CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / THE CODE

THE CODE

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION

PART I
ADMINISTRATIVE LEGISLATION

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS

Chapter 1, GENERAL PROVISIONS

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury: Art. I, 5-30-1990. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990]

ARTICLE I, Adoption of Code [Adopted 5-30-1990]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-1. Adoption.

§ 1-1. Adoption.

The compilation of the Town Charter and ordinances of the Town of Simsbury, codified and consolidated into parts, chapters and sections in the form attached hereto and made a part hereof, is hereby approved, adopted, ordained and enacted as the "Code of the Town of Simsbury,

Connecticut," hereinafter called the "Code." All provisions contained in the compilation provided for herein and known as the "Code of the Town of Simsbury" shall be in force and effect on and after the effective date of this ordinance.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-2. Continuation of existing provisions.

§ 1-2. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-3. Repeal of inconsistent ordinances.

§ 1-3. Repeal of inconsistent ordinances.

All ordinances or parts of ordinances of the Town of Simsbury of a general and permanent nature in force on the date of the adoption of this ordinance which are inconsistent with any provisions of the Code are hereby repealed from and after the effective date of this ordinance; provided, however, that nothing herein shall be construed as repealing or altering the zoning, subdivision or inland wetlands regulations of the town.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-4. Severability.

§ 1-4. Severability.

If any clause, sentence, paragraph, section, Article or part of this ordinance or of any ordinance

appearing in the Code or included in this Code through supplementation shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, Article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-5. Copy of Code on file.

§ 1-5. Copy of Code on file.

A copy of the Code, in loose-leaf form, has been filed in the office of the Town Clerk of the Town of Simsbury and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Town Clerk of the Town of Simsbury by impressing thereon the Seal of the Town of Simsbury, and such certified copy shall remain on file in the office of said Town Clerk to be made available to persons desiring to examine the same during all times while the said Code is in effect. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-6. Amendments to Code.

§ 1-6. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Town Charter or to any of the ordinances known collectively as the "Code of the Town of Simsbury," or any new ordinances, when enacted or adopted in such form as to indicate the intention of the Board of Selectmen to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be enacted or adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto. Nothing contained in this ordinance shall affect the status of the Charter or any ordinance contained herein, and such ordinances may be amended, deleted or changed from time to time as

the Board of Selectmen deems desirable.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-7. Code book to be kept up-to-date.

§ 1-7. Code book to be kept up-to-date.

It shall be the duty of the Town Clerk to keep up-to-date the certified copy of the book containing the Code of the Town of Simsbury required to be filed in the office of the Town Clerk for use by the public. All changes in said Code and all ordinances adopted by the Board of Selectmen subsequent to the enactment of this ordinance in such form as to indicate the intention of said Board to be a part of said Code shall, when finally enacted or adopted, be included therein by temporary attachment of copies of such changes until such changes are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-8. Sale of Code book; supplementation.

§ 1-8. Sale of Code book; supplementation.

Copies of the Code may be purchased from the Town Clerk of the Town of Simsbury upon the payment of a fee to be set by resolution of the Board of Selectmen, which Board may also arrange by resolution for procedures for the periodic supplementation thereof.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-9. Penalties for tampering with Code.

§ 1-9. Penalties for tampering with Code.

Any person who, without authorization from the Town Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the Town of Simsbury, or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Town of Simsbury

to be misrepresented thereby, or who violates any other provision of this ordinance, shall be guilty of an offense and shall, upon conviction thereof, be subject to a fine of not more than $90.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-10. Changes in previously adopted legislation.

§ 1-10. Changes in previously adopted legislation.

In compiling and preparing the Charter and ordinances for publication as the Code of the Town of Simsbury, no changes in the meaning or intent of such Charter or ordinances have been made. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said ordinances, as authorized by the Board of Selectmen. It is the intention of the Board of Selectmen that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 1, GENERAL PROVISIONS / ARTICLE I, Adoption of Code [Adopted 5-30-1990] / § 1-11. When effective.

§ 1-11. When effective.

This ordinance shall be effective 21 days after publication.[EN(1)]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 3, AGING AND DISABILITY COMMISSION

Chapter 3, AGING AND DISABILITY COMMISSION

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 1-25-1993.[EN(2)] Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 3, AGING AND DISABILITY COMMISSION / § 3-1. Creation.

§ 3-1. Creation.

Pursuant to the General Statutes of Connecticut, Chapters 98 and 99, Sections 7-148 through 7-201, and the Charter of the Town of Simsbury, Chapter VII, Section 707, there is hereby created an Aging and Disability Commission in the Town of Simsbury with full powers and authority as set forth in said statutes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 3, AGING AND DISABILITY COMMISSION / § 3-2. Membership; appointment and term; compensation.

§ 3-2. Membership; appointment and term; compensation.

The Aging and Disability Commission shall consist of 12 members and four alternates. The members shall be appointed by the First Selectman with approval of the Board of Selectmen and shall serve a term of four years, except that of those first appointed six shall be appointed for a two-year term and the remainder for the full four-year term. The alternates shall serve a term decided by the Board of Selectmen. Biennially thereafter, the Selectmen shall appoint in the manner provided herein six members to this Commission. The members shall serve without compensation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 3, AGING AND DISABILITY COMMISSION / § 3-3. Officers; rules and regulations.

§ 3-3. Officers; rules and regulations.

Members of the Commission shall elect a Chairperson, Vice Chairperson and a Clerk for a period of one year. The Commission shall have the power to adopt rules and regulations for its government, and the conduct of business within its jurisdiction, which shall be established within six months of the date this chapter becomes effective.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 3, AGING AND DISABILITY COMMISSION / § 3-4. Powers and duties.

§ 3-4. Powers and duties.

The Commission shall be responsible for investigating the needs of the citizens of the town in the areas of aging and the disabled and shall assist public and private agencies in the implementation of programs and facilities for such needs. The Commission shall have such other powers and duties not inconsistent with the Charter as may be prescribed by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 4, AQUIFER PROTECTION AGENCY

Chapter 4, AQUIFER PROTECTION AGENCY

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 11-8-2004. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning Commission -- See Charter Sections 301 and 302.
Zoning -- See Ch. 158.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 4, AQUIFER PROTECTION AGENCY / § 4-1. Aquifer Protection Agency designation and membership.

§ 4-1. Aquifer Protection Agency designation and membership.

A. In accordance with the provisions of Connecticut General Statutes § 22a-354a et seq., the Simsbury Zoning Commission is hereby designated as the Aquifer Protection Agency (hereinafter the "Agency") of the Town of Simsbury. The staff of the Simsbury Zoning Commission shall serve as the staff of the Agency.

B. Members of the Simsbury Zoning Commission shall serve coexisting terms on the Agency. The membership requirements of the Agency shall be the same as those of the Simsbury Zoning Commission, including but not limited to the number of members, terms, method of selection and removal of members, and filling of vacancies.

C. At least one member of the Agency or staff of the Agency shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to C.G.S. § 22a-354v.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART I ADMINISTRATIVE LEGISLATION / Chapter 4, AQUIFER PROTECTION AGENCY / § 4-2. Regulations to be adopted.

§ 4-2. Regulations to be adopted.

The Agency shall adopt regulations in accordance with C.G.S. § 22a-354p and R.C.S.A. § 22a-354i-3. Said regulations shall provide for:

A. The manner in which boundaries of aquifer protection areas shall be established and amended or changed.

B. Procedures for the regulation of activity within the area.

C. The form for an application to conduct regulated activities within the area.

D. Notice and publication requirements.

E. Criteria and procedures for the review of applications.

F. Administration and enforcement.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 4, AQUIFER PROTECTION AGENCY / § 4-3. Inventory of land use.

