishment, installation and maintenance 12-22, 12-23
Penalties for unlawful parking in 12-25

HAWKERS, ETC.
Generally, license, etc. ..... 11-76 et seq.
See: PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN

HAZARDOUS MATERIALS
Sewers and sewage disposal
Use of public sewers and natural outlets, prohibitions generally ..... 19-203(2), (18)
Solid waste; storage of hazardous waste ..... 8-3(d)

HEALTH AND SANITATION
Buildings and building permits ..... 5-1 et seq.
See: BUILDINGS
Civil preparedness organization and director, etc. ..... 6-1 et seq.
See: CIVIL PREPAREDNESS
Commission on aging ..... 2-91 et seq.
See: AGING, COMMISSION ON
Dog litter; removal of 13-5

	Section
HEALTH AND SANITATION (Cont'd.)	
Fire prevention and protection; open burning	7-16 et seq.
See: OPEN BURNING	
Food service requirements	7.5-1 et seq.
See: FOOD SERVICE	
Garbage and trash generally. See herein: Solid Waste	
Housing code generally	9-31 et seq.
See: HOUSING	
Litter. See: LITTER AND LITTERING	
Massage establishments	11-31 et seq.
See: MASSAGE ESTABLISHMENTS	
Park regulations re sanitation generally	14-35
Peddlers, hawkers, itinerant vendors, etc.	11-76 et seq.
See: PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN	
Public health code	
Sewage facilities, building permit restrictions re; conflict with public health code	5-36
Rooming houses; housing code provisions re	9-136 et seq.
See: HOUSING	
Sewerage facilities; system approval prerequisite to issuance of building and occupancy permits	5-26
Sewers and sewage disposal generally	19-16 et seq.
See: WATER AND SEWERS	
Solid waste (generally)	8-1 et seq.
See: SOLID WASTE	
Unfit dwellings, designation and condemnation of	9-151 et seq.
Housing code. See: HOUSING	
HEATING, AIR CONDITIONING, LIGHTING AND VENTILATION	
Housing code provisions re designation and condemnation of unfit dwellings	
Defects requiring condemnation	9-152(2)
Housing provisions re minimum standards for light, ventilation and heating generally	9-66 et seq.
Housing code. See: HOUSING	
Permits; fees	5-16
Solar heating or cooling systems; property tax exemption	18-4
HEDGES. See: FENCES, WALLS, HEDGES AND OTHER ENCLOSURES	
HERITAGE COMMITTEE	
Term of members	2-31(a)
HIGHWAYS. See: STREETS, SIDEWALKS AND PUBLIC PLACES	
HISTORIC PRESERVATION	
Appeals	8.5-12

	Section
HISTORIC PRESERVATION (Cont'd.)	
Certificate of appropriateness, application for	8.5-7(d)
Hearing re	8.5-7(e)
Commission	
Action to prevent illegal acts or to obtain compliance	8.5-9
Appeals	8.5-12
Authority of	8.5-7
Compensation	8.5-4
Composition; appointment; vacancies	8.5-3
Election of officers	8.5-5
Established	8.5-2
Regular reports; annual reports; permanent record	8.5-6
Compliance, action by commission to obtain	8.5-9
Criteria	8.5-7(b)
Definitions	8.5-7(b)
Exclusions	8.5-7(c)
"Grandfathering"	8.5-7(h)
Hardship	8.5-11
Historic district(s), establishment of	8.5-8
Illegal acts, action by the commission to prevent	8.5-9
Maintenance of properties	8.5-10
Plan of appropriateness and protection	8.5-7(f)
Preexisting rights not affected	8.5-13
Provisions construed	8.5-7(g)
Public safety, exceptions for	8.5-7(h)
Purpose	8.5-1
Regulations, promulgation of	8.5-7(a)
Reports and records	8.5-6
HOLIDAYS. See: SUNDAYS AND HOLIDAYS	
HORSES. See: ANIMALS AND FOWL	
HOSPITALS. ETC.	
Sewer provisions re prohibited discharges, etc.; garbage grinders	19-203(18)
HOTELS, MOTELS, ETC.	
Alcoholic beverage Sunday sales permitted	3-1
Fair rent commission	2-301 et seq.
See: FAIR RENT COMMISSION	
Housing code provisions re rooming houses generally	9-136 et seq.
See: HOUSING	
Sewer provisions re prohibited discharges, etc.; garbage grinders	19-203(18)
Sewerage facilities, building permit restrictions re	5-26 et seq.
See: BUILDINGS	
Sewers and sewage disposal; facilities and approval generally	19-18
See also: WATER AND SEWERS	

	Section
HOUSE NUMBERING	
Assignment of numbers	17-17
Notice of assignments	17-18
Purpose	17-16
Specifications for type and location of numbers	17-19
Violations; penalty	17-20
HOUSES OF WORSHIP. See: CHURCHES, ETC.	
HOUSING	
Blighted premises	
Appointment of citation hearing officers	9-204
Definitions	9-201
Inquiries	9-205
Lien on real estate where penalty for violation of blight ordinance is unpaid	9-209
Minimum standards	9-203
Notice of violations	9-206
Penalties and enforcement; appeals	9-208
Preliminary meeting	9-207
Prohibition against creating or maintaining blighted premises	9-202
Purpose; legislative authority	9-200
Buildings and building permits generally See: BUILDINGS	5-1 et seq.
Commission on aging's studies, etc.	2-94(a)
Condominium conversions; determination of moving and relocation expenses and income level for protection against certain landlord actions	9-16, 9-17
Fair rent commission See: FAIR RENT COMMISSION	2-301 et seq.
Fees, etc.	
Rooming house permit fees	9-137(b)
Garbage and trash generally. See herein: Solid Waste	
Housing code	
Appeal from committee action	9-40
Appeals committee created	9-34
Area requirements. See herein various subheadings, etc.	
Basic equipment and facilities, minimum standards for	
Bathroom facilities	9-52
Garbage and rubbish storage facilities	9-53
Kitchen facilities	9-51
Locks	9-55
Means of egress	9-54
Condemnation of unfit dwellings, etc. See herein: Unfit Dwellings, Designation and Condemnation of	
Conflict with other provisions	9-41
Definitions	9-31
Final order	9-38
General maintenance requirements	
Bathroom and water closet floors	9-89

	Section
HOUSING (Cont'd.)	
Compliance with provisions prerequisite to occupancy	9-81
Discontinuance of required facilities	9-84
Foundations, floors, walls, ceilings, rooms	9-85
Generally	9-82
Openings to outside	9-86
Plumbing generally	9-88
Rainwater drainage	9-90
Required facilities	9-83
Stairs, porches	9-87
Hearings	
Notice; hearing on required	9-36
Quorum; action after hearing	9-37
Record of hearing	9-39
Heating. See herein: Light, Ventilation and Heating, Minimum Standards for	
Inspection of dwelling, dwelling units, rooming units and premises	9-3
Light, ventilation and heating, minimum standards for	
Compliance with provisions prerequisite to occupancy	9-66
Electrical facilities	9-70
Heating facilities generally	9-71
Lighting of common areas	9-72
Lighting, ventilation of bathrooms	9-69
Operable window area	9-68
Screening against insects and rodents	9-73, 9-74
Window glass area	9-67
Location requirements. See herein: Space, Use and Location Requirements (minimum)	
Locks. See herein: Security Hardware	
Maintenance requirements. See herein: General Maintenance Requirements	
Minimum standards for basic equipment and facilities. See herein: Basic Equipment and Facilities, Minimum Standards for	

	Section
HOUSING (Cont'd.)	
Minimum standards for light, ventilation and heating. See herein: Light, Ventilation and Heating, Minimum Standards for	
Notice of violation required; contents	9-35
Hearing on notice required generally	9-36
Permit to create certain dwellings and rooming units	9-32
Responsibilities of owners and occupants	
Disposal of garbage and rubbish	9-124
Maintenance of common areas	9-122
Maintenance of dwelling or unit	9-123
Pest extermination	9-127
Plumbing maintenance	9-125
Provisions declared additional	9-121
Screens	9-126
Rooming houses	
Access to rooming units	9-146
Bathroom facilities	9-138
Compliance with other provisions	9-136
Cooking	9-139
Linens, towels, bedding	9-141
Locks	9-140
Means of egress	9-144
Permits generally	9-137
Provisions applicable to hotels, etc.	9-145
Sleeping room floor area	9-142
Window shades, etc.	9-143
Security hardware (locks, etc.)	
Alternative positive locking and optical viewing devices	9-114
Compliance with provisions prerequisite to occupancy	9-111
Locks required; minimum standards generally	9-55
Multiple dwelling units opening on common corridor to have optical viewing device	9-113
Multiple dwelling units to be equipped with positive locking devices	9-112
Rooming houses; locks required	9-140
Sleeping room requirements, etc. See within this subheading various subheadings, etc.	
Space, use and location requirements (minimum)	
Area of rooms generally	9-101
Ceiling height	9-98
Compliance with provisions prerequisite to occupancy	9-96
Sleeping room area	9-97
Use of basement space or cellar as habitable room or dwelling	9-99, 9-100
Unfit dwellings, designation and condemnation of	
Applicability	9-151
Approval prerequisite to reoccupancy; procedure upon owner's or occupant's failure to take corrective action	9-154

	Section
HOUSING (Cont'd.)	
Defects requiring condemnation	9-152
Hearing on condemnation	9-156
Liability of transferees for violations	9-157
Removing, defacing placard	9-155
Vacating required	9-158
Use requirements. See herein: Space, Use and Location Requirements (minimum)	
Housing partnership	
Conflicting resolutions, orders, rules and regulations suspended	9-174
Created	9-171
Duties of partnership	9-173
Expenses of partnership	9-176
No conflict with state or federal statutes	9-175
Responsibilities of town	9-172
Sewers and sewage disposal generally	19-16 et seq.
See: WATER AND SEWERS	
Solid waste (generally)	8-1 et seq.
See: SOLID WASTE	
Tax abatement to low and moderate income housing	18-21 et seq.
See: TAXATION	
Tax relief for elderly homeowners	18-6
Ventilation. See herein: Light, Ventilation and Heating, Minimum Standards for	
Violations	
Unfit dwellings, etc.; liability of transferees for violations	9-157
Water and sewers. See that subject	
HOUSING AUTHORITY	
Terms of members	2-31(c)
HUMAN RELATIONS COMMISSION	
Terms of members	2-31(b)
HUNTING, ETC.	
Parks	
Fishing	14-33(c)
Cotton Hollow Preserve; operating policies	14-54(a)
Permits required	14-45(a)(5)
Hunting	14-33, 14-61(b)(2)
HYDRANTS. See: FIRE HYDRANTS	
I	
ICE. See also: SNOW AND ICE REMOVAL	
Park regulations re recreational activities; ice on ponds	14-36(e)

	Section
ICE SKATING	
Park regulations re recreational activities; skating	14-36(e)
ICEBOXES, ETC.	
Abandoned generally	13-3
IMPOUNDMENT	
Vehicles, of	12-24
IMPROVEMENT AND DEVELOPMENT	
Buildings and building permits generally	5-1 et seq.
See: BUILDINGS	
Economic development commission	2-131 et seq.
See: ECONOMIC DEVELOPMENT COMMISSION	
Parking prohibitions, temporary re construction of public improvements, etc.	12-18
Town property, restrictions on use of	2-246 et seq.
See: TOWN PROPERTY	
INCORPORATORS OF THE FREE ACADEMY. See: FREE ACADEMY	
INDECENCY AND OBSCENITY	
Park regulations re disorderly conduct	14-42
INDEMNIFICATION. See: LIABILITY	
INFESTATION	
Housing code provisions re unfit dwellings, designation and condemnation of	
Defects requiring condemnation	9-152(1)
INJURING PROPERTY, ETC. See: DESTRUCTION, DEMOLITION, ETC.	
INOPERABLE VEHICLES	
Abandoned or inoperable vehicles	12-36 et seq.
See: TRAFFIC	
INSECT AND RODENT CONTROL	
Housing code provisions	
General maintenance requirements	
Foundations, floors, walls, ceilings, rooms; openings to outside; rodentproof	9-85, 9-86
Minimum standards for light, ventilation and heating; screening against insects and rodent	9-73, 9-74
Responsibilities of owners and occupants	
Disposal of garbage and rubbish generally; pest extermination	9-124, 9-127
Solid waste; vehicles to be covered re	8-11
INSPECTIONS, EXAMINATIONS AND INVESTIGATIONS	
Curfew for minors; investigations by police	13-18
Fire prevention and protection	
Fees—Fire marshal	7-12