§ 4-3. Inventory of land use.

A. In order to carry out the purposes of the Aquifer Protection Program, the Agency will conduct an inventory of land use within the area to assess potential contamination sources.

B. Not later than three months after approval by the Commissioner of the Connecticut Department of Environmental Protection of Level B Mapping of aquifers, the Agency will inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with guidelines established by the Commissioner pursuant to Connecticut General Statutes § 22a-354f. Such inventory shall be completed not more than one year after authorization of the Agency, pursuant to Connecticut General Statutes § 22a-354e.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION

Chapter 7, REGIONAL COOPERATION

[HISTORY: Adopted by the Town Meeting of the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE I, Council of Governments [Adopted 10-1-1973]

ARTICLE I, Council of Governments [Adopted 10-1-1973]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE I, Council of Governments [Adopted 10-1-1973] / § 7-1. Town to join Regional Council; statutory authority.

§ 7-1. Town to join Regional Council; statutory authority.

The Town of Simsbury does hereby adopt Sections 4-1241 through 4-124p of the 1971 Supplement to the Connecticut General Statutes (Public Act 821), providing for the formation of a Regional Council of Governments within a planning region as defined or redefined by the Secretary of the Office of Policy and Management or his designee, and does hereby join such Regional Council of Governments as duly established in accordance with said statutes. The adoption of such sections includes the provisions of Special Act 73-79 of the 1973 General Assembly respecting additional representation for the core city within the Capitol Region on a Regional Council of Governments and a nonvoting advisory Regional Forum thereunder.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010]

ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-2. Statement of purpose.

§ 7-2. Statement of purpose.

Pursuant to Section 7-273aa of the Connecticut General Statutes Annotated, which provides that any two or more Connecticut municipalities may, by concurrent ordinances of their legislative bodies, create a regional solid waste authority under the provisions of Sections 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 or more municipalities, CCSWA shall be created.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-3. Creation of regional solid waste authority.

§ 7-3. Creation of 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-4. Designation of regional solid waste authority.

§ 7-4. Designation of regional solid waste authority.

The Town of Simsbury (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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-5. Purpose of Authority.

§ 7-5. Purpose of Authority.

The purpose of CCSWA shall be to solicit and jointly manage solid waste and recycling services on behalf of its members.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-6. Principal address of Authority.

§ 7-6. Principal address of Authority.

The principal address of CCSWA shall be 241 Main Street, Hartford, Connecticut 06106, c/o the Capital Region Council of Governments.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-7. Members of Authority.

§ 7-7. Members of 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 sub-regions of CCSWA:

A. The Northwest Sub-Region,

B. The Naugatuck Valley Sub-Region,

C. The Greater Capital Sub-Region; or

D. The Shoreline Sub-Region.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-8. Voting system for meetings of Authority's full membership.

§ 7-8. Voting system for meetings of 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 1% of the total population of all CCSWA municipal members shall have one vote;

B. Each municipal member whose individual population is equal to or greater than 1%, but less than 2%, of the total population of all CCSWA municipal members shall have two votes;

C. Each municipal member whose individual population is equal to or greater than 2%, but less than 5%, of the total population of all CCSWA municipal members shall have three votes;

D. Each municipal member whose individual population is equal to or greater than 5%, but less than 10%, of the total population of all CCSWA municipal members shall have four votes; and

E. Each municipal member whose individual population is equal to or greater than 10% of the total population of all CCSWA municipal members shall have five votes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-9. Appointment, removal and term of office of municipal member representative.

§ 7-9. Appointment, removal and term of office of municipal member representative.

Each municipal member shall appoint one 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-10. Annual meeting and bylaws of Authority.

§ 7-10. Annual meeting and bylaws of Authority.

There shall be at least one 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 bylaws 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 bylaws 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-11. Prohibition against member monetary compensation other than host community compensation.

§ 7-11. 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-12. Executive Committee of Authority.

§ 7-12. Executive Committee of 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 bylaws of CCSWA to be adopted after its formation. No member of CCSWA shall have more than one representative on the Executive Committee, and each member of the Executive Committee shall have one vote, without regard to the voting system established by § 7-8 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 representative of each of the five voting tiers established pursuant to § 7-8 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 sub-regions established under § 7-7 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 bylaws of CCSWA to be adopted after its formation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 7, REGIONAL COOPERATION / ARTICLE II, Central Connecticut Solid Waste Authority [Adopted 5-10-2010] / § 7-13. Adoption of article.

§ 7-13. Adoption of article.

This article is hereby adopted pursuant to and in compliance with all laws governing the municipality's adoption of ordinances.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 11, EMERGENCIES, LOCAL

Chapter 11, EMERGENCIES, LOCAL

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 10-10-2008. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department -- See Ch. 18.
Alarm systems -- See Ch. 61.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 11, EMERGENCIES, LOCAL / § 11-1. Authorization.

§ 11-1. Authorization.

This chapter is adopted pursuant to Connecticut General Statutes Sections 28-1 and 28-8a, as amended.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 11, EMERGENCIES, LOCAL / § 11-2. Declaration of local disaster or emergency.

§ 11-2. Declaration of local disaster or emergency.

The First Selectman, or in his or her absence or incapacity the Deputy First Selectman, or in his or her absence the Board of Selectmen, acting pursuant to Connecticut General Statutes Section 28-8a, is authorized to declare a local disaster or emergency when there exists within the Town of Simsbury conditions constituting a major disaster or emergency, as those terms are defined by Connecticut General Statutes Section 28-1.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 11, EMERGENCIES, LOCAL / § 11-3. Effect of declaration.

§ 11-3. Effect of declaration.

Upon the issuance of such declaration, the First Selectman, or in his or her absence or incapacity the Deputy First Selectman, or in his or her absence the Board of Selectmen, in conjunction with

the Emergency Management Director, shall exercise all the powers and authority granted to the municipality and/or its chief executive officer under Connecticut General Statutes Chapter 517, as amended.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 11, EMERGENCIES, LOCAL / § 11-4. National Incident Management System ("NIMS").

§ 11-4. National Incident Management System ("NIMS").

Pursuant to Connecticut General Statutes Chapter 517, Governor Rell's Executive Order No. 10 (September 19, 2005), and the Homeland Security Act of 2002, P.L. 107-296, the Town of Simsbury adopts the National Incident Management System ("NIMS") as promulgated and revised by the United States Department of Homeland Security as the standard for incident management within the Town of Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 11, EMERGENCIES, LOCAL / § 11-5. Activation of Emergency Operation Center.

§ 11-5. Activation of Emergency Operation Center.

Upon the declaration of disaster or emergency, the First Selectman, or in his or her absence or incapacity the Deputy First Selectman, or in his or her absence the Board of Selectmen, in conjunction with the Emergency Management Director, is authorized to activate the Emergency Operations Center, open one or more emergency shelters, designate evacuation routes and take such action as is necessary to protect public health and safety.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF

Chapter 13, ETHICS, CODE OF

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 9-14-1988; amended in its entirety 4-13-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Personnel -- See Ch. 48.

Salaries and compensation -- See Ch. 57.
Purchase of alcoholic beverages at Town expense -- See Ch. 63.
Gift policy -- See Ch. 100.
Personnel Rules and Regulations -- See Ch. A160.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-1. Legislative intent.