Section

INSPECTIONS, EXAMINATIONS AND INVESTIGATIONS (Cont'd.)
Food service inspections 7.5-4, 7.5-7
Food vendors on private property, etc.; regular food inspection ..... 11-89(8)
Housing code provisions re inspection of dwellings, etc. 9-33
Human relations commission's duties generally ..... 2-170(1)
Peddlers, hawkers, etc.; license application investigation and licensing investigation generally ..... 11-80(b), 11-81
Private roads and streets; maintenance; map available for public inspection ..... 17-32(b), (c)
Purchasing regulations re inspection of bids by public 2-263
Rooming houses; inspections and examinations, etc. ..... 9-137(e)
Salons ..... 11-97 et seq.
See: SALONS
Sewers and sewage disposal
Assessment of benefits against property owners; first filing; available for inspection 19-75
Connections; examinations of old house connections 19-186
Enforcement or provisions generally ..... 19-31(a)
House connections, maintenance of re stoppages, etc., investigation 19-194
Supplemental assessments, etc.; investigation by sewer commission, etc. 19-155
Use of public sewers and natural outlets; right of entry for inspection, etc. 19-210
Sidewalk inspections; supervision of construction ..... 17-49, 17-51(e)
Tests
Housing code provisions re alternative positive locking and optical viewing device 9-114
Locking devices in multiple dwelling complexes; proof of compliance ..... 5-1(d)
Sewer provisions re use of old connections, testing 19-186
Sewer provisions re use of public sewers, etc.
Measurements, tests and analyses 19-211, 19-212
Tests; costs 5-29
Well water use permit; water examination report 5-33
Work performed within rights-of-way
Correcting unsatisfactory work; inspections ..... 17-109(a), (b)

INSURANCE
Drain layer's license requirements 19-226, 19-228
Sewers and sewage disposal
Construction by developers, etc.; insurance 19-56
Work performed within rights-of-way
Insurance exemption; required ..... 17-100, 17-111(d)

INSURANCE ADVISORY COMMITTEE
Duties 2-221
Meetings 2-220

Section

INSURANCE ADVISORY COMMITTEE (Cont'd.)
Membership and terms 2-219

INTERFERENCE. See: OBSTRUCTIONS AND INTERFERENCE

INTERSECTIONS. See: TRAFFIC

INTOXICATION. See also: ALCOHOLIC BEVERAGES
Drugs. See: DRUGS AND MEDICINES
Parks..... 14-38

ISOTOPES. See: RADIOACTIVE WASTES, ETC.

ITINERANT VENDORS, ETC.
Generally; license, etc..... 11-76 et seq.
See: PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN

J

JUNK VEHICLES
Abandoned or inoperable vehicles ..... 12-36 et seq.
See: TRAFFIC

JUSTICES OF THE PEACE
Number fixed 2-182

JUVENILE DELINQUENTS
Curfew for minors; responsibility of parents or guardians .. 13-17

JUVENILES. See: MINORS

K

KEROSENE. See: FUELS, ETC.

KITCHENS. See also: FOOD AND FOOD ESTABLISHMENTS
Housing code provisions re minimum standards for basic equipment and facilities; kitchen facilities 9-51

L

LAKES. See: WATERWAYS

LAND
Conservation commission..... 15-16 et seq.
See: CONSERVATION COMMISSION

LAND ACQUISITION
Reserve for land acquisition..... 2-285 et seq.
See: FINANCES

LANDFILL
Solid waste disposal facilities ..... 8-41 et seq.
See: SOLID WASTE

	Section
LANDLORD AND TENANT. See also: OWNERS AND OCCUPANTS	
Condominium conversion, determination of income level for protection against certain landlord actions	9-16
LANDSCAPING	
Community beautification committee's duties generally	2-112
LAVATORIES. See: BATHROOM FACILITIES, ETC.	
LEASES	
Certain ordinances not affected by Code	1-3
LIABILITY	
Curbs, damaged; repair of	17-127
Drain layer's license requirements re holding town harmless from claims	19-231
Drainage permit requirements re waiver of claim	17-137
Housing code provisions re designation and condemnation of unfit dwellings	
Liability of transferees for violations	9-157
Moving of buildings, etc.; responsibility generally	17-197
Park permit; permittee liable for damages	14-45(e)
Sewer provisions re right of entry for inspection, etc.	19-210(b)
Sewers and sewage disposal	
Use of public sewers, etc.; accidental discharges, liability for	19-217
Work performed within rights-of-way	
Correcting unsatisfactory work; liability	17-109(d)
LIABILITY INSURANCE. See: INSURANCE	
LIBRARY	
Directors; terms	2-31(d), 10-3
Established	10-1
Facilities generally	10-2
LICENSES AND PERMITS	
Alcoholic beverage permits generally	3-1
Restrictions on use of town property	2-247
Building permits generally	5-16 et seq.
See: BUILDINGS	
Building-zone regulations; permit application feet; plan and zoning commission	15-38
Camping; permits required	14-45(a)(5)
Canvassers, hawkers, itinerant vendors, etc.	11-76 et seq.
See: PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN	
Certain ordinances not affected by Code	1-3
Certificates, etc. See: CERTIFICATES AND CERTIFICATIONS	
Channel encroachments; permission required	6-2(c) et seq.

	Section
LICENSES AND PERMITS (Cont'd.)	
Charitable organization permit	
Peddlers, solicitors, etc.; exemptions	11-91(3)
Sunday alcoholic beverage sales permitted	3-1
Coliseum concession permit; Sunday alcoholic beverage sales permitted	3-1
Demolition of buildings, permit for	5-61 et seq.
See: BUILDINGS	
Demolition permit	5-17
Discharge permit (sewer provisions re)	19-201
Drain layer's licenses generally	19-226 et seq.
Sewers and sewage disposal. See: WATER AND SEWERS	
Drainage permits	17-136, 17-137
Driveway permits generally	17-152
Electrical permits; building permit fees generally	5-16
Fees	
Annual fees	7.5-6
Tests; costs	5-29
Fence permits generally	17-169
Fences, private; written permission required	17-171
Food service license requirements	7.5-2 et seq.
See: FOOD SERVICE	
Furnace permits	5-16
Garbage and trash. See herein: Solid Waste	
Handicapped parking; special permit	12-22
Heating, ventilation and air conditioning permit	5-16
Housing code provisions re permit to create certain dwellings and rooming units	9-32
Junk dealers; license, etc.	11-16 et seq.
See: JUNK DEALERS	
Massage establishments generally	11-31 et seq.
See: MASSAGE ESTABLISHMENTS	
Open burning permits or certificate	7-17
Park permits	14-45
Camping and picnicking	14-34(e)
Operating policies	14-44(c)
Recreational activities	14-36(a)
Parking spaces reserved for handicapped, establishment of; special permits	12-22
Peddlers, hawkers, etc.; license, etc.	11-76 et seq.
See: PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN	
Plan and zoning commission; application fees (schedule of)	15-38
Plumbing permits	5-16
Private fences; written permission required	17-171
Rooming houses; permits generally	9-137
Salons	11-96 et seq.
See: SALONS	
Sewer connection permit	
Building permit issuance authorized, etc.	5-27

	Section
LICENSES AND PERMITS (Cont'd.)	
Sewer permits generally	19-241 et seq.
Sewers and sewage disposal. See: WATER AND SEWERS	
Sewerage facilities, building permit restrictions re approval and installation of	5-26 et seq.
See: BUILDINGS	
Sewers and sewage disposal	
Licenses and permits generally. See: WATER AND SEWERS	
Sidewalk construction permits	17-46
Permits (generally). See also: STREETS, SIDEWALKS AND PUBLIC PLACES	
Sign permits; application fee	15-16, 15-38(12)
Solicitors, salesmen, vendors, etc.	11-76 et seq.
See: PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN	
Solid waste. See that subject	
Commercial solid waste collectors	8-21 et seq.
Solid waste disposal facilities; permit types	8-50
Special permit for building-zone regulations	
Fire lanes, establishment of	12-19
Handicapped parking spaces, establishment of	12-22
Special permits generally	
Application fees for rear lot in residential zones	15-38(10)
Design review approval, special permit with; fee	15-38(3)
Fee for waiving Section 3.26 of building-zone regulations	15-38(14)
Special sporting facilities restaurant, employee, guest, concession or bar permit	
Sunday alcoholic beverage sales permitted	3-1
State bazaars and raffles, law, adoption of	11-1
Street and sidewalk provisions re various permits, etc. See: STREETS, SIDEWALKS AND PUBLIC PLACES	
Street excavation permit generally	17-211
Town property, restrictions on use of; alcoholic beverage permit	2-247
Tree removal permits generally	17-226
University permit	
Sunday alcoholic beverage sales permitted	3-1
Well water use permit requirements generally	5-33
Work performed within public rights-of-way; permits generally	17-106
See also: STREETS, SIDEWALKS AND PUBLIC PLACES	
LIENS	
Sewers and sewage disposal	
Assessment against property owners, etc.; lien	19-84
Street paving; collection of assessments re lien, etc.	17-80
LIGHTING. See: HEATING, AIR CONDITIONING, LIGHTING AND VENTILATION	

	Section
LINENS AND TOWELS	
Housing code provisions re rooming houses; linens, towels, bedding	9-141
LIQUOR. See: ALCOHOLIC BEVERAGES	
LITTER AND LITTERING	
Dog litter; removal of	13-5
Parks; sanitation	14-35(c), (d)
Solid waste. See that subject	
Generally	8-1 et seq.
LOADING OR UNLOADING; LOADING ZONES	
Parking in loading zones; penalties for unlawful parking	12-25
LOCKS, LOCKING DEVICES	
Abandoned iceboxes and airtight containers generally	13-3
Housing code provisions re security hardware	9-111 et seq.
See: HOUSING	
Locking devices in multiple dwelling complexes	5-1
LOITERING	
Curfew for minors generally	13-16
Town property, restrictions on use of; obstructing passage	2-249
LOW AND MODERATE INCOME HOUSING	
Tax abatement for generally	18-21 et seq.
See: TAXATION	
M	
MANHOLES	
Sewer provisions re	
Measurements, test and analysis generally	19-211
Request for relocating, etc., manholes; interfering with, damaging public property generally	9-25, 9-26
MAPS. See: PLANS, PLATS AND SURVEYS	
MASSAGE ESTABLISHMENTS	
Definitions	11-33
Operating requirements	11-34
Penalties	11-35
Policy	11-32
Short title	11-31
MEDICINES. See: DRUGS AND MEDICINES	
MEETINGS AND ASSEMBLIES	
Attendance of members of the boards, commissions and committees; code of conduct for	2-42
Central Connecticut Solid Waste Authority; annual meeting	8-88
Code of conduct for boards, committees and commissions, procedures re meetings	2-47(c)

	Section
MEETINGS AND ASSEMBLIES (Cont'd.)	
Commission on aging's powers and duties re liaison	2-94(e)
Community beautification committee's record of meetings	2-113
Hearings	
Acceptance of streets and highways; hearing	17-2(b)
Appeals. See also that subject	
Housing code provisions re notices and hearings	9-36 et seq.
See: HOUSING	
Peddlers, hawkers, etc.; revocation of license	11-86
Selection of elector in case of disqualification of member of zoning authority, plan and zoning commission or zoning board of appeals	15-1, 15-2
Sewers and sewage disposal	
Construction and assessment of benefits against property owners	
Assessments; public hearing generally	19-74
First and second hearings; action on proposed resolution	19-68, 19-70, 19-71
Sidewalk construction; hearing	17-51(c)
Street paving; determination of streets; hearing and notice	17-77
Unfit dwellings, designation and condemnation of	
Hearing on condemnation	9-156
Vehicles, impoundment of; notice and hearings	12-24
Housing	
Blighted premises	
Preliminary meeting	9-207
Human relations commission's meetings generally	2-169
Regional planning authority; continued absences from meetings, etc.	15-82
Removal from office re disruptive conduct in meetings	2-46(a)(2)
MILK AND MILK PRODUCTS	
Dairy farms, tax abatements for	18-31
Foods, etc., other. See: FOOD AND FOOD ESTABLISHMENTS	
MINORS	
Abandoned iceboxes and airtight containers generally	13-3
Curfew for minors	
Investigations by police	13-18
Responsibility of parents and guardians	13-17
Time limits	13-16
Violations; penalties	13-19
Peddlers, solicitors, etc.; exemptions	11-91(1)
Picnicking and camping; youth groups	14-34(e)
Youth and family resources commission	2-226 et seq.
See: YOUTH AND FAMILY RESOURCES COMMISSION	

Section

MISREPRESENTATION. See: FRAUD, ETC.

MISSILES
Park regulations re recreational activities; horseshoes, arrows, stones or other propelled objects ..... 14-36(b)
Parks, wildlife ..... 14-33(a)

MOBILE HOMES AND MOBILE HOME PARKS
Fair rent commission ..... 2-301 et seq.
See FAIR RENT COMMISSION
Planning provisions re trailer and mobile home regulations adopted 15-3

MONUMENTS
Parks ..... 14-32(a), (d)

MOTELS. See: HOTELS, MOTELS, ETC.