§ 13-1. Legislative intent.

The proper operation of government requires that public officials and public employees be independent, impartial and responsible to the people; that governmental decisions and policies be made free from undue influence and in the proper channels of governmental structure; that governmental office and employment not be used for unauthorized personal gain; that governmental officials and employees strive to avoid even the appearance of impropriety; and that the public have confidence in the integrity of its government. The purpose of this Code of Ethics is to set forth standards of ethical conduct to guide officials and employees of the Town of Simsbury in the conduct of their public responsibilities and to develop and maintain a tradition of responsible and effective public service. In recognition of these goals, this Code of Ethics is established pursuant to authority granted to the Town by Connecticut General Statutes Section 7-148h, as amended.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-2. Board of Ethics.

§ 13-2. Board of Ethics.

A. Establishment. As authorized by Sections 702 and 715 of the Charter of the Town of Simsbury and Section 7-148h, as amended, of the Connecticut General Statutes, the Board of Selectmen shall appoint a Board of Ethics consisting of six members, two of whom shall be registered Republicans, two of whom shall be registered Democrats and two of whom shall be unaffiliated voters. The members of the Board shall serve four-year terms, except that at the first appointment by the Board of Selectmen, one Republican, one Democrat and one unaffiliated voter shall be appointed for two-year terms, with the remaining members appointed for four-year terms. Biennially, thereafter, the Board of Selectmen shall appoint in the manner provided in the Charter of the Town of Simsbury.

B. Organization and procedure. The Board shall elect a Chairman and Vice Chairman/Secretary and shall establish its own rules and procedures, which shall be available to any elector of the

Town upon request to the Board. The first rules and procedures shall be established within six months of the date this chapter becomes effective. The need to maintain confidentiality in order to protect the privacy of public officials, employees and consultants shall be considered when establishing the rules and procedures. It shall keep records of its meetings and shall hold meetings at the call of the Chairman and at such other times as it may determine.

C. Powers and duties.

(1) The Board shall render advisory opinions with respect to the applicability of the Code of Ethics to specific situations to any agency or any official, employee or consultant pursuant to a written request or upon its own initiative. The Board may also issue guidelines. Such opinions and guidelines, until amended or revoked, shall be binding on the Board, and reliance upon them in good faith is an absolute defense in any action brought under the provisions of this chapter or under Section 1103 of the Town Charter. Any request or opinion, the disclosure of which invades the personal privacy of any individual [as that term is used in Connecticut General Statutes Section 1-19(b)(2), as amended, by the Connecticut Freedom of Information Commission and the courts], shall be kept confidential in a personnel or similar file and shall not be subject to public inspection or disclosure. The Board may make available to the public any advisory opinions that do not invade an individual's privacy and may take other appropriate steps in an effort to increase public awareness of this Code of Ethics.

(2) The Board shall establish procedures by which the public may initiate complaints alleging a violation of this Code of Ethics. The Board itself may also initiate such a complaint. The Board shall have that power and to hold hearings concerning the application of this Code and its violation and may administer oaths and compel the attendance of witnesses by subpoena. As required by Section 7-148h(a) of the Connecticut General Statutes, as amended, the provisions of Section 1-82(a) through (c) of the Connecticut General Statutes, as amended, shall apply to all investigations and hearings held under this chapter. If the Board determines that there is probable cause, it shall continue the investigation and hold such further hearings as may be necessary; and if the Board determines that the respondent has, in fact, violated the provisions of this Code, it shall file a memorandum of decision with a recommendation for appropriate action with the Board of Selectmen, except with respect to individuals under the jurisdiction of the Board of Education, in which cases the memorandum of decision shall be filed with the Board of Education. In the case of a consultant, it shall also be filed with the contracting agency.

(3) If an official, employee or consultant who is the subject of a complaint under investigation leaves office or employment after filing of the complaint but before resolution of the complaint, the Board shall have the power, by majority vote, to

continue investigation of the complaint. If an ethics complaint is filed against a former Town of Simsbury official, employee or consultant within 90 days after he or she has left employment for the Town, the Board shall have the power, by majority vote, to initiate an investigation.

(4) The recommended action may include reprimand, public censure, a fine not to exceed $100 or other such action as the Board of Selectmen or Board of Education may deem appropriate in accordance with their respective responsibilities under the law, provided that in the case of union employees, such recommended action does not constitute a unilateral change in conditions of employment. No such recommendation shall limit the authority of the Board of Selectmen or the Board of Education under the Charter of the Town of Simsbury or under any ordinance, statute or any other law, and the actions hereunder shall be supplemental to any authority the Board of Selectmen or Board of Education has under any ordinance, statute or any other law. Any discussion by the Board of Selectmen, Board of Education or contracting agency of an individual affected by said memorandum of decision shall be in executive session, unless the individual affected requests that such discussion be held in open session.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-3. Definitions.

§ 13-3. Definitions.

For the purpose of this chapter, the following terms shall have the indicated meanings:

AGENCY -- All boards, commissions, authorities and committees of the Town of Simsbury, including the Board of Education, but not including a Town Meeting.

BENEFICIAL INTEREST -- Any nonfinancial interest or special treatment that is not common to other citizens of the Town. An individual's beneficial interests shall include the beneficial interests of all members of his/her family.

CONFIDENTIAL INFORMATION -- Information, whether transmitted orally or in writing, that is obtained by an official or employee by reason of his/her public position and is of such nature that, at the time of transmission, it is not a matter of public record.

CONSULTANT -- Any independent contractor or professional person or firm that is engaged by and receives compensation from any agency for the purpose of providing scientific, technical or other specialized opinion to such agency and is in a position to influence any decision of an agency, official or employee.

EMPLOYEE -- Includes all persons, including but not limited to officers and supervisors, employed by the Town and encompasses all persons, including but not limited to officers and supervisors, employed by the Board of Education.

FINANCIAL INTEREST -- Any interest that has a monetary value of $100 or more or generates a financial gain or loss of $100 or more in a calendar year; and is not common to the other citizens of the Town. An individual's 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.

OFFICIAL -- Includes all persons who are members of a Town agency.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-4. Consultants.

§ 13-4. Consultants.

A. This Code of Ethics shall be incorporated into all contracts entered into by an agency and a consultant.

B. Persons or firms who are engaged by and receive compensation from other 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 this Code of Ethics, and the Board of Ethics, upon complaint or its own motion, may make recommendations to the entity employing such persons.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-5. Confidential information.

§ 13-5. Confidential information.

Except as otherwise required by law, no official, employee or consultant shall disclose, without proper authorization, confidential information, nor shall be/she use such information to advance his/her financial or beneficial interests or the financial or beneficial interests of others. This section shall not be used to restrict the release of information that is properly available to the public.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-6. Use of influence.

§ 13-6. Use of influence.

No official, employee or consultant may inappropriately use his/her position to influence a decision affecting a financial interest or a beneficial interest in his/her favor or in favor of any other person or entity.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-7. Gifts and favors.

§ 13-7. Gifts and favors.

A. No official, employee or consultant or any member of his/her immediate 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 reasonable rate, a material thing or a promise, from any person or entity who or which is interested directly or indirectly in any business transactions or pending matters that are within the purview of such prospective recipient's official responsibilities. No official or employee shall accept any special favor, treatment, consideration or advantage beyond that which is generally available to citizens of the Town from any person who, to the official or employee's knowledge, is interested directly or indirectly in any business transactions or pending matters that are within his/her official responsibilities. For purposes of this section, pending matters include, but are not limited to, applications to agencies, bids for work to be performed, applications for employment and bids for the furnishing of supplies, equipment or other items.

B. The Board of Ethics shall formulate guidelines for delineating gifts and favors deemed not to be of value in order to avoid de minimis situations. Such guidelines shall become effective upon adoption by the Board of Selectmen.[EN(3)]

C. This section shall not apply to a political contribution otherwise reported as required by law.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-8. Equal treatment.

§ 13-8. Equal treatment.

Without proper authorization, no official, employee or consultant shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-9. Conflict of interest.

§ 13-9. Conflict of interest.

A. An official or employee or consultant has a conflict of interest when he/she engages in or participates in any transaction, including private employment and the rendering of private services, that is incompatible with the proper discharge of his/her official responsibilities in the public interest or would tend to impair his/her independent judgment or action in the performance of his official responsibilities.

B. An official or employee or consultant has a financial interest or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if he/she has reason to believe or expect that he/she will derive such interest by reason of his/her performance of his/her official responsibilities.

C. An official or employee or consultant does not have a financial or beneficial interest that is incompatible with the proper discharge of his/her official responsibilities in the public interest if any such interest accrues to him/her as a member of a business, profession, occupation or group to no greater extent than it accrues to any other member of the business, profession, occupation or group that he/she represents. This does not relieve an individual from his/her obligation to refrain from voting on any matter that would directly benefit his/her business, profession, occupation, group or family as required by § 13-10 of this Code of Ethics, Section 1103 of the Charter of the Town of Simsbury and General Statutes Section 7-148h(b), as amended

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-10. Disclosure.

§ 13-10. Disclosure.

A. Any official, employee or consultant who has a financial or beneficial interest, direct or indirect, in any contract, transaction or decision within the purview of his/her official responsibilities shall disclose that interest in writing to the Board of Selectmen. Such disclosure also shall be provided, in the case of an official, to the agency of which the official is a member, and, in the case of an employee or consultant, to the agency by which he/she is employed or has been retained. Such disclosure shall disqualify the official, employee or consultant from participation in the matter, and violation of this section shall be grounds for removal by the appropriate agency in accordance with applicable law.

B. No official or 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 financial or beneficial interest without first disclosing such interest to the agency, which shall record such disclosure in the record of the agency's proceeding. The Secretary or Clerk of said agency shall notify the First Selectman and, in the case of an official or employee of the Board of Education, the Chairman of the Board of Education, and the Chairman of the Board of Ethics in writing of such disclosure within three business days.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-11. Incompatible employment and activities.

§ 13-11. Incompatible employment and activities.

A. No official or employee shall engage in or accept private employment or render services for private interest when the employment or services: are incompatible with the proper discharge of his/her official duties; or would tend to impair his/her independence of judgment or action in the performance of his official duty. No consultant shall engage in employment or render services for interests other than the Town when such employment or services: are incompatible with the proper discharge of his/her consulting duties; or would tend to impair the independence of his/her judgment or action on the matter for which he has been engaged by the Town.

B. No former official, employee or consultant shall appear on behalf of any private person or other entity before any agency with which he/she previously was employed or affiliated for a period of one year after the termination of his/her public service or employment. Such an individual may be relieved of his/her duty to refrain from such appearance upon written application to the Board of Ethics, which Board shall review the written application and relevant facts.

C. No former official, employee or consultant shall appear on behalf of any private person or

other entity before any agency in regard to a matter in which he/she previously participated in the course of his/her official responsibilities for a period of one year after the termination of his/her public service or employment. Such an individual may be relieved of his/her duty to refrain from such appearance upon written application to the Board of Ethics, which Board shall review the written application and relevant facts.

D. Subsections B, C and D of this section shall not prohibit any current or former official, employee or consultant from appearing before any agency on his/her own behalf or on behalf of members of his/her family. To avoid the appearance of impropriety, officials are strongly discouraged from appearing before their own agency unless extenuating circumstances exist. When in doubt, an official should seek an opinion from the Board of Ethics prior to appearing before his/her own agency.

E. An official should not appear before, or participate in the proceeding of, another agency in violation of Connecticut General Statutes Section 8-11 or 8-21, as amended, or any other provision of the General Statutes.

F. To avoid even the appearance of impropriety, an official not otherwise prohibited shall exercise care when appearing before other agencies and shall disclose whether he/she is appearing in his/her official capacity or as a private citizen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / § 13-12. Acknowledgment form. EN

§ 13-12. Acknowledgment form. EN(4)

A. Every official shall sign and file with the Board of Selectmen an acknowledgement form, supplied by the First Selectman, indicating his/her awareness of the provisions of this Code of Ethics, the guidelines issued thereunder and Section 1103 of the Charter of the Town of Simsbury on or before being sworn into office and again thereafter in January of each even numbered year. The Board of Selectmen shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.

B. Every consultant shall sign and file with the agency by which he/she is retained an acknowledgment form, supplied by the First Selectman, indicating his/her awareness of the provisions of this Code of Ethics, the guidelines thereunder and Section 1103 of the Charter of the Town of Simsbury on or before being retained by an agency. The Board of Selectmen shall adopt and implement a procedure for monitoring compliance with the aforesaid filing requirement.

C. Employees.

(1) The Board of Selectmen shall adopt and the First Selectman shall implement a plan for making all employees, other than persons who are employed by the Board of Education, aware of the provisions of this Code of Ethics, the guidelines issued thereunder and Section 1103 of the Charter of the Town of Simsbury. The plan adopted by the Board of Selectmen shall contain a provision requiring that department heads review such provisions with all such employees at an interval to be determined by the Board of Selectmen. The plan shall be completed within 120 days after the adoption of this Code of Ethics, and a copy of the plan shall be filed with the Board of Ethics upon its adoption.

(2) Every employee, other than persons employed by the Board of Education, shall execute an acknowledgment form, supplied by the First Selectman, indicating the employee's awareness of the provisions of this Code of Ethics, the guidelines issued thereunder and Section 1103 of the Charter of the Town of Simsbury as follows:

(a) New employees shall execute the form at the time of employment and thereafter in accordance with Subsection C(2)(b) below.

(b) Current employees shall execute the form within 60 days after the adoption of the procedure set forth in Subsection C(1) above and thereafter at intervals specified by the Board of Selectmen, but in no event shall such intervals be less frequent than a period of two years from the date of signing the last acknowledgement form.

D. Board of Education.

(1) The Board of Education shall adopt and the Superintendent shall implement a plan for making all employees of the Board of Education aware of the provisions of this Code of Ethics, the guidelines issued thereunder and Section 1103 of the Charter of the Town of Simsbury. The plan adopted by the Board of Education shall contain a provision requiring that department heads review such provisions with all employees at an interval to be determined by the Board of Education. The plan shall be completed within 120 days after the adoption of this Code of Ethics, and a copy of the plan shall be filed with the Board of Ethics upon its adoption.

(2) Every employee of the Board of Education, shall execute an acknowledgment form, supplied by the Superintendent, indicating the employee's awareness of the provisions of this Code of Ethics, the guidelines issued thereunder and Section 1103 of the Charter of the Town of Simsbury, as follows:

(a) New employees shall execute the form at the time of employment and thereafter in

accordance with Subsection D(2)(b) below.