MOTOR VEHICLES AND OTHER VEHICLES
Abandoned or inoperable vehicles ..... 12-36 et seq.
See: TRAFFIC
Car washes; permitted special use; application fee ..... 15-38(6)
Food vendors located on private property, etc.; special requirements for re food service vehicle ..... 11-89(3), (4)
Garbage and trash re vehicles. See herein: Solid Waste
Parks; traffic regulations ..... 14-37 et seq.
See: PARKS AND RECREATION
Peddlers, hawkers, etc.; license application requirements .. 11-79(8), (9)
Permitted special permit use for repairs, car washes, gasoline service stations, etc.; application fees ..... 15-38(6)
Solid waste
Commercial solid waste collectors
Identification of vehicles 8-24
Vehicles to be covered 8-11
Traffic provisions generally ..... 12-1 et seq.
See: TRAFFIC

MOTORBOATS. See: BOATS, ETC.

MOVING OF BUILDINGS
Permits, etc. ..... 17-196 et seq.
See: BUILDINGS

MUNICIPAL RETIREMENT FUND
Pension system generally ..... 2-72 et seq.
See: OFFICERS AND EMPLOYEES

N

NAMING OF STREETS
Plan and zoning commission's authority 15-37

NAPHTHA. See: FUELS, ETC.

Section

NATIONAL EMERGENCY
Disaster emergency, limitation of town manager's powers . 6-4

NATURAL GAS AND OIL
Prohibition of natural gas waste from natural gas or oil extraction activities
Bid specifications of the town related to the construction, repair or maintenance of town owned and/or maintained roads or real property within the town.. 13-53
Definitions..... 13-51
Effective date 13-56
Fines and penalties 13-54
Prohibitions 13-52
Purpose 13-50
Severability..... 13-55

NATURAL RESOURCES
Conservation commission's duties and powers re generally 15-21

NEGLIGENCE
Drain layer's license requirements re surety bond and insurance..... 19-228
Sewer provisions re damaging public systems, etc..... 19-25(b)
Sewer provisions re right of entry for inspection, etc..... 19-210(b)

NETS
Fishing. See: HUNTING, ETC.

NEWSPAPERS
Publication of notices, etc., in
See the various subheadings, etc., within the heading: NOTICES AND NOTIFICATIONS

NOISE
Conservation commission's powers and duties re environmental protection 15-23
Food vendors on private property, etc.; special requirements; prohibitions generally .....11-89, 11-90(a)

NONPROFIT ORGANIZATION. See: CHARITABLE AND NONPROFIT ORGANIZATIONS

NOTICES AND NOTIFICATIONS
Alarm systems..... 13-38
Code of conduct for boards, commissions and committees
Notification of change of residence or change of political party; resignation re attendance, notification of council 2-42(a), 2-44
Resignations and removals; notices to chairman ..... 2-45, 2-46(b)
Code of conduct provisions re procedure; meetings, notice of 2-47(c)(1)
Curbs, damaged; repair of 17-127
Drain layer's license requirements re application 19-227
Drainage connections; corrections after notice ..... 17-141(b)
Fire lanes; notification of owner, etc. 12-20
Handicapped parking spaces; notification of owner 12-23

	Section
NOTICES AND NOTIFICATIONS (Cont'd.)	
House numbering; notice of assignments	17-18
Housing code provisions	
Inspection, notice of	9-33
Notice of decisions of hearing	9-37(c)
Notice of violation required; contents; hearing on	9-35, 9-36
Notices as orders; record of notices	9-38, 9-39
Moving of buildings, etc.	
Notification of town (fire department, police department)	17-200
Removal of public property, notification of superintendent	17-199
Parking prohibitions, temporary; notification of by radio and newspaper	12-18
Parking regulations, violation of, notice	12-21
Parks re	14-32(a), 14-36(a)
Permits required	14-45(d)
Peddlers, hawkers, etc.; revocation of license	11-86

	Section
NOTICES AND NOTIFICATIONS (Cont'd.)	
Posting of signs, posters, notices or advertisements	13-1
Purchasing regulations re bids; notice	2-261, 2-262
Rooming houses; notice of transfer of ownership	9-137(f)
Sewers and sewage disposal	
Connection to public system required; written notice; prior notice of connections	19-24, 19-188
Construction and assessment of benefits against property owners	
Assessments, publication of (generally)	19-75, 19-76
Assessments; publication of notice of public hearing	19-74
Certificate of notice generally	19-83
First and second hearings; publication of notices of	19-68, 19-70
Notice to be recorded of adoption	19-72
Publication of notice of due date of assessments	19-78
Deferred assessments of trunk sewer costs; notification of owners generally	19-98
Enforcement generally; notices of violations	19-31(a)
Permit suspension, cancellation or termination; written notice	19-247
Sealing of abandoned connections, etc.; notification of abandonment	19-193(a)
Supplemental sewer assessments, etc.; notice to commission of intent to expand or change use	19-152
Use of public sewers, etc.; accidental discharges generally	19-217
Sidewalk construction; notice and notice of hearing	17-51(b), (c)
Street excavations	
Maintenance; notice repairs are needed	17-217
Notification of police and fire department	17-212
Street paving provisions	
Determination of streets; hearing and notice; publication of assessment; when assessments due, notice re	17-77 et seq.
Tree removal, etc.	
Notice to property owner re sight lines	17-230
Vehicles, impoundment of; notice and hearing	12-24
Work performed within public rights-of-way	
Business address, notices sent to	17-104
Correcting unsatisfactory work; notification	17-109(b)
Notice before starting work, etc.	17-107(a), 17-108
NOXIOUS SUBSTANCES. See: POISONS AND POISONING; See also: ODORS	
NUISANCES	
Food vendors on private property, etc.; prohibitions	11-90(a)
Parks; wildlife	14-33(a), (d)
Sewer provisions re prohibited discharges, etc.; noxious or malodorous gas creating public nuisance	19-203(8)
Solid waste generally	8-1 et seq.
See: SOLID WASTE	

Section

NUMBERING OF HOUSES
Generally ..... 17-16 et seq.
See: HOUSE NUMBERING

O

OBSCENITY. See: INDECENCY AND OBSCENITY

OBSTRUCTIONS AND INTERFERENCE
Channel encroachments restricted generally 5-2
Food vendors; special requirements for re location of vehicles 11-89(6)
Housing code provisions re general maintenance requirements; plumbing 9-88
Parking prohibitions; penalties for unlawful parking generally 12-25
Parking so as to obstruct traffic; all night parking 12-16, 12-17
Parks ..... 14-36(f), 14-45(c)(1), (g)
Peddlers, hawkers etc. prohibitions generally ..... 11-90(b)
Sewers and sewage disposal
Connections, maintenance of house; stoppages, etc. 19-194
Connections; precautions to prevent obstruction 19-192
Enforcement of provisions generally interfering with drainage, etc. ..... 19-31(c)
Interfering with, damaging public system 19-25
Use of public sewers and natural outlets; certain wastes or constituents limited or prohibited generally ..... 19-203 et seq.
Streets, sidewalks and public places
Obstructions generally 17-3
Removal of snow, ice, debris, vegetative growth and other obstructions 17-52
Throwing solid waste in streets, sidewalks and drains 8-5
Town property, restrictions on use of; obstructing passage .. 2-249
Traffic
Obstructing intersection 12-51
Visibility, etc. See: VIEW, VISIBILITY, ETC.

ODORS
Sewer provisions re certain wastes, etc., prohibited; malodorous gas, etc. ..... 19-203(8), 19-206(b)

OFFENSES
Miscellaneous offenses and regulations ..... 13-1 et seq.
Specific penalties, remedies, etc. See specific offenses as indexed alphabetically according to subject
Penalties, etc. See: FINES, FORFEITURES AND PENALTIES

	Section
OFFICERS AND EMPLOYEES	
Board of assessment appeal	
Appointment of additional members to the board of assessment appeal	2-321 et seq.
Chairman of economic development commission generally	2-132
Code of conduct for boards, commissions and committees	
Attendance	2-42
Conflict of interest	2-43
See also herein that subject	
Generally	2-41
Notification of changes	2-44
Procedures (rules, organization, meetings, quorum and voting)	2-47
Removal	2-46
Resignation	2-45
Code of ethics	2-56 et seq.
See: CODE OF ETHICS	
Departments, etc. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN	
Director of civil preparedness	6-1 et seq.
Director of youth and family resources department generally	2-233
Directors of library	10-2, 10-3
Employment (other than city employment). See also that subject	
Engineer. See: TOWN ENGINEER	
Joint authority	
Rules of construction and definitions	1-2
Justices of the peace	2-182
Pension system	
Effective date	2-75
Establishment	2-72
Management and administration of plan	2-74
Rights benefits of participants	2-73
Planning	
Penalties for violations of building zone regulations	
Exemptions for state and town employees	15-103
Hearing officers	15-100
Redevelopment agency; removal of members	15-55
Sidewalk evaluation and program commission; removal	17-63
Removal from office, etc.	
Code of conduct for boards, commissions and committees	2-46
Community beautification committee's vacancies, etc.	2-114
Rules of construction and definitions	1-2
Terms of offices, etc.	
Central Connecticut Solid Waste Authority; municipal member representative	8-87
Human relations commission's term of members	2-166
Terms of boards, committees, etc. (enumerated)	2-31
Town engineer. See that subject	

Section

OIL. See: FUELS, ETC.

OPEN BURNING
Banning of fires during period of extreme fire danger 7-21
Control of..... 7-16
Extinguishing of fires 7-22
Fires burning out of control 7-19
Fires in public right-of-way 7-18
Permits or certificates 7-17
Standards 7-23
Violations, evidence of 7-20

OPTICAL VIEWING DEVICES. See: VIEW, VISIBILITY, ETC.

ORDINANCES, RESOLUTIONS, ETC.
Acceptance of streets and highways generally 17-2
Code of ordinances generally..... 1-1 et seq.
See: CODE OF ORDINANCES
Conflicts with other ordinances, etc. See within this index various subheadings, etc., re conflicts
Sewers and sewage disposal
Construction and assessment of benefits against property owners; resolution to construct a sewerage system ... 19-67 et seq.
See: WATER AND SEWERS
Deferred assessment of trunk sewer costs; resolution 19-98

OWNERS AND OCCUPANTS. See also: LANDLORDS AND TENANTS
Housing code provisions re responsibility of owners and occupants generally ..... 9-121 et seq.
See: HOUSING

P

PARENTS OR GUARDIANS
Curfew for minors generally ..... 13-16 et seq.
See: MINORS

PARKING
Parking, stopping and standing generally..... 12-16 et seq.
See: TRAFFIC

PARKS AND RECREATION
Addison Bog and Woodlands/Buckingham Park (Also referred to as "Buckingham Recreation area")
Buckingham Park..... 14-72
Operating policies..... 14-71
Alcoholic beverages
Consumption or possession of alcoholic beverages; entering park in intoxicated condition..... 14-38
Animals
Allowing dogs to run at large prohibited..... 14-39
Horses; recreational activities ..... 14-36(c)

	Section
PARKS AND RECREATION (Cont'd.)	
Wildlife	
Cotton Hollow Preserve	14-54(b)
Fishing	14-33(c)
Great Pond Preserve	14-61(a), (b)(2)
Hunting, molesting, etc.	14-33(a)
Poisoning	14-33(b)
Use of firearms and weapons	14-33(d)
Bathing	
Cotton Hollow Preserve	14-54(c)
Permits required	14-45(a)(5)
Recreational activities	14-36(a)
Sanitation	
Washing	14-35(e)
Camping	
Generally	14-34
Great Pond Preserve	14-61(b)(2)
Permits required	14-45(a)(5)
Sewerage facilities, building permit restrictions re	5-26 et seq.
See: BUILDINGS	
Commission on aging's studies re recreation	2-94(a)
Cotton Hollow Preserve	
Operating policies	14-54
Definitions	14-31
Disorderly conduct	14-42
Fees	
Recreational facilities, fees for use of; schedule	14-18, 14-44(c)
Fire prevention	
Building fires restricted	14-40
Camping and picnicking	14-34(c), (d)
Damaging, defacing, etc., park property	14-32(a)
Dropping matches, cigarettes, burning material, etc., prohibited	14-41
Permits required	14-45(a)(5)
Fishing	
Cotton Hollow Preserve; operating policies	14-54(a)
Permits required	14-45(a)(5)
Wildlife	14-33(c)
Food vendors located in town parks	11-93
Great Pond Preserve	
Operating policies	14-61
Land acquisition reserve	2-285 et seq.
See: FINANCES	
Motorboats and other motor-drive vessels and devices on Diamond Lake prohibited, use of	14-1
Notices	
Damaging, defacing, etc., park property	14-32(a)
Permits required	14-45(d)
Recreational activities	14-36(a)