(b) Current employees shall execute the form within 60 days after the adoption of the procedure set forth in Subsection D(1) above and thereafter at intervals specified by the Board of Education, but in no event shall such intervals be less frequent than a period of two years from the date of signing the last acknowledgement form.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / Acknowledgment Form and Charter Section 1103

Acknowledgment Form and Charter Section 1103

ACKNOWLEDGMENT FORM

I have read Section 1103 of the Charter of the Town of Simsbury, the Code of Ethics Ordinance, and the Guidelines issued thereunder. I understand my responsibilities as a member of _____, an employee of the Town or a consultant retained by _____, and I am in compliance with the Charter and the Code of Ethics. I have indicated in the space below any areas of conflict should they arise in matters before our board, commission, agency or department, and I agree to report any future conflicts under the provisions of Section 1103 of the Charter.

Areas of Exception

CONFLICTS OF INTEREST

SECTION 1103

CONFLICTS OF INTEREST. It is hereby declared to be the policy of the Town that any elected or appointed officer, any member of any board or commission or any employee of the Town who has a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or any board or commission, shall disclose that interest to the Board of Selectmen, which shall record such disclosure upon the official record of its meetings. Such disclosure of a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or of any board or commission shall disqualify such elected or appointed official or such member of a board of commission or such Town employee from participation in the awarding, assignment or discussion of said contract, transaction or decision. Violation by any such official, board or commission member or employee of the provisions of this section shall be grounds for his/her removal.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / Board of Ethics Guidelines for Gifts and Favors

Board of Ethics Guidelines for Gifts and Favors

The following guidelines are issued to delineate gifts and favors deemed to be of no substantial value and permissible under the provisions of ~ 13-7 of the Code of Ethics Ordinance for the Town of Simsbury:

1. The acceptance of a small gift, the denial of which would appear discourteous, provided the value of the gift does not exceed approximately $50 from a single donor or $100 per calendar year from a single donor, is permitted.

2. If a gift is received which is of such insignificant consequence that the cost of its return exceeds the value of the gratuity, it may be accepted.

3. Inexpensive advertising novelties, such as pens, calendars, and other such items

customarily distributed to both the public and private sector, may be accepted.

4. An occasional meal or entertainment event may be accepted if it is in the ordinary course of business, but under no circumstances shall a meal or other event be accepted if the value exceeds approximately $50. Occasional means: infrequent, without regularity, and generally not to exceed six or eight occasions per year.

5. Any other offer for travel, meals or entertainment is prohibited by the ordinance unless:

   (a) it is part of an event related to the Town's business in which the employee or public officials from other municipalities are also offered the same benefit; AND

   (b) the event is approved in advance by the First Selectman in the case of Town officials and employees, or the Superintendent of Schools in the case of Board of Education officials and employees.

   Any such approvals by the First Selectman or Superintendent of Schools which exceed $50 in value shall be reported in writing to the Chair of the Board of Ethics within 10 business days following the date of approval giving a description of the event, the approximate dollar amount involved, and the reason for the approval.

6. Acceptance of a gift, meal, entertainment event or other gratuity from a family member or person having a close relationship who would ordinarily be giving or exchanging gifts for special occasions such as religious holidays, birthdays, birth or adoption of a child are allowed unless the donor has a matter pending where the recipient of the gift has decision making authority.

Approved by the Board of Selectmen on September 10, 2001

of Ethics Complaint and Hearing Procedures

Board of Ethics Complaint and Hearing Procedures

In accordance with § 13-2C of the Town of Simsbury Code of Ethics, the following rules and procedures for the filing of complaints and the conduct of hearings in connection with such complaints have been adopted by the Board of Ethics as of December 10, 2008.

1) All complaints alleging a violation of the Code of Ethics shall be in writing, conforming to the Board of Ethics Complaint Form, and must be signed and dated by all complainants. In accordance with Connecticut General Statutes Section 1-82a, as amended, all such complaints shall be confidential unless made public by the person against whom the complaint is made (herein referred to as the "respondent"). Failure by the complainant to observe the confidentiality required by the statute may result in summary dismissal of the complaint. Complaints shall address specific provisions of the Code of Ethics and/or contain sufficient detail to permit the Board to identify each section of the Code that is the subject of the complaint.

2) Complaints shall be written on the Board of Ethics Complaint Form and hand-delivered or mailed to the Chair of the Board of Ethics (herein referred to as the "Board"). Copies shall be sent promptly to members of the Board and to the respondent. The Board shall convene in an executive meeting and determine whether the complaint justifies an investigation. If the complaint fails to provide sufficient information upon which the Board can take appropriate action or fails to fall within the Board's jurisdiction, the complaint shall be returned to the complainant.

3) If, after preliminary review, the Board determines that the complaint fails to address a matter that is within the purview of the Code, the Board may dismiss the complaint without further proceedings.

4) If the Board determines that the complaint warrants an investigation, the Board may convene the entire Board to conduct the investigation or, at its discretion, constitute a subcommittee of the Board to gather and evaluate the facts related to the complaint. This

subcommittee shall consist of no less than two and no more than three Board members. As part of the investigation, the respondent shall have the right to be present and heard. Upon completion of the subcommittee's investigation, a confidential report of its findings shall be presented to the entire Board. After due discussion by the entire Board, the Board shall determine, by majority vote, whether or not probable cause exists.

5) Upon a finding of probable cause, the Board shall set a date for a public hearing on the complaint which is not less than 10 days nor more than 30 days after notice has been given to the respondent that the Board has found probable cause and is proceeding with a public hearing on the complaint. The date of the hearing may be set by the Board sooner than 10 days or later than 30 days for cause shown. The reason for granting an earlier or later date shall be set forth in the minutes of the Board. Any hearing on a complaint may be adjourned by the Board for a reasonable time for cause shown.

6) In accordance with Connecticut General Statutes Section 1-82a, as amended, not later than three days after the termination of the investigation, the Board shall inform the complainant and respondent of its finding and provide them a summary of its reasons for making that finding. If the Board finds no probable cause, the complaint and the record of its investigation shall remain confidential, except upon request of the respondent, and except further that some or all of the record may be used in subsequent proceedings. If the Board finds probable cause, such finding shall be forwarded, not later than five days after the termination of the investigation, to the Board of Selectmen with respect to respondents under its jurisdiction or to the Board of Education with respect to respondents under its jurisdiction. In the case of a consultant, the finding shall also be sent to the contracting agency. The finding shall also be made public, except as set forth in Section 1-82a, and except as may be otherwise ordered by a court of competent jurisdiction.

7) All hearings shall be conducted in accordance with Connecticut General Statutes Section 1-82a, as amended, with confidentiality rules strictly adhered to; provided, however, in the case of a nonpublic hearing, the respondent shall have the right to a public hearing. All parties shall have the right to legal counsel at their own expense. All parties are permitted to produce witnesses and to cross-examine witnesses. The Board reserves the right to call additional witnesses. Witnesses shall testify under oath. All parties shall have the right to be fully heard; provided, however, that the Board reserves the right to remove any person from the hearing room for cause shown. Any party to the proceeding may introduce relevant documentary evidence. In nonpublic hearings, evidentiary documents shall be subject to the confidentiality rules.

8) Aside from the hearing process, the Board may conduct such other investigations as it deems necessary to reach a conclusion on a complaint, and the results of any such investigation shall be disclosed to the parties.

9) Upon conclusion of a hearing, the Board shall recommend to the Board of Selectmen or Board of Education, as the case may be, that the complaint be dismissed or, if not dismissed, that the respondent be: a) reprimanded, b) publicly censured, or c) fined in an amount not to exceed $100. The Board's recommendation shall be advisory only and not binding on the Board of Selectmen or Board of Education, and they may take whatever action they deem appropriate in accordance with Code of Ethics § 13-2C(4) and other applicable law.

10) By agreement of the Board and the parties in any proceeding conducted under the Code of Ethics and these rules, rules and procedures may be modified to accommodate a particular circumstance, provided that any such modification shall be in accordance with applicable law.

Simsbury Board of Ethics

Revised as of December 10, 2009

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 13, ETHICS, CODE OF / Board of Ethics Complaint Form

Board of Ethics Complaint Form

(In accordance with Connecticut General Statutes, Chapter 10, Section 1-82 et seq.)

Note: A complaint must be filed ***in confidence*** *pursuant to* Connecticut General Statutes Section 1-82a,

Explain the conduct that you believe violated the Simsbury Code of Ethics and identify the person who you believe committed the violation:

Which sections of the Simsbury Code of Ethics do you believe were violated? Please be specific (*e.g.*, Section 13-6).

Is there any additional information or evidence that may be helpful in addressing this complaint?

Your Name (printed):

Address:

Telephone number:

E-mail address:

I understand that I must keep this complaint confidential. Otherwise, the complaint may be dismissed.

Signature:

Date:

Send to:

Chair

Town of Simsbury Board of Ethics

933 Hopmeadow Street

Simsbury, CT 06070

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION

Chapter 15, FAIR RENT COMMISSION

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 6-9-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics -- See Ch. 13.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION / § 15-1. Establishment.

§ 15-1. Establishment.

Pursuant to Sections 7-148b through 7-148f of the General Statutes of Connecticut and by the action of the Special Town Meeting, May 20, 1986, there is hereby created a Fair Rent Commission in the Town of Simsbury with full powers and authority as set forth in said statutes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION / § 15-2. Appointment and terms of members.

§ 15-2. Appointment and terms of members.

The Fair Rent Commission shall consist of seven electors or taxpayers of the town who shall serve for a term of four years: four members shall be appointed to serve a term to expire November 30, 1987, thereafter to be appointed to a four-year term; three members shall serve until November 30, 1989, thereafter to a four-year term. The Director of Human Services shall serve without vote as an ex officio member of said Commission. The members of the

Commission shall serve without compensation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION / § 15-3. Officers; rules and records.

§ 15-3. Officers; rules and records.

Members of the Commission shall elect a Chairperson, Vice Chairperson and a Secretary for a term to be determined by vote of the Commission. The Commission shall have the power to adopt rules and regulations for its government and the conduct of business within its jurisdiction and shall keep a record of its proceedings.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION / § 15-4. Powers and duties.

§ 15-4. Powers and duties.

A. General. The Commission shall have the power to make studies and investigations, conduct hearings and receive written complaints relative to rental charges or proposed increases in rental charges on housing accommodations, except those accommodations rented on a seasonal basis,[EN(5)] within the Town of Simsbury in order to control or eliminate excessive rental charges on such accommodations and to carry out the provisions of this chapter and Section 47a-20 of the Connecticut General Statutes (Retaliatory Action by Landlord) and Section 47a-23c(b) of the Connecticut General Statutes (The Eviction of Elderly, Blind and Disabled Tenants). The Commission may, for such purposes, 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. The Commission may be empowered to retain legal counsel to advise it

B. Informal conciliation. The Commission may, in an appropriate case, encourage a complaining tenant and landlord to meet informally with two members of the Commission appointed by the Chairperson for such purpose in an effort to reach a mutually satisfactory resolution of the issue contained in the complaint. One of the Commissioners so appointed may be the Director of Human Services. Such informal conferences shall be closed to the public and the Commission shall receive no formal "evidence" or render a decision thereon. Any agreement reached by the parties as a result of an informal conference shall be reduced to writing and signed by the parties and shall be fully enforceable as if it were an order of the Commission.

If the parties are unwilling to meet informally or unable to resolve such issues after an informal conference, the parties shall be entitled to a formal hearing before the Commission as set forth in this chapter. The two Commission members assigned to the informal conference may take part in any formal hearing on the complaint which may be held thereafter, unless one or more of the parties objects.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION / § 15-5. Authority to order rent reductions or repairs.

§ 15-5. Authority to order rent reductions or repairs.

A. If the Commission determines, after a hearing, that a rental charge or a proposed increase in a rental charge for any housing accommodation is so excessive, based on the standards and criteria set forth in Subsection B of this section, as to be harsh and unconscionable, it may order the rent reduced to such amount as it determines to be fair and equitable. If the Commission determines, after a hearing, that the housing accommodation in question fails to comply with any municipal ordinance or state statute or regulation relating to health and safety, it may order the suspension of further payments of rent by the tenant until such time as the landlord makes the changes, repairs or installations necessary to bring such housing accommodation into compliance with such ordinance, statute or regulation. The rent being abated during said period shall be paid to the Commission to be held in escrow.

B. Considerations in determining whether a rental charge is excessive. 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 in question:

(1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the Town of Simsbury.

(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) The services, furniture, furnishings and equipment supplied therein.

(5) The size and number of bedrooms contained therein.

(6) The 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 Town of Simsbury and the General Statutes of the State of Connecticut 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION / § 15-6. Penalties for offenses.

§ 15-6. Penalties for offenses.

Any person who violates a written agreement which has been entered into as the result of an informal conference held under § 15-4B of this chapter or who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to § 15-8 herein is pending, or who violates any other provision of this chapter or Section 47a-20 of the Connecticut General Statutes (Retaliatory Action by Landlord) or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto, shall be fined not less than $25 nor more than $100 for each offense. If such offense continues for more than five days, it shall constitute a new offense for each day it continues to exist thereafter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION / § 15-7. Retaliatory conduct of landlord.

§ 15-7. Retaliatory conduct of landlord.

If the Commission determines after a 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION / § 15-8. Appeals.

§ 15-8. Appeals.

Any person aggrieved by an order of the Commission may appeal to the Housing Session of the Superior Court for the Judicial District of Hartford-New Britain at Hartford. Any such appeal shall be considered a privileged matter with respect to the order of trial as provided in Section 7-148e of the Connecticut General Statutes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION / § 15-9. Incorporation of state law.

§ 15-9. Incorporation of state law.

Any amendments to the state law referring to fair rent commissions will be automatically incorporated into this chapter and made a part thereof.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 15, FAIR RENT COMMISSION / § 15-10. When effective.

§ 15-10. When effective.

The Commission shall become effective as of the date of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 18, FIRE DEPARTMENT

Chapter 18, FIRE DEPARTMENT

[The Town Meeting of the Town of Simsbury voted on May 15, 1944, to establish the Simsbury

Fire District. On May 26, 1983, the territorial limits of the district were expanded to include all of the Town of Simsbury. Further information regarding the Fire Department is on file in the office of the Town Clerk.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 20, FLOOD AND EROSION CONTROL BOARD

Chapter 20, FLOOD AND EROSION CONTROL BOARD

[HISTORY: Adopted by the Town Meeting of the Town of Simsbury 1-24-1956. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 20, FLOOD AND EROSION CONTROL BOARD / § 20-1. Public act adopted.

§ 20-1. Public act adopted.