	Section
PARKS AND RECREATION (Cont'd.)	
Operating policies	14-44
Cotton Hollow Preserve	14-54
Great Pond Preserve	14-61
Peddling	14-43
Permits	
Appeal from denial	14-45(d)
Application	14-45(b)
Camping and picnicking	14-34(e)
Findings prerequisite to issuance	14-45(c)
Operating policies	14-44(c)
Permittee liable for damages	14-45(e)
Recreational activities	14-36(a)
Required	14-45(a)
Revocation	14-45(h)
To be exhibited upon request	14-45(f)
To become void in certain circumstances	14-45(i)
Unreasonable interference with permitted prohibited	14-45(g)
Picnicking	14-34
Building fires restricted	14-40
Consumption or possession of alcoholic beverages; entering park in intoxicated condition	14-38
Sanitation	14-35(d)
Property	
Damaging, defacing, etc., park property	14-32
Recreation commission	
Appointment	14-16
Duties	14-17
Recommendation of fees for use of facilities	14-18
Terms of members	2-31(b)
Recreational activities	14-36
Restrictions on use of town property	2-246 et seq.
See: TOWN PROPERTY	
Sanitation	14-35
Sporting events, etc. See: SPORTING EVENTS AND GAMES	
Swimming	
Cotton Hollow Preserve	14-54(c)
Permits required	14-45(a)(50
Recreational activities	14-36(a)
Recreational facilities, fees for use of; schedule	14-18
Tobacco-free and smoke-free recreation areas	
Definitions	14-85
Designation of smoking and tobacco use areas for certain events	14-89
Penalties for offenses	14-87
Posting of signs	14-88
Prohibition against using tobacco products or smoking in recreation areas	14-86
Purpose; legislative authority	14-84

	Section
PARKS AND RECREATION (Cont'd.)	
Traffic regulations	
Generally	14-37
Great Pond Preserve	14-61(b)(2)
Motorboats and other motor-drive vessels and devices on Diamond Lake prohibited, use of	14-1
Permits required	14-45(a)(5)
Use regulations	
(Note—Parks, Preserves, and Public Access Easements)	
Cotton Hollow Preserve	
Operating policies	14-54

	Section
PARKS AND RECREATION (Cont'd.)	
Generally	14-31 et seq.
See herein specific subjects	
Great Pond Preserve	
Operating policies	14-61
Wildlife. See herein: Animals	
PATHS, ETC.	
Parks	14-36(c), (d)
PAVEMENT AND PAVING	
Street excavations generally; pavement replacement	17-218
Street paving generally	17-76 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES	
Work performed within right-of-way; material specification generally	17-181 et seq.
Rights-of-way. See: STREETS, SIDEWALKS AND PUBLIC PLACES	
PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN	
Definitions	11-77
Exemptions	11-91
Fees	
License application fee generally	11-79(11)
License fee generally	11-83
Food vendors located in town parks	
Special requirements	11-93
Food vendors located on private property in the planned industrial zone	
Special requirements for	11-89
License	
Additional information required for itinerant vendor license	11-80
Application for	11-79
Exhibition of	11-85
Expiration of	11-87
Fee	11-83
General conditions of license	11-88
Investigation	11-81
Issuance of	11-82
Required	11-78
Revocation of	11-86
Licensing investigation generally	11-81
Park regulations re peddling generally	14-43
Prohibitions (re noise, location and obstructions)	11-90
Purpose	11-76
Records	11-84
Violations; penalty	11-92

Section

PENALTIES. See: FINES, FORFEITURES AND PENALTIES

PENSIONS AND RETIREMENT
Pension system generally ..... 2-72 et seq.
See: OFFICERS AND EMPLOYEES

PERMITS. See: LICENSES AND PERMITS

PERSONNEL APPEALS BOARD
Terms of members ..... 2-31(d)

PERSONNEL OF TOWN. See: OFFICERS AND EMPLOYEES

PESTS. See: INSECTS AND RODENT CONTROL

PETITIONS. See: WRITS, WARRANTS AND OTHER PROCESSES

PETS. See: ANIMALS AND FOWL

PICNICKING
Parks re ..... 14-34 et seq.
See: PARKS AND RECREATION

PLACARDS AND PLACARDING. See also: POSTING, ETC.
Park provisions re damaging, defacing, etc., park property . 14-32(a)

PLAN AND ZONING COMMISSION
Acceptance of streets and highways; recommendation of plan and zoning commission ..... 17-2(a)
Application fees 15-38
Establishment; appointment 15-36
Flood and erosion control board 15-39
Municipal aquifer protection agency 15-40
Private roads and streets; ordinances not to be construed .. 17-35
Selection of elector in case of disqualification of member of plan and zoning commission or zoning board of appeals 15-2
Street names, duties re 15-37
Terms of members ..... 2-31(b)

PLANNED INDUSTRIAL ZONE
Food vendors located on private property in; special requirements for 11-89

PLANNING
Conservation commission ..... 15-16 et seq.
See: CONSERVATION COMMISSION
Excavation, trailers and mobile home regulations adopted.. 15-3
Fees
Permit application fees (schedule of) 15-38
Flood and erosion control board 15-39
Historic preservation ..... 8.5-1 et seq.
See: HISTORIC PRESERVATION
Municipal aquifer protection agency 15-40

	Section
PLANNING (Cont'd.)	
Penalties for violations of building zone regulations	
Amount of fines	15-102
Citation appeal and hearing process	15-101
Exemptions for state and town employees	15-103
Hearing officers	15-100
Issuance of citations	15-98
Purpose	15-97
Uncontested payment of fines	15-99
Redevelopment agency	15-51 et seq.
See: REDEVELOPMENT AGENCY	
Regional council of government; state law adopted; member	15-56, 15-57
Regional planning authority; region included; absences; effect	15-81, 15-82
Selection of elector in case of disqualification of member of zoning authority	15-1
Sewers and sewage disposal	
Construction and assessment of benefits against property owners; preliminary engineering and planning	19-69
Zoning board of appeals	15-94 et seq.
See: ZONING	

	Section
PLANS, MAPS, PLATS AND SURVEYS	
Building-zone map	
Application fees; changes in	15-38(2
Certain ordinances not affected by Code	1-3
Channel encroachments restricted generally; encroachment lines on maps	5-2(b)
Civil preparedness; duties of director re plans	6-2(b)
Community beautification committee's duties re landscaping, etc.	2-112
Comprehensive plan. See that subject	
Driveway construction, etc.; removal of trees re plans	17-160
Election districts generally	2-271 et seq.
Inland wetlands and watercourses map	
Conservation commission's powers and duties re water resources; no fee	15-22
Pension system; management and administration of plan	2-74
Plan of development	
Application fee for change in	15-38(13)
Private roads and streets; maintenance map	17-32(c)
Sewerage facilities, building permit restrictions re plans, etc. See: BUILDINGS	5-26 et seq.
Sewers and sewage disposal	
Connections, application for; requirements re plans, etc.	19-115
Projects to be financed by sinking fund; plans, studies, etc.	19-127
Subdivisions, installation or design of sewers in	
Permit agreement requirements re plans	19-138(3), 19-139
PLATS. See: VEGETATION	
PLUMBERS	
Drain layer's licenses, etc.	19-226 et seq.
Sewers and sewage disposal. See: WATER AND SEWERS	
Sewer provisions re connections; maintenance of house connections generally	19-194
Sewers and sewage disposal provisions re construction, repair, etc.	19-28 et seq.
PLUMBING	
Bathroom facilities. See: BATHROOM FACILITIES, ETC.	
Housing code provisions	
General maintenance requirements re plumbing; responsibilities of owners and occupants	9-88, 9-125
Plumbing permits	
Building permit fees generally	5-16
Sewers and sewage disposal generally See: WATER AND SEWERS	19-16 et seq.
POISONS AND POISONING	
Parks	14-33(b)
Sewer provisions re prohibited discharges, etc.	19-203(7), (10), 19-206(b)

Section

POISONS AND POISONING (Cont'd.)
Sewer provisions re use of public sewers, certain wastes, etc., prohibited ..... 19-203(7), (21)

POLES AND WIRES
Work performed within rights-of-way, exemptions re existing utility poles, etc. ..... 17-111(b)

POLICE
Community service officer program 16-1

POLICE DEPARTMENT
Alarm systems ..... 13-31 et seq.
See: ALARM SYSTEMS
Moving of buildings, etc.; notification of police department . 17-200(b)

POLITICAL PARTIES
Code of conduct for boards, commissions and committees
Notification of change of political party; removal from office for change ..... 2-44(2), 2-46(a)(4)

POLLUTION
Air pollution emergency episode. See that subject
Conservation commission's powers and duties re water resources generally 15-22
Park regulations re pollution of waters ..... 14-35(b)
Sewer provisions re use of public sewers and natural outlets generally ..... 19-201 et seq.
See: WATER AND SEWERS
Sewers and sewage disposal provisions re unlawful deposits, etc. 19-21, 19-22
Use of excess water to achieve compliance with limits prohibited 19-213

PONDS. See: WATERWAYS

POOLS. See: SWIMMING POOLS

PORCHES
Housing code general maintenance requirements re 9-87

POSTING, ETC.
Housing code provisions re unfit dwellings
Designation and condemnation of; placarding, etc. ..... 9-152 et seq.
Notices, etc. See: NOTICES AND NOTIFICATIONS
Park regulations re peddling; posting signs 14-43
Peddlers, hawkers, etc.; exhibition of license 11-85
Posting of signs, posters, notices or advertisements 13-1
Rooming houses; display of permit ..... 9-137(d)
Sewer provisions re use of public sewers, etc.
Accidental discharges; notice permanently posted ..... 19-217(c)
Sign post (town) 2-1

PRESERVATION. See: HISTORIC PRESERVATION

	Section
PRESERVES	
Parks, preserves, and public access easements	
Cotton Hollow Preserve	14-54
Great Pond Preserve	14-61
Use regulations	
Generally	14-31 et seq.
See: PARKS AND RECREATION	
PRIVATE ROADS AND STREETS	
Maintenance, etc.	17-31 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES	
PRIVATE SEWER DISPOSAL SYSTEMS	
Generally	19-166 et seq.
Sewers and sewage disposal. See: WATER AND SEWERS	
PRIVIES, ETC.	
Septic tanks generally	
Sewers and sewage disposal. See: WATER AND SEWERS	
Sewer provisions re private disposal system	19-23, 19-166 et seq.
See: WATER AND SEWERS	
PROPERTY	
Ambulance-type vehicles	
Tax exemption; application	18-5
Boundaries. See that subject	
Buildings used in farming, property tax exemption for	18-8
Certain ordinances not affected by Code	1-3
Damaging, etc. See: DESTRUCTION, DEMOLITION, ETC.	
Encroachments. See that subject	
Food vendors located on private property in planned industrial zone	
Special requirements for	11-89
Historic preservation	8.5-1 et seq.
See: HISTORIC PRESERVATION	
Land acquisition reserve	2-285 et seq.
See: FINANCES	
Liens. See that subject	
Park provisions re confiscation of property, etc.	14-44(e)
Park provisions re damaging, defacing, etc., park property	14-32
Rights of entry. See also that subject	
Rules of construction and definitions	1-2
Sewers and sewage disposal provisions re unlawful deposits	19-21
Street paving generally	17-76 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES	
Tax abatement for public safety volunteers	18-41 et seq.
Tax exemption for ambulance-type vehicles; application	18-5

Section

PROPERTY (Cont'd.)
Tax exemption of property for places used as houses of worship and houses used by officiating clergymen as dwellings and for land acquired by tax exempt organizations for perpetual conservation or environmental protection purposes and property with solar heating or cooling systems 18-2, 18-4
Town property, restrictions on use of..... 2-246 et seq.
See: TOWN PROPERTY
Trespassing. See that subject
Veterans' property tax exemption 18-7

PUBLIC AREAS, ETC.
Community beautification committee's duties generally..... 2-112
Parks. See: PARKS AND RECREATION
Streets, sidewalks and public places generally ..... 17-1 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES
Town property, restrictions on use of generally ..... 2-246 et seq.
See: TOWN PROPERTY

PUBLIC BUILDINGS COMMISSION
Appointments..... 2-197
Compensation..... 2-198
Duties..... 2-199
Establishment 2-196
Terms of members..... 2-31(a)

PUBLIC DRINKING WATER FAUCETS
Park regulations re use of for washing purposes, prohibited 14-35(e)