The Town of Simsbury adopts the provisions of Public Act No. 509, An Act Concerning Flood Control and Soil Erosion, and as since amended by Special Session of the Legislature November 1955,[EN(6)] for the purpose of exercising through a Simsbury Flood and Erosion Control Board the powers granted thereunder.[EN(7)]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 21, FUNDS

Chapter 21, FUNDS

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 21, FUNDS / ARTICLE I, Fund for Land Acquisition and Preservation [Adopted 9-25-2000]

ARTICLE I, Fund for Land Acquisition and Preservation [Adopted 9-25-2000]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 21, FUNDS / ARTICLE I, Fund for Land Acquisition and Preservation [Adopted 9-25-2000] / § 21-1. Establishment.

§ 21-1. 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 fund for land acquisition and preservation is hereby established, pursuant to General Statutes §§ 7-131q(b) and 7-131r, as a fund balance for capital and nonrecurring expenditures.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 21, FUNDS / ARTICLE I, Fund for Land Acquisition and Preservation [Adopted 9-25-2000] / § 21-2. Definitions.

§ 21-2. Definitions.

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

AGRICULTURE -- The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding or grazing of any and all of such animals; bees and apiary products; aquaculture; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

DEVELOPMENT RIGHTS -- Any rights or combination of rights to develop, construct on or otherwise improve land.

LAND -- Real property with or without improvements thereon located within the Town of Simsbury.

FUND -- An account established solely for the purposes of the acquisition of development rights or fee simple purchase of undeveloped or underdeveloped land.

TOWN -- The Town of Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 21, FUNDS / ARTICLE I, Fund for Land Acquisition and Preservation [Adopted 9-25-2000] / § 21-3. Open Space Committee.

§ 21-3. Open Space Committee.

For purposes of this chapter there may be established pursuant to Section 403 of the Town Charter an Open Space Committee (hereinafter referred to as "Committee") to assist the Board of Selectmen in administering the fund. If so established by appropriate resolution, the Committee shall consist of the First Selectman, Chairman of the Planning Commission, Chairman of the Conservation Commission, Chairman of the Zoning Commission, or their designees, and one other member to be appointed by the Board of Selectmen. The Committee shall establish rules of procedure for the conduct of its business.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 21, FUNDS / ARTICLE I, Fund for Land Acquisition and Preservation [Adopted 9-25-2000] / § 21-4. Selection criteria for land to be considered for acquisition and preservation.

§ 21-4. Selection criteria for land to be considered for acquisition and preservation.

A. The types of undeveloped or underdeveloped land, or development rights with respect to such land, to be considered by the Board of Selectmen for acquisition wholly or partially with moneys from the fund must be land or development rights the ownership of which would be consistent with the general purposes of this chapter. The Committee shall work with town staff and the Board of Selectmen to identify land or development rights for the purposes of this chapter. If requested by the First Selectman, the Committee may solicit potential sellers and may negotiate transactions to be recommended to the Board of Selectmen for approval for acquisition.

B. Land may be considered for acquisition and preservation, either in fee simple or through the acquisition of development rights. Priority shall be given to land parcels of scenic beauty, wildlife corridors, or agricultural significance.

   (1) The types of land for acquisition in fee simple by the Board of Selectmen may be:

      (a) Land that has passive or active recreational value as outlined in plan of development.

      (b) Land that will promote the preservation of forest land, or has significant scenic,

topographic, conservation or wild life habitat, or value based on the characteristics of the land.

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

(d) Land that will contribute toward the preservation of agriculture, promote agricultural land or has significant value as agricultural land based on its potential, customary or historical use.

(2) The types of development rights to be considered for purchase by the Board of Selectmen must be consistent with the general purpose of this chapter and may include one or more of the following:

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

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

(c) Development rights which will tend to enhance active or passive public recreation opportunities.

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

(e) Development rights which will tend to promote conservation of agricultural soils, particularly prime farmland soil, and/or contribute towards the preservation of agriculture in the town.

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

(3) In considering the acquisition of a particular parcel of land in fee simple or certain development rights thereto, the Board of Selectmen may obtain written recommendations from town agencies, commissions, committees, the general public, state or federal agencies or any other source deemed to be relevant to this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 21, FUNDS / ARTICLE I, Fund for Land Acquisition and Preservation [Adopted 9-25-2000] / § 21-5. Approval; administrative.

§ 21-5. Approval; administrative.

Determination that a particular parcel of land or development rights thereto is to be acquired with moneys in the fund shall be made solely by the Board of Selectmen after recommendation from the Committee and by the Town Meeting if required by Section 503(h) of the Town Charter. Referral to the Simsbury Planning Commission shall be made pursuant to Connecticut General Statutes, § 8-24. The fund shall be administered by the First Selectman and appropriations made from the fund by the Board of Finance as directed by the Board of Selectmen in accordance with the provisions of this chapter and the Town Charter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 21, FUNDS / ARTICLE I, Fund for Land Acquisition and Preservation [Adopted 9-25-2000] / § 21-6. Funding.

§ 21-6. Funding.

A. In preparing the annual town budget, the Board of Selectmen shall consider additions to the fund 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. State and federal grants to the town for acquiring land consistent with this chapter may be deposited in the fund. Interest that accrues on the balance of the fund shall be deposited into the fund. Proceeds from the sale of town-owned real estate may be deposited into the fund.

B. Contributions to the fund 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 fund. Proceeds from the sale of municipal bonds shall not be deposited into the fund but may be used to supplement fund resources.

C. Any unencumbered funds from any source appropriate for the purpose set forth in this chapter prior to the adoption of this chapter may be transferred into the fund. Unencumbered proceeds from the sale of bonds shall not be transferred into the fund, unless the town's bond counsel approves such transfer.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 21, FUNDS / ARTICLE I, Fund for Land Acquisition and Preservation [Adopted 9-25-2000] / § 21-7. Dissolution of fund.

§ 21-7. Dissolution of fund.

If the fund is terminated for any reason, the balance remaining in the fund at the time of such

termination shall be used exclusively for the benefit of the maintenance, improvement and upkeep of the town's parks, recreational areas and open space.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 23, HEALTH AND WELFARE COMMISSION

Chapter 23, HEALTH AND WELFARE COMMISSION

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 1-25-1993.[EN(8)] Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 23, HEALTH AND WELFARE COMMISSION / § 23-1. Creation.

§ 23-1. Creation.

Pursuant to the General Statutes of Connecticut, Chapters 98 and 99, Sections 7-148 through 7-201, and the Charter of the Town of Simsbury, Chapter VII, Section 708, there is hereby created a Health and Welfare Commission in the Town of Simsbury with full powers and authority as set forth in said statutes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 23, HEALTH AND WELFARE COMMISSION / § 23-2. Membership; appointment and term; compensation.

§ 23-2. Membership; appointment and term; compensation.

The Health and Welfare Commission shall consist of nine electors of the town. The members shall be appointed by the First Selectman with approval of the Board of Selectmen and shall serve a term of four years, except that of those first appointed four shall be appointed for a two-year term and the remainder for the full four-year term. Biennially thereafter, the Selectmen shall appoint in the manner provided herein either four or five members to this Commission. The members shall serve without compensation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 23, HEALTH AND WELFARE

COMMISSION / § 23-3. Officers; rules and regulations.

§ 23-3. Officers; rules and regulations.

Members of the Commission shall elect a Chairperson, Vice Chairperson and a Clerk for a period of one year. The Commission shall have the power to adopt rules and regulations for its government, and the conduct of business within its jurisdiction, which shall be established within six months of the date this chapter becomes effective.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 23, HEALTH AND WELFARE COMMISSION / § 23-4. Powers and duties.