PUBLIC HEALTH CODE. See: HEALTH AND SANITATION

PUBLIC INSPECTIONS. See: INSPECTIONS, EXAMINATIONS AND INVESTIGATIONS

PUBLIC LIBRARY. See: LIBRARY

PUBLIC PLACES. See: STREETS, SIDEWALKS AND PUBLIC PLACES

PUBLIC RIGHTS-OF-WAY
Rights-of-way. See: STREETS AND SIDEWALKS

PUBLIC SAFETY VOLUNTEERS
Tax abatement regulations..... 18-41 et seq.
See: TAXATION

PUBLIC SANITARY SEWERS
Sewers and sewage disposal generally..... 19-16 et seq.
See: WATER AND SEWERS

Section

PUBLICATION
Publication of notices, etc.
See the various subheadings, etc., within the heading: NOTICES AND NOTIFICATIONS

PURCHASING
Purchasing regulations generally..... 2-261 et seq.
See: FINANCES

R

RADIO
Parking prohibitions, temporary; locations published by radio and newspapers 12-18

RADIOACTIVE WASTES, ETC.
Sewer provisions re prohibited discharges, etc..... 19-203(14)

RAFFLES
State bazaars and raffles law, adoption of..... 11-1

RAINWATER
Housing code general maintenance requirements re rainwater drainage 9-90
Public sewers and natural outlets, use of generally..... 19-201 et seq.
Sewers and sewage disposal. See: WATER AND SEWERS

RECEPTACLES. See: CONTAINERS

RECORDS, REPORTS, ETC.
Channel encroachments restricted; request report to town council ..... 5-2(d)
Civil preparedness; duties of director re reports..... 6-2(c)
Commission on aging; records and annual report ..... 2-92(b)
Community beautification committee's records and annual report 2-113
Conservation commission to report annually; records and meetings, etc. 15-19
Drain layer's license suspension or revocation, etc. 19-229
Fine arts commission's annual report..... 2-154
Housing code provisions; record of hearing..... 9-39
Human relations commission's records and annual report .. 2-167
Parking violations, violation of; report to police 12-21
Peddlers, hawkers, etc.; license application requirements; records generally ..... 11-80(b), 11-84
Receipts
Peddlers, etc.; conditions of license re receipts ..... 11-88(6)
Sewers and sewage disposal
Assessment of construction against property owners, etc.
Certificate of notice, record of..... 19-83
Connections; records..... 19-188, 19-189
Construction, repair, alteration, removal; records..... 19-28

Section

RECORDS, REPORTS, ETC. (Cont'd.)
Permit applications and work records to be permanent town records 19-244
Subdivisions, installation and design of sewers in; exemptions re report ..... 19-140(b)
Use of public sewers, etc.; self-monitoring; records; report of accidental discharges, etc. 19-216, 19-217
Sidewalk evaluation and program commission; records of meetings and annual report 17-64
Well water use permit; water examination report 5-33
Youth and family resources commission's records and annual report 2-231

RECREATION, RECREATION COMMISSION. See: PARKS AND RECREATION

RECYCLING AND RECYCLABLES
Solid waste; recyclable material collection and disposal ..... 8-61 et seq.
See: SOLID WASTE

REDEVELOPMENT AGENCY
Abolished 15-56
Enforcement of contracts and deeds executed prior to dissolution 15-57
Tax credits in place of payments in lieu of taxes 18-3

REFRIGERATORS. See: ICEBOXES, ETC.

REFUSE AND RUBBISH. See: SOLID WASTE

REGIONAL COUNCIL OF GOVERNMENTS
Members generally 15-67
State law adopted 15-66

REGIONAL PLANNING AUTHORITY
Continued absences; effect 15-82
Region included 15-81

REMOVAL OF EARTH, ETC. See: EXCAVATIONS

REMOVAL OF SNOW AND ICE. See: SNOW AND ICE REMOVAL

REMOVAL OF TREES
Work performed within public rights-of-way generally ..... 17-226 et seq.
See: TREES AND SHRUBBERY

RENTALS
Fair rent commission ..... 2-301 et seq.
See: FAIR RENT COMMISSION

REPAIRS AND REPAIR SHOPS
Fence replacement and repair 17-170
Permitted special permit use for motor vehicle limited and/or general repairs
Application fees ..... 15-38(7)

Section

REPAIRS AND REPAIR SHOPS (Cont'd.)
Sewers and sewage disposal provisions re repair, alteration, construction, etc. ..... 19-28 et seq.
See: WATER AND SEWERS
Sidewalk repairs generally 17-50
Street excavations; maintenance generally 17-217, 17-218
Work performed within rights-of-way
Correcting unsatisfactory work 17-109

REPORTS. See: RECORDS, REPORTS, ETC.

RESOLUTIONS. See: ORDINANCES, RESOLUTIONS, ETC.

RESTAURANTS. See also FOOD AND FOOD ESTABLISHMENTS (Generally)
Food service ..... 7.5-1 et seq.
See: FOOD SERVICE

RESTROOMS. See: BATHROOM FACILITIES, ETC.

RETIREMENT. See: PENSIONS AND RETIREMENT

RIFLES. See: FIREARMS AND WEAPONS

RIGHTS OF ENTRY
Housing code provisions re inspections 9-33
Rooming house permit requirements, etc. ..... 9-137(e)
Sewer provisions re use of public sewers, etc.
Right of entry for inspection, etc. 19-210

RIGHTS-OF-WAY
Sidewalk construction generally ..... 17-46 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES
Work performed within rights-of-way ..... 17-96 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES

ROADS AND STREETS
Private roads and streets generally ..... 17-31 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES

ROCKS, ETC. See: SAND, ROCKS, ETC.

RODENTS. See: INSECT AND RODENT CONTROL

ROOMING HOUSES
Fair rent commission ..... 2-301 et seq.
See: FAIR RENT COMMISSION
Housing code provisions re generally ..... 9-136 et seq.
See: HOUSING

RUNNING AT LARGE
Park regulations re allowing dogs to run at large, prohibited 14-39
Roaming and barking dogs 4-1

S

SALES, ETC.

	Section
SALES, ETC. (Cont'd.)	
Alcoholic beverages	
Minors; sale or delivery to	13-23
Sunday sales permitted	3-1
Parks	
Peddling	14-43
Permits required	14-45(a)(5)
Retail trade eating and drinking without drive-in curb service	
Permitted special permit use; application fee	15-38(9)
Salesmen generally; license, etc.	11-76 et seq.
See: PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN	
SALONS	
Annual inspections	11-97
Definitions	11-94
Enforcement	11-98
Hearings	11-100
Permit reinstatement	11-99
Revocation/nonrenewal	11.5-99(b)
Suspension	11.5-99(a)
Permits	11-96
Plan review and pre-operation inspections	11-95
Service of notices or orders	11-101
SAND, ROCK, ETC.	
Channel encroachments restricted generally	5-2(a)
Conservation commission's powers and duties re environmental protection	15-23
Debris. See: GARBAGE AND TRASH	
Excavations generally. See: EXCAVATIONS	
Fees	
Tests; costs	5-29
Missiles (rock etc.), throwing, etc. See: MISSILES	
Park provisions re damaging, etc., park property	14-32(b)
Sewerage facilities, building permit restrictions re plans, etc.	
Depth of ledge rock; type of soil	5-28(1), (4)
Required soil layer; impervious soil, etc.	5-31, 5-32
Sewers and sewage disposal	
Use of public sewers and natural outlets; certain wastes, etc., limited or prohibited	19-203(2), (9), (16)
Street and sidewalk obstructions generally	17-3
Street excavations; pavement replacement generally	17-218
Work performed within rights-of-way; material specifications re gravel, etc.	17-183, 17-184
SANDING	
Private roads and streets; maintenance services to be provided	17-33(a)

Section

SANITATION. See: HEALTH AND SANITATION

SCAVENGING
Recyclable material collection and disposal
Collection by unauthorized persons; scavenging 8-66
Solid waste disposal facilities; prohibitions re 8-52

SCHOOLS
Budgets
Establishment of unexpended education funds account; deposits; use of funds..... 2-4
Land acquisition reserve ..... 2-285 et seq.
See: FINANCES

SCREENS AND SCREENING
Housing code provisions re minimum standards for light, ventilation and heating
Screening against insects and rodents 9-73, 9-74
Housing code provisions re responsibility of owners and occupants; screens..... 9-126
Sewer provisions re prohibited discharges, etc.
When traps, separators, screens, etc., must be supplied, etc..... 19-214, 19-215
Window shades, etc.
Rooming house requirements re..... 9-143

SECURITY HARDWARE AND DEVICES. See also: LOCKS, LOCKING DEVICES
Housing code provisions re generally ..... 9-111 et seq.
See: HOUSING

SEINES
Fishing. See: HUNTING, ETC.

SEIZURE OF PROPERTY, ETC. See: CONFISCATION

SENIOR CITIZENS
Commission on aging ..... 2-91 et seq.
See: AGING, COMMISSION ON
Pensions. See: PENSIONS AND RETIREMENT
Tax relief for elderly homeowners 18-6

SEPTIC TANKS
Sewers and sewer disposal. See: WATER AND SEWERS

SEWER SINKING FUND. See: FINANCES

SEWERS (Generally). See: WATER AND SEWERS

SHRUBBERY. See: TREES AND SHRUBBERY

SIDEWALKS. See: STREETS, SIDEWALKS AND PUBLIC PLACES

SIGN POSTS
Generally..... 2-1

	Section
SIGN POSTS (Cont'd.)	
Posting of signs, posters, notices or advertisements	13-1
SIGNATURES OR SUBSCRIPTIONS	
Drainage permits; signing of waiver	17-137
Food vendors located on private property, etc.; special requirements for re permission	11-89(1)
Peddlers, etc.; conditions of license re signatures	11-88(7)
Sewers and sewage disposal	
Construction and assessment of benefits against property owners	
Signing of certificate of notice	19-83
Street paving; collection of assessments, certificate signed by tax collector	17-80
SIGNS AND BILLBOARDS	
Application fee for change in plan of development	15-38(13)
Food vendors on private property; signs on vehicles	11-89(7)
House numbering specifications re signs, etc.	17-19(a), (b)
No-passing zones; signs, etc.	12-4
Parks	
Damaging, defacing, etc., park property	14-32(a)
Peddling	14-43
Recreational activities	14-36(a)
Sign permit; application fees	15-38(12)
Building permit fees generally	5-16
Traffic-control signs, signals and devices. See: TRAFFIC	
Work performed within rights-of-way	
Exemptions re warning signs or devices, etc.	17-111(b)
SKATING. See: ICE SKATING	
SLEEPING ROOMS. See also: HOTELS, MOTELS, ETC.	
Housing code provisions generally	9-31 et seq.
See the various subheadings, etc., within the heading: HOUSING	
SLINGS. See: FIREARMS AND WEAPONS	
SNAKES	
Parks; wildlife; reptiles	14-33(a), (b)
SNOW AND ICE REMOVAL. See also: ICE	
Fire lanes; installation and maintenance generally	12-20
Handicapped parking spaces; installation and maintenance	12-23
Private roads and streets; maintenance service to be provided	17-33(a)(1)
Streets, sidewalks and public places	
Removal of snow, ice, debris, vegetative growth and other obstructions	17-52
Temporary parking prohibitions	12-18

Section

SNOW STORMS
Parking during; penalties for unlawful parking 12-25

SOIL, ETC. See: SAND, ROCKS, ETC.

	Section
SOLAR HEATING OR COOLING SYSTEMS	
Property tax exemption	18-4
SOLICITORS AND SOLICITING. See also: BEGGING OR SOLICITING	
Generally; license, etc.	11-78 et seq.
See: PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN	
SOLID WASTE	
Acceptable proof of source and class of solid waste	8-10
Central Connecticut Solid Waste Authority	
Adoption	8-91
Annual meeting and by-laws of the authority	8-88
Appointment, removal and term of office of a municipal member representative	8-87
Creation of the regional solid waste authority	8-81
Designation of regional solid waste authority	8-82
Executive committee of the authority	8-90
Members of the authority	8-85
Principal address of the authority	8-84
Prohibition against member monetary compensation other than host community compensation	8-89
Purpose of the authority	8-83
Statement of purpose	8-80
Voting system for meetings of the authority's full membership	8-86
Collection	
Setting out solid waste container for collection	8-13
Commercial solid waste collectors	
Identification of vehicles and containers	8-24
Permits	
Application	8-22
Denial revocation or suspension	8-25
Issuance; fees; expiration date	8-23
Required	8-21
Hours of collection	8-26
Use by commercial refuse collectors	8-47
Vehicles, identification of	8-24
Violations and penalties	8-27
Containers	
Commercial solid waste collectors	
Identification of vehicles and containers	8-24
Deposit of solid waste in containers of others	8-7
Deposit of solid waste in public trash receptacles	8-6
Recyclable material collection and disposal; receptacles to be labeled	8-68
Solid waste containers	8-12
Setting out solid waste container for collection	8-13
Debris	
Channel encroachments restricted generally	5-2(a)

	Section
SOLID WASTE (Cont'd.)	
Sewer provisions re prohibited discharges, etc.; re ashes, cinders, straw, metal, glass, etc.	19-203(9), 19-206(b)
Streets and sidewalks; obstructions generally	17-3
Definitions	8-2
Deposit of solid waste in containers of others	8-7
Deposit of solid waste in public trash receptacles	8-6
Disposal of solid waste	8-4
By owner or occupants on premises	8-8
Drains	
Throwing solid waste in streets, sidewalks and drains	8-5
Enforcement of provisions	8-14
Recyclable material collection and disposal	8-70
Facilities. See herein: Solid Waste Disposal Facilities	
Housing code provisions re garbage and rubbish	9-53, 9-124
Litter and littering. See that subject	
Non-local solid waste refuse prohibited	8-9
Acceptable proof of source and class of solid waste	8-10
Owner or occupants of premises	
Disposal of solid waste by owner or occupants on premises	8-8
Housing code provisions re garbage and rubbish	9-53, 9-124
Parks; sanitation	14-35(c), (d)
Permits	
Commercial solid waste collectors	8-21 et seq.
See herein: Commercial Solid Waste Collectors	
Solid waste disposal facilities; permit types	8-50
Policy, declaration of	8-1
Prohibitions	
Non-local solid waste refuse prohibited	8-9
Recyclable material collection and disposal	
Alternate means of recycling	8-65
Collection by unauthorized persons; scavenging	8-66
Collectors, responsibilities of	8-69
Documentation of recycling activities	8-67
Enforcement of provisions	8-70
Policy, declaration of	8-61
Preparation of recyclables for collection and disposal	8-63
Failure to source separate solid waste	8-64
Program established	8-62
Provisions	
Effective date	8-74
Repeal of provision of ordinances inconsistent herewith	8-73
Severability	8-72
Receptacles to be labeled	8-68
Satellite recycling centers	8-75
Scavenging	8-66
Violations and penalties	8-71
Enforcement of provisions	8-70

	Section
SOLID WASTE (Cont'd.)	
Scavenging	
Recyclable material collection and disposal	
Collection by unauthorized persons; scavenging	8-66
Solid waste disposal facilities; prohibitions re	8-52
Sewers and sewage disposal generally	
Interfering with, damaging public system with rubbish, etc.	19-25
Unlawful deposits of objectional wastes	19-21
Use of public sewers and natural outlets; prohibitions generally	19-203(2), (18)
Solid waste disposal facilities	
Disposal area	8-48
Fees, schedule of	8-54
Operation	
Days closed	8-43
Hours of operation	8-42
Regulations of daily operation	8-44
Permit types	8-50
Prohibitions	
Certain types of solid waste prohibited	8-51
Scavenging prohibited	8-52
Provisions, interpretation of	8-56
Purpose	8-41
Regulations of daily operation	8-44
Restrictions	8-49
State law	8-57
Trespassing	8-53
Use	
Commercial refuse collectors, use	8-47
Nonresidents, use by	8-46
Residents, use by	8-45
User restrictions	8-49
Violations	8-55
Storage of solid waste	
Accumulation of solid waste, refuse	8-3(b)
Hazardous waste	8-3(d)
Public and private places	8-3(a)
Scattering of solid waste	8-3(c)
Streets and sidewalks	
Throwing solid waste in streets, sidewalks and drains	8-5
Throwing solid waste in streets, sidewalks and drains	8-5
Tree removal, etc.; disposition of trees, limbs, branches	17-229
Vehicles	
Commercial solid waste collectors	
Identification of vehicles and containers	8-24
To be covered	8-11
Violations and penalties	
Commercial solid waste collectors	8-26

	Section
SOLID WASTE (Cont'd.)	
Enforcement of provisions	8-14
Recyclable material collection and disposal	8-70
Recyclable material collection and disposal	8-71
Solid waste disposal facilities; violations	8-55
SPORTING EVENTS AND GAMES	
Park regulations re recreational activities; games, etc.	14-36(b)
Sunday alcoholic beverage sales permitted generally	8-1
SPRING GUNS. See: FIREARMS AND WEAPONS	
SPRINGS. See: WATERWAYS	
STAIRWAYS, ETC.	
Housing code general maintenance requirements re	9-87
STATE BAZAARS AND RAFFLES LAW	
Adoption of	11-1
STONES. See: SAND, ROCKS, ETC.	
STORAGE	
Housing provisions re garbage and rubbish storage facilities	9-53
Solid waste, storage of	8-3
STORM SEWERS, ETC.	
Sewer provisions re use of public sewers and natural outlets generally	19-201 et seq.
See: WATER AND SEWERS	
STORMWATER ORDINANCE. See: WATER AND SEWERS	
STREAMS. See: WATERWAYS	
STREETS, SIDEWALKS AND PUBLIC PLACES	
Abandoned or inoperable vehicles	12-36 et seq.
See: TRAFFIC	
Acceptance of streets and highways	
Hearing	17-2(b)
Preparation of resolution	17-2(c)
Private roads and streets; acceptance of for maintenance not to be construed as acceptance as public highway	17-34
Recommendation of plan and zoning commission	17-2(a)
Assessments	
Street paving assessments, etc.	17-76 et seq.
See also herein: Street Paving	
Curb construction permits, etc.	17-121 et seq.
Work performed within public rights-of-way. See also herein: Rights-of-way	
Curbs (works within public rights-of-way)	
Backfill	17-124
Curb foundation	17-123
Grades and lines	17-122
Permits; issuance restricted	17-121

	Section
STREETS, SIDEWALKS AND PUBLIC PLACES (Cont'd.)	
Protection from heavy equipment	17-125
Removing, damaging, etc., without permit prohibited	17-126
Repair of damaged curbs	17-127
Curfew for minors generally	13-16 et seq.
See: MINORS	
Damaging, defacing, etc., town property generally	13-2
Drainage specifications (work performed within public rights-of-way)	
Connections	
Corrections after notice	17-141(b)
Location of	17-138
Permits required	17-141(a)
Drains prohibited	17-140
Permits	
To be issued to licensed contractors only	17-136
Waiver of claim prerequisite to issuance	17-137
Street excavations	17-139
Driveways (work performed within rights-of-way)	
Distance from crosswalk	17-155
Drainage	17-159
Extent of driveway	17-158
Grade	17-153
Location of driveway	17-157
Number and separation distance	17-156
Permits; issuance restricted	17-152
Removal of trees	17-160
Scope	17-151
Width	17-154
Engineer. See herein: Town Engineer	
Excavations	
Street excavations generally	17-211 et seq.
Work performed within public rights-of-way. See herein: Rights-of-way	
Fees	
Work performed within rights-of-way; license fees, etc.	17-98 et seq.
Fences (work performed within public rights-of-way)	
Permits; issuance restricted	17-169
Private fences generally	17-171
Replacement and repair	17-170
Food vendors on private property, etc.; prohibitions re location	11-90(b)
Garbage and trash generally. See herein: Solid Waste	
House numbering generally	17-16 et seq.
See: HOUSE NUMBERING	
Licenses. See also herein: Permits	
Work performed within public rights-of-way generally; license	17-97 et seq.
See herein: Rights-of-way	

Section

STREETS, SIDEWALKS AND PUBLIC PLACES (Cont'd.)
Materials
Materials specifications for work performed within rights-of-way ..... 17-181 et seq.
See herein: Rights-of-way
Moving of buildings and other structures ..... 17-196 et seq.
See: BUILDINGS
Naming of streets; plan and zoning commission 15-37
Numbering of houses ..... 17-16 et seq.
See: HOUSE NUMBERING
Obstructions, etc. See also: OBSTRUCTIONS AND INTERFERENCE
Obstructing intersection 12-51
Obstructing streets generally 17-3
Removal of snow, ice, debris, vegetative growth and other obstructions 17-52
Restrictions on use of town property; obstructing passage 2-249
Parking prohibitions; penalties for unlawful parking 12-25
Permits. See also herein: Licenses
Curb construction, etc. 17-121
Drainage specifications generally ..... 17-136, 17-137, 17-141(a)
Driveway construction permits 17-152
Fee generally 17-106
Fence construction permits 17-169
Moving of buildings and other structures 17-196
Sidewalk construction permits 17-46
Street excavation permits 17-211
Tree removal permits 17-226
Plan and zoning commission; street names 15-37
Private roads and streets
Acceptance for maintenance not to be construed as acceptance as public highway 17-34
Maintenance services to be provided 17-33
Planning and zoning generally 17-35
Private roads approved for maintenance 17-32
Purpose 17-31
Rights-of-way
Fires in public rights-of-way 7-18
Sewers and sewage disposal
Conveyance of rights-of-way to town prerequisite to acceptance of sewers or drains 19-58
Subdivisions; installation or design of sewers in; permit-agreement requirement re rights-of-way ..... 19-138(5)
Work performed within
Business address 17-104
Correcting unsatisfactory work 17-109
Curbs (construction of, etc.) ..... 17-121 et seq.
See herein: Curbs (works within public rights-of-way)
Definitions 17-96

Section

STREETS, SIDEWALKS AND PUBLIC PLACES (Cont'd.)
Drainage specifications (permits, etc.) ..... 17-136 et seq.
See herein: Drainage Specifications (work performed within public rights-of-way)
Driveway construction, etc..... 17-151 et seq.
See herein: Driveways (work performed within public rights-of-way)
Employment of incompetent workers prohibited..... 17-105
Excavations. See herein: Street Excavations
Exemptions (enumerated) 17-111
Fences ..... 17-169 et seq.
See herein: Fences (work performed within public rights-of-way)
License
Bond prerequisite to issuance 17-99
Expiration 17-103
Fee..... 17-98
Insurance prerequisite to issuance and continued validity..... 17-100
Required 17-97
Revocation 17-102
To whom issued 17-98
Transferability 17-101
Line and grade..... 17-107
Materials specifications
Additional specifications 17-187
Bank run gravel..... 17-183
Concrete pavement 17-182
Concrete sidewalks 17-186
Culvert pipe 17-185
Hot asphalt concrete pavement 17-181
Processed gravel 17-184
Moving of buildings and other structures ..... 17-196 et seq.
See: BUILDINGS
Notice before starting work 17-108
Permits 17-106
Permittee's period of responsibility..... 17-110
Sidewalk construction..... 17-46 et seq.
See herein: Sidewalks
Street excavations
Backfill of trenches 17-216
Maintenance..... 17-217
Maximum width of cut 17-214
Notification of police and fire department..... 17-212
Pavement replacement 17-218
Permits; issuance restricted 17-211
Public safeguard 17-215
Tunnelling and bracing..... 17-213
Tree removal ..... 17-226 et seq.
See: TREES AND SHRUBBERY

	Section
STREETS, SIDEWALKS AND PUBLIC PLACES (Cont'd.)	
Rules of construction and definitions	1-2
Sewers and sewage disposal generally	19-16 et seq.
See: WATER AND SEWERS	
Sidewalks generally	
Construction	
Generally (order, notice, hearing, installation, supervision)	17-51
Subdivisions, in	17-53
Construction permits; to whom issued	17-46
Grade	17-48
Inspection	17-49
Parking on; penalties for unlawful parking	12-25
Repairs	17-50
Sidewalks required along street frontage in business, commercial and industrial zones prior to issuance of certificate of occupancy	17-54
Specifications	17-47
Snow, ice, debris, vegetative growth and other obstructions, removal of	17-52
Solid waste. See that subject	
Generally	8-1 et seq.
Streets and sidewalks; obstructions generally	17-3
Throwing solid waste in streets, sidewalls and drains	8-5
Street excavations	17-211 et seq.
Work performed within public rights-of-way. See herein: Rights-of-way	
Street paving	
Collection of assessment	17-80
Determination of streets to be paved; hearing; notice of hearing	17-77
Exemption	17-81
Levy of assessment	17-78
Town's power to pave and assess costs	17-76
When assessments due	17-79
Town engineer's duties and responsibilities of generally	17-1
Tree removal generally	17-226 et seq.
See: TREES AND SHRUBBERY	
Work performed within public rights-of-way. See herein: Rights-of-way	
SUBDIVISIONS (Miscellaneous regulations)	
Buildings and building permits	5-1 et seq.
See: BUILDINGS	
Conservation commission's powers and duties re environmental protection	15-23
Sewers and sewage disposal provisions re installation or design of sewers in subdivisions, etc.	19-136 et seq.
Subdivisions (installation or design, etc.). See: WATER AND SEWERS	

Section

SUBDIVISIONS (Miscellaneous regulations) (Cont'd.)
Sidewalk construction in subdivisions 17-53
See also: STREETS, SIDEWALKS AND PUBLIC PLACES
Unapproved subdivisions
Prohibition of certain building permit..... 5-19(a)