§ 23-4. Powers and duties.

The Commission shall be responsible for investigating the health, mental health and welfare needs of the citizens of the town and shall assist public and private agencies in the implementation of programs and facilities in the areas of health, mental health and welfare. The Commission shall have such other powers and duties not inconsistent with the Charter as may be prescribed by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 25, HISTORIC COMMISSION

Chapter 25, HISTORIC COMMISSION

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury: Art. I, 12-16-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Demolition of buildings -- See Ch. 72.
Historic structures in flood hazard areas -- See Ch. 94.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 25, HISTORIC COMMISSION / ARTICLE I, East Weatogue Historic District [Adopted 12-16-1987]

ARTICLE I, East Weatogue Historic District [Adopted 12-16-1987]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 25, HISTORIC COMMISSION / ARTICLE I, East Weatogue Historic District [Adopted 12-16-1987] / § 25-1. District and Commission established; purpose.

§ 25-1. District and Commission established; purpose.

In order to perpetuate and preserve the historic features of Simsbury and to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period or style or architecture of Simsbury, of Connecticut or of the nation, there is hereby established an historic district to be known as the "East Weatogue Historic District" and an Historic District Commission.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 25, HISTORIC COMMISSION / ARTICLE I, East Weatogue Historic District [Adopted 12-16-1987] / § 25-2. Boundaries.

§ 25-2. Boundaries.

The boundaries of the East Weatogue Historic District shall be those described on Schedule A attached hereto and made a part hereof and are shown on a map entitled "East Weatogue Historic District," which map is incorporated herein by reference.[EN(9)]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 25, HISTORIC COMMISSION / ARTICLE I, East Weatogue Historic District [Adopted 12-16-1987] / § 25-3. Historic District Commission.

§ 25-3. Historic District Commission.

A. At least two regular members and one alternate member of the Commission shall be owners of record or residents within an historic district under the jurisdiction of the Commission, and

at least one such member or alternate shall reside in any such district and be willing to serve on the Commission. [Amended 3-23-1992]

B. Within 15 days of the effective date of this Article,[EN(10)] the Board of Selectmen shall appoint five regular members to the Commission, whose terms shall expire five years, four years, three years, two years and one year from the effective date of this Article. The Board of Selectmen shall also appoint three alternate members to the Commission, whose terms shall expire three years, two years and one year from the effective date of this Article. Thereafter, the Board of Selectmen shall appoint successors to regular and alternate members to terms of five years, except that an appointment to fill a vacancy shall be for the duration of the unexpired term of a regular or alternate member. Any member or alternate may be appointed for another term or terms. All regular and alternate members shall serve without compensation.

C. Within 30 days after appointment of the members of the first Commission and annually thereafter on a date that the Commission shall establish, the members shall meet, organize and elect a Chairman, Vice Chairman and a Clerk from its own number. Alternate members shall not participate in any election of officers of the Commission.

D. The presence of four regular or alternate members shall constitute a quorum. No resolution or vote, except a vote to adjourn or to fix the time and place of the Commission's next meeting, shall be adopted by less than three affirmative votes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 25, HISTORIC COMMISSION / ARTICLE I, East Weatogue Historic District [Adopted 12-16-1987] / § 25-4. Powers and duties.

§ 25-4. Powers and duties.

The Commission shall have such powers, shall perform such functions, shall have such duties and shall be subject to such limitations as shall from time to time be prescribed by the enabling legislation, Title 7, Chapter 97a, Sections 7-147a through 147k, of the Connecticut General Statutes, as amended from time to time. Without limiting the powers and duties of the Commission as set forth in the enabling legislation, as it may be amended from time to time, the Commission's powers and duties shall include the following:

A. To hear and determine applications for certificates of appropriateness regarding the erection, alteration or demolition or removal of a building or structure or the use of premises for parking within the East Weatogue Historic District.

B. To adopt rules of practice and regulations to provide guidance to property owners as to factors to be considered in preparing an application for a certificate of appropriateness.

C. To employ clerical and technical assistants or consultants.

D. To accept grants and gifts.

E. To incur expenses appropriate to the carrying on of its work, subject to appropriation by the municipality or receipt of grants or gifts.

F. To take action to prevent illegal acts and to enforce its regulations and the enabling legislation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 26, HUMAN RELATIONS COMMISSION

Chapter 26, HUMAN RELATIONS COMMISSION

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 1-25-1993. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 26, HUMAN RELATIONS COMMISSION / § 26-1. Creation.

§ 26-1. Creation.

Pursuant to the Charter of the Town of Simsbury, Chapter VII, Section 709, there is hereby created a Human Relations Commission in the Town of Simsbury with full powers and authority as set forth in said statutes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 26, HUMAN RELATIONS COMMISSION / § 26-2. Membership; appointment and term.

§ 26-2. Membership; appointment and term.

The Human Relations Commission shall consist of three members. The members shall be appointed by the First Selectman with approval of the Board of Selectmen and shall serve a term

of two years. Biennially thereafter, the Selectmen shall appoint three members to this Commission.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 26, HUMAN RELATIONS COMMISSION / § 26-3. Powers and duties.

§ 26-3. Powers and duties.

The Commission shall be responsible for advising and assisting in the elimination of all discrimination against any individual or individuals because of race, color, religious creed, disability, national origin or ancestry. In pursuing these goals, the Commission shall have the duty to foster mutual understanding and respect, to encourage equality of treatment, to develop a community-wide program of education, to investigate and mediate complaints and seek compliance with federal, state and other governmental laws and regulations and to assist public and private agencies in the implementation of these goals and programs upon the request of such agencies or any person or persons. The Commission shall have such other powers and duties not inconsistent with the Charter as may be prescribed by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 27, (RESERVED)

Chapter 27, (RESERVED)

[Former Ch. 27, Human Services Commission, adopted 9-9-1985, was repealed 1-25-1993.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 30, JUSTICES OF THE PEACE

Chapter 30, JUSTICES OF THE PEACE

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 10-11-1995.[EN(11)] Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 30, JUSTICES OF THE PEACE / § 30-1. Number.

§ 30-1. Number.

The number of the Justices of the Peace shall be limited to 60 as provided by Section 9-183a of the Connecticut General Statutes, commencing with the first election of the Justices of the Peace after the adoption of this chapter by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 30, JUSTICES OF THE PEACE / § 30-2. Affiliation.

§ 30-2. Affiliation.

Two-thirds (2/3) of the Justices shall be elected equally from electors belonging to each of the major parties. The remaining one-third (1/3) shall be elected from other parties or unaffiliated electors.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 34, LIBRARY

Chapter 34, LIBRARY

[HISTORY: Adopted by the Town Meeting of the Town of Simsbury 5-6-1968. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 34, LIBRARY / § 34-1. Library established.

§ 34-1. Library established.

Pursuant to Section 11-20 of the 1958 Revision of the Connecticut General Statutes, there is hereby established a public library in the Town of Simsbury, the use of which shall be free to its inhabitants under such regulations as its Directors may prescribe.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 34, LIBRARY / § 34-2. Board of Directors.

§ 34-2. Board of Directors.

The management of said public library shall be vested in a Board of Directors consisting of six members who shall be electors of the town and shall serve without compensation. The Board of Directors shall be elected at the first biennial election of the town after the establishment of the library; 1/3 of said Directors shall be elected to hold office until the next biennial election, 1/3 until the second biennial