SUNDAYS AND HOLIDAYS
Alcoholic beverage Sunday sales permitted 3-1

SUPERIOR COURT. See also: COURTS AND CRIMINAL PROCEDURE
Street paving; levy of assessment; appeal to superior court. 17-78

SURETY BOND. See: BONDS

SURVEYS. See: PLANS, MAPS, PLATS AND SURVEYS

SWAMPS, ETC. See also: WATERWAYS
Sewerage facilities, building permit restrictions re plants, etc. 5-32

SWIMMING, SWIMMING POOLS
Parks and recreation. See that subject

T

TANKS
Furnace tank installations; building permit fee 5-16
Septic tanks
Private sewer systems prohibited; exceptions 19-23
See also: WATER AND SEWERS
Sewer provisions re prohibited discharges, etc.; overflow from holding tanks, etc. ..... 19-203(20)

TAR
Use of public sewers; certain wastes, etc., prohibited..... 19-203(4)

TARGET PRACTICE
Trespassing for generally..... 13-4

TAX COLLECTOR
Sewers and sewage disposal; assessments against property owners, etc., duty of tax collector generally 19-79

TAXATION
Assessment date..... 18-1
Assessments. See also that subject
Buildings used in farming, property tax exemption for..... 18-8
Certain ordinances not affected by Code..... 1-3
Elderly homeowners, tax relief for 18-6
Exemptions
Property tax exemption. See herein that subject
Liens. See also that subject
Property tax exemption
Ambulance-type vehicles..... 18-5

Section

TAXATION (Cont'd.)
Places used as houses of worship and houses used by officiating clergymen as dwellings and for land acquired by tax exempt organizations for perpetual conservation or environmental protection purposes... 18-2
Solar heating or cooling systems 18-4
Redevelopment agency authorized to use tax credits in place of payments in lieu of taxes 18-3
Street paving assessments, etc..... 17-76 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES
Tax abatements
Dairy farms..... 18-31
Low and moderate income housing
Contracts for abatement..... 18-22
Definitions..... 18-21
State assistance 18-25
Term 18-23
Valuation 18-24
Public safety volunteers
Benefit..... 18-42
Certification..... 18-44
Eligibility..... 18-43
Purpose..... 18-41
Schedule of abatement..... 18-45
Tax payments
Generally 18-51
Veterans' property tax exemption 18-7

TAXI STANDS
Penalties for unlawful parking generally..... 12-25

TELEPHONE SOLICITING
Peddlers, solicitors, etc.; exemptions ..... 11-91(8)

TENANTS. See: LANDLORDS AND TENANTS

TERMS OF OFFICES, ETC. See: OFFICERS AND EMPLOYEES

TESTS. See: INSPECTIONS. EXAMINATIONS AND INVESTIGATIONS

THEATERS
Curfew for minors generally 13-16

TOBACCO PRODUCTS. See: CIGARETTES, ETC.

TOWELS. See: LINENS AND TOWELS

TOWN
Rules of construction and definitions 1-2

TOWN COUNCIL
Channel encroachments; permission required ..... 5-2(c)—(g)
Rules of construction and definitions 1-2

Section

TOWN DEPARTMENTS, ETC. See: DEPARTMENTS AND OTHER AGENCIES OF TOWN

TOWN ENGINEER
Streets, sidewalks and public places; duties and responsibilities of town engineer generally 17-1

TOWN MANAGER
Disaster emergency, duties re 6-4
Sewer provisions re duties transfer generally 19-19
Sewers and sewage disposal
Connections; manager's authority, etc. 19-190, 19-191
Manager's authority over prohibited discharges, etc. 19-204

TOWN PERSONNEL. See: OFFICERS AND EMPLOYEES

TOWN PLAN AND ZONING COMMISSION. See: PLAN AND ZONING COMMISSION

TOWN PROPERTY. See also: PROPERTY
Damaging, defacing, etc., town property 13-2
Restrictions on use of town property
Alcoholic beverages 2-247
Definitions 2-246
Hours 2-248
Obstructing passage 2-249

TOXIC SUBSTANCES. See: POISONS AND POISONING

TRAFFIC
Abandoned or inoperable vehicles
Definitions 12-36
Hearings 12-39
Notice 12-38
Prohibited; exceptions 12-37
State law, applicability 12-41
Violations, penalties 12-40
Crosswalks
Unlawful parking, penalties for 12-25
Definitions 12-1
Enforcement of traffic regulations 12-2
Fire lanes
Establishment, installation and maintenance 12-19, 12-20
Food vendors on private property, etc.; special requirements for re location of vehicles ..... 11-89(6)
Garbage and trash. See herein: Solid Waste
Handicapped parking
Parking spaces reserved for; establishment, installation and maintenance 12-22, 12-23
Impoundment of vehicles 12-24
Intersections
Unlawful parking, penalties for 12-25
No-passing zones 12-4

	Section
TRAFFIC (Cont'd.)	
Obedience to traffic regulations	12-3
Obstructing intersection	12-51
Parking, stopping and standing	
All night parking	12-17
Penalties for unlawful parking generally	12-25
Fire lanes, establishment; installation and maintenance	12-19, 12-20
Impoundment of vehicles generally	12-24
Parking authority	
Appointment	12-33
Established	12-32
Parking so as to obstruct traffic	12-16
Parking spaces reserved for handicapped; established; installation and maintenance	12-22, 12-23
Parks	
Operating policies	14-44(c)
Permits required	14-45(a)(5)
Traffic regulations	14-37(a), (d)
Penalties for unlawful parking	12-25
Recreational area regulations re parking	14-37(d)
Temporary parking prohibitions	12-18
Violation of parking regulations	12-21
Parks	
Operating policies	14-44(c)
Permits required	14-45(a)(5)
Traffic regulations	14-37
Pedestrians	
Food vendors on private property, etc.; requirements for	11-89(6)
Solid waste	
Vehicles to be covered	8-11
Standing, stopping. See herein: Parking, Stopping and Standing	
Traffic-control signs, signals, markings and devices	
Enforcement of and obedience to traffic regulations generally	12-2, 12-3
Fire lane installation and maintenance; signs, markings and other devices	12-20
Handicapped parking spaces; establishment, installation and maintenance of signs, markings, etc.	12-22, 12-23
No-passing zones	12-4
Private roads and streets; maintenance services to be provided	
Installation and maintenance of traffic-control devices	17-33(a)(5)
Street excavations; public safeguard; warning lights	17-215
Temporary parking prohibitions; signs	12-18
Tree removal; public safeguards; warning signs and lights	17-228
Violations; penalties	
Parking regulations re	12-21, 12-25

Section

TRAILERS. See: MOBILE HOMES AND MOBILE HOME PARKS

TRAPPING. See: HUNTING, ETC.

TRAPPING DEVICES. See: FIREARMS AND WEAPONS

TRASH. See: SOLID WASTE

TREES AND SHRUBBERY
Driveway construction, etc.; removal of trees 17-160
Moving of buildings, etc.; removing or trimming of trees 17-198
Parks
Damaging, defacing, etc., park property .....14-32(b) et seq.
See: PARKS AND RECREATION
Scenic roads..... 17-241 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES
Tree removal (work performed within public rights-of-way)
Disposition of trees, limbs and branches..... 17-229
Permits; issuance restricted 17-226
Public safeguards generally 17-228
Responsibility 17-227
Sight lines 17-230

TRENCHES. See: EXCAVATIONS

TRESPASSING
Parking by trespassing on private property
Penalties for unlawful parking..... 12-25
Solid waste disposal facilities; prohibitions re 8-53
Trespassing for target practice generally..... 13-4

TUNNELING
Street excavations, generally; tunnelling and bracing 17-213

U

UNFIT DWELLINGS
Housing code provisions re designation and condemnation of 9-151 et seq.
See: HOUSING

UNIVERSITY PERMIT
Sunday alcoholic beverage sales permitted..... 3-1

V

VANDALISM. See: DESTRUCTION, DEMOLITION, ETC.

VAPORS. See: FUMES, ETC.

VEGETATION
Conservation commission's powers and duties re environmental protection..... 15-23

Section

VEGETATION (Cont'd.)
Parks
Trees
Damaging, defacing, etc., park property ..... 14-32(b) et seq.
See: PARKS AND RECREATION
Vegetation
Great Pond Preserve ..... 14-61(b)(2)
Sewer provisions re prohibited discharges, etc., generally... 19-203, 19-206(b)
Streets, sidewalks and public places
Removal of snow, ice, debris, vegetative growth and other obstructions..... 17-52
Tree removal, etc.: site lines generally..... 17-230
Trees generally. See: TREES AND SHRUBBERY

VEHICLES. See: MOTOR VEHICLES AND OTHER VEHICLES

VENDORS, ETC.
Generally; license, etc..... 11-76 et seq.
See: PEDDLERS, HAWKERS, ITINERANT VENDORS, SOLICITORS, CANVASSERS AND SALESMEN

VENTILATION. See: HEATING, AIR CONDITIONING, LIGHTING AND VENTILATION

VERMIN. See: INSECT AND RODENT CONTROL

VESSELS. See: BOATS, ETC.

VETERANS
Veterans' property tax exemption 18-7

VIEW, VISIBILITY, ETC.
Building regulations re locking devices in multiple dwelling complexes
Optical viewing device requirements ..... 5-1(a), (c), (d)
House numbering; specifications for numbers 17-19
Housing code provisions re security hardware
Optical viewing devices; multiple dwelling units to have, etc.; alternative optical viewing devices..... 9-113, 9-114
Posting notices, licenses, etc. See: POSTING, ETC.
Tree removal, etc.; sight lines..... 17-230

VOTING. See also: ELECTIONS
Code of conduct provisions re procedures; quorum and voting 2-47(d)
Removal of members of boards, commissions, etc., from office 2-31(g)

W

WALLS. See: FENCES, WALLS, HEDGES AND OTHER ENCLOSURES

Section

WARNING LIGHTS
Traffic-control signs, signals and other devices. See: TRAFFIC

WARRANTS. See: WRITS, WARRANTS AND OTHER PROCESSES

WASHING, ETC. See also: CAR WASHES
Disinfectants. See also that subject
Parks; washing
Bathing. See: PARKS AND RECREATION
Sanitation..... 14-35(e)

WASTE
Channel encroachments restricted generally..... 5-2(a)

	Section
WASTE (Cont'd.)	
Sewers and sewage disposal generally	19-16 et seq.
See: WATER AND SEWERS	
Solid waste	8-1 et seq.
See: SOLID WASTE	
WATER AND SEWERS	
Building permit restrictions re sewerage facilities, installation and maintenance of	5-26 et seq.
See: BUILDINGS	
Construction of sewers by and at expense of developers. See herein: Sewers and Sewage Disposal	
Diamond Lake. See: WATERWAYS	
Drainage. See: DRAINS AND DRAINAGE	
Groundwater, surface water, etc.	
Prohibited discharges to sanitary sewers generally	19-202 et seq.
Sewerage facilities, building permit restrictions re plans, etc.	
Depth of ground water	5-28(3)
Housing code general maintenance requirements re rainwater drainage	9-90
Illicit discharge and connection; stormwater ordinance	
Adoption of ordinance	19-271
Appeals	19-265
Applicability	19-253
Best management practices (BMPs), requirement to prevent, control, and reduce stormwater pollutants by the use of	19-261
Compensatory action	19-267
Criminal prosecution	19-269
Definitions	19-252
Discharge prohibitions	19-257
Illegal discharges	19-257(1)
Illicit connections	19-257(2)
Enforcement	19-264
Appeals	19-265
Industrial or construction activity discharges	19-259
Injunctive relief	19-266
Purpose	19-251
Remedies not exclusive	19-270
Responsibility for administration	19-254
Right of entry, evaluation, and monitoring of damages	19-260
Access to facilities	19-260(b)
Applicability	19-260(a)
Severability	19-255
Spills, notification of	19-263
Suspension of storm drainage system access	19-258
Ultimate responsibility	19-256
Violations deemed a public nuisance	19-268
Watercourse protection	19-262

	Section
WATER AND SEWERS (Cont'd.)	
Permits. See herein: Sewers and Sewage Disposal	
Plumbing. See that subject	
Public drinking water faucets	
Parking regulations re use of for washing purposes, prohibited	14-35(e)
Sewer connection permit	
Building permit issuance authorized, etc.	5-27
Sewerage facilities, restrictions re approval and installation of	
Building permit requirements	5-26 et seq.
See: BUILDINGS	
Sewers and sewage disposal	
Appeal from manager's decision	19-34
Assessments. See also herein various subheadings, etc.	
Construction and assessment of benefits against property owners. See herein that subject	
Deferred assessments of trunk sewer costs. See herein that subject	
Supplemental sewer assessments in cases of increased special benefits from sewer system. See herein that subject	
Building permit restrictions re sewerage	5-26 et seq.
See: BUILDINGS	
Building sewers near water supply wells	19-27
Charges, etc.	
Assessments. See also within this subheading that subject	
Connection charges in lien of assessments generally	19-59
Connection charges in lieu of assessments in certain cases. See within this subheading that subject	
Connections generally; owner to bear costs, etc.	19-185
Deferred assessments of trunk sewer costs. See herein that subject	
Permit fees generally	19-241
Sinking fund and sewer operating fund generally	19-126 et seq.
Subdivisions, sewers in; connection charge	19-141
Supplemental sewer assessments, etc.; payment of charges generally	19-154
Collection and assessments and charges generally	19-20
Connection charges in lieu of assessments in certain cases	
Application for connections	19-115
Basis	19-117
Deferment of assessment authorized	19-111
Inclusion of provisions for reimbursement in developers' agreements authorized	19-114
Prerequisites to connection to sewers constructed by developers	19-113
Prerequisites to connection where assessment has been deferred	19-112

	Section
WATER AND SEWERS (Cont'd.)	
Payment to tax collector	19-118
Review of connection application; levy and collection of charge	19-116
Connection to and use of a public system required	19-24
Connections	
Conformance to town building and plumbing codes required	19-183
Lifters required when building sewer too low to permit gravity drainage	19-187
Maintenance of house connections	19-194
Manager may assist by furnishing information	19-190
Manager's authority to require payment for inspection, etc.	19-191
Owner to bear costs, indemnify town	19-185
Precautions to prevent obstruction or damage	19-192
Prior notice required; supervision	19-188
Records required	19-189
Restricted	19-181
Sealing of abandoned connections, etc.	19-198
Separate sewers required; exceptions	19-184
Specifications generally	19-182
Use of old house connections	19-186
Conservation commission's powers and duties re water resources	15-22
Construction and assessment of benefits against property owners	
Application of general statutes	19-85
Definitions	19-66
Resolution to construct a sewerage system	
Action of proposed resolution	19-71
Appeal	19-77
Certificate of notice of installment payment	19-83
Due date	19-78
Duties of tax collector	19-79
First and second fillings and publications	19-75, 19-76

	Section
WATER AND SEWERS (Cont'd.)	
Installment payments	19-82
Introduction	19-67
Lien	19-84
Notice to be recorded of adoption	19-72
Power	19-73
Public hearing	
Generally	19-68
Preliminary engineering and planning	19-69
Public hearing	19-74
Two hundred dollars or less; in excess of two hundred dollars	19-80, 19-81
Construction by and at expense of developers	
Agreements with developers authorized	19-51
Bond or other surety	19-57
Chairman or vice-chairman of water pollution control authority authorized to sign agreements	19-52
Connection charges in lieu of assessments	19-59
Construction costs; deposits	19-55
Conveyance of rights-of-way to town prerequisite to acceptance of sewers or drains	19-58
Incorporation into town system	19-60
Insurance	19-56
Limits, size and grades of sewers or drains	19-54
Terms and text of forms of agreement to be approved by town attorney	19-53
Construction, repair, alteration, removal	
Exceptions to sections 19-28 and 19-29	19-30
Persons permitted to engage in work	19-29
Restricted	19-28
Deferred assessments of trunk sewer costs	
Application of general statutes	19-101
Assessment by sewer districts	19-96
Deferred costs, assessment and collection of from developers, etc.	19-99, 19-100
Definitions	19-95
Provisions in division four need not apply	19-98
Purpose	19-94
Treatment of excess costs	19-97
Definitions	19-17
Discharge of untreated sewage or other polluted water to natural outlets prohibited	19-22
Drain layer's licenses	
Application contents; term	19-227
Harmless agreement	19-231
Issuance upon application	19-226
Responsibilities re faithful performance of work	19-230
Surety bond and insurance prerequisite to issuance	19-228
Suspension; revocation	19-229
Duties transferred generally	19-19

	Section
WATER AND SEWERS (Cont'd.)	
Enforcement of provisions	19-31
Facilities; approval	19-18
Fees. See within this subheading: Charges, Etc.	
Installation or design of sewers in subdivisions, etc. See herein: Subdivisions (installation or design of, etc.)	
Interfering with, damaging public system	19-25
Interpretation of provisions	19-32
Licenses and permits	
Building permit restrictions re sewerage facilities, installation and maintenance of	5-26 et seq.
See: BUILDINGS	
Discharge permit required, when	19-201
Drain layer's licenses generally	19-226 et seq.
See herein: Drain Layer's Licenses	
Permits generally	
Applications	
Records of	19-244
Who may receive; contents	19-242, 19-243
Construction, repair, alteration, removal; persons permitted, etc.	19-29
Contents of permit	19-245
Display, to be kept on work premises for	19-246
Fee	19-241
Required; issuance restricted	19-241
Responsibility for compliance	19-246
Subdivisions, installation or design of sewers in; permit-agreement	19-138 et seq.
Suspension, cancellation or termination	19-247
Transferability	19-245
Work records and applications to be permanent town records	19-244
Private disposal systems	
Abandonment required upon availability of public facilities	19-167
Required, when	19-166
Certain facilities declared public	19-168
Prohibited; exception	19-23
Required, when	19-166
Provisions not covered	19-33
Purpose	19-16
Request for relocating, altering, etc., sewers, drains, etc.	19-26
Septic tanks	
Private systems prohibited; exception	19-23
Subdivisions, sewers in; alternate systems generally	19-142
Sewer assessments sinking fund and sewer operating fund	
Definitions	19-125
Sewer operating fund	19-128
Projects to be financed by sewer operating fund	19-129

	Section
WATER AND SEWERS (Cont'd.)	
Sewer sinking fund	19-126
Projects to be financed by the sewer sinking fund	19-127
Sewer permits	
Permits generally. See herein: Licenses and Permits	
Subdivisions (installation or design of sewers in and under certain conditions)	
Alternate systems	19-142
Connection charge generally	19-141
Definitions	19-136
Execution of developer's agreement prerequisite to approval of certain subdivisions	19-137
Exemptions from requirements of sections 19-138 and 19-139	19-140
Permit-agreement prerequisite to approval of subdivision located in area for which master sewer plan has been accepted	19-138
Sewer system design approval prerequisite to acceptance of subdivision for which permit-agreement is not required	19-139
Water pollution control authority authorized to waive installation where impracticable	19-143
Supplemental sewer assessments in cases of increased special benefits from sewer system	
Definition	19-151
Notice to authority of intent to expand or change use	
Payment of charges	19-154
Supplemental assessment determined generally	19-153
Water pollution control authority's authority where owner fails to apply for permit or to give notice required by section	19-155
Unlawful deposits of objectionable wastes	19-21
Use of public sewers and natural outlets	
Accidental discharges	19-217
Approved discharges for storm water drains	19-206
Certain wastes or constituents limited or prohibited	19-203
Considerations as to acceptability of wastes	19-208
Discharge of cooling water restricted	19-207
Discharge permit required, when	19-201
Evidence as to purpose of sewer to be used in determining use of sewer	19-209
Maintenance of sampling wells, etc.	19-219
Manager's authority over provision 19-203	19-204
Measurements, tests and analyses	
Generally	19-211
Owner must provide testing or treatment facilities, when	19-212
Prohibited discharges to sanitary sewers	19-202
Right of entry for inspection, etc.	19-210
Sanitary sewers to be used only for sanitary sewage	19-205

	Section
WATER AND SEWERS (Cont'd.)	
Self-monitoring; records	19-216
Special agreements with industries	19-218
Submission of pretreatment facility plans conditions to issuance of permit	19-215
Traps, separators, other additional equipment must be supplied, when	19-214
Use of excess water to achieve compliance with limits prohibited	19-213
Stormwater ordinance. See herein: Illicit Discharge and Connection; Stormwater Ordinance	
Water generally	
Sewerage facilities, building permit restrictions re plans, etc.; supply of potable water	5-28(6)
Water pollution control authority	19-41 et seq.
See: WATER POLLUTION CONTROL AUTHORITY	
Well water use permit requirements	5-33
Wells	
Building sewers near water supply wells	19-27
Conservation commission's powers and duties re water resources generally	15-22
Sewer provisions re sampling, analyses, etc.; sampling wells	19-212
Sewer provisions re use of public sewers, etc.	
Maintenance of sampling wells, etc.	19-219
Sewerage facilities, building permit restrictions re plans, etc.	
Well requirements generally	5-28(7), (8)
WATER CLOSETS. See: BATHROOM FACILITIES, ETC.	
WATER POLLUTION CONTROL AUTHORITY	
Compensation and expenses	19-42
Creation; officers; vacancies	19-41
Powers and duties	19-43
Subdivisions, sewers in; water pollution control authority authorized to waive installation where impracticable	19-143
Terms of members	2-31(b)
WATERWAYS	
Conservation commission	16-16 et seq.
See: CONSERVATION COMMISSION	
Diamond Lake	
Use of motorboats and other motor-driven vehicles and devices on prohibited	14-1
Drainage specificationS; drains prohibited	17-140
See also: DRAINS AND DRAINAGE	
Parks	
Bathing. See: PARKS AND RECREATION	
Great Pond Preserve	14-61

Section

WATERWAYS (Cont'd.)
Recreational activities ..... 14-36(a), (c), (e)
Sanitation; pollution ..... 14-35(b)
Pollution. See that subject
Sewer provisions re discharge of untreated sewage or other polluted water to natural outlets, prohibited 19-22
Sewer provisions re prohibited discharges in streams, etc... 19-206(b)
Swimming generally. See: SWIMMING; SWIMMING POOLS

WEAPONS. See: FIREARMS AND WEAPONS

WELLS. See: WATER AND SEWERS

WET AREAS. See: SWAMPS, ETC.

WILDLIFE. See also: ANIMALS AND FOWL
Parks, generally ..... 14-33 et seq.
See: PARKS AND RECREATION

WINDOWS. See: DOORS, WINDOWS, ETC.

WIRES. See: POLES AND WIRES

WOOD. See: TREES AND SHRUBBERY

WORK PERFORMED WITHIN RIGHTS-OF-WAY
Generally ..... 17-196 et seq.
See: STREETS, SIDEWALKS AND PUBLIC PLACES

WRITS, WARRANTS AND OTHER PROCESSES
Affidavits
Sidewalks required along street frontage in business, commercial and industrial zones, etc. ..... 17-54(a)
Housing code provisions re inspections; warrant required .. 9-33
Petitions
Fee for petition for special exception, variance, etc. 15-96
Housing provisions re hearing on notice required 9-36
Sewers and sewage disposal provisions re construction and assessment of benefits against property owners; resolution to construct a sewerage system; petition .. 19-67
Planning
Penalties for violations of building zone regulations
Citation appeal and hearing process 15-101
Issuance of citations 15-98

WRITTEN AUTHORIZATION, WRITTEN PERMISSION, ETC.
See: LICENSES AND PERMITS

Y

YOUTH AND FAMILY RESOURCES COMMISSION
Compensation 2-230
Duties 2-232
Establishment 2-226

	Section
YOUTH AND FAMILY RESOURCES COMMISSION (Cont'd.)	
Membership	2-227
Organization	2-231
Supervision and control of services	2-233
Terms of members	2-31(b)
Vacancies	2-229
YOUTH AND FAMILY RESOURCES DEPARTMENT	
Director of generally; supervision and control of youth services, activities, etc.	2-233

Z

ZONING (Miscellaneous regulations)	
Appeals; fee	15-96
Board of appeals. See herein: Zoning Board of Appeals	
Fees. See herein various subheadings, etc.	
Fire lanes, establishment of; special permit approval sought under building-zone regulations	12-19
Permit application fees generally; plan and zoning commission	15-38
Plan and zoning commission	15-36 et seq.
See: PLAN AND ZONING COMMISSION	
Planned area development zones, etc.	
Application fees	15-38(4)
Planning commission, agencies, etc.	15-1 et seq.
See: PLANNING	
Redevelopment agency	15-51 et seq.
See: REDEVELOPMENT AGENCY	
Sidewalks required along street frontage in business, commercial and industrial zones, etc.	17-54
Special exception use permit	
Application fees for supervised group quarters	15-38(11)
Special exceptions; fee	15-96
Special permits	
Fee to waive section 3.25 of building-zone regulations	15-38(14)
Special use permits	
Application fees for sale of alcoholic liquors, car washes, repair shops, gasoline service station, retail trade eating and drinking without drive-in curb service	15-38(5)—(9)
Street paving exemptions re industrial or business zone	17-81
Variances; fee	15-96
Zoning board of appeals	
Duties generally	15-95
Establishment	15-94
Fees generally	15-96
Zoning commission	15-36 et seq.
See: PLAN AND ZONING COMMISSION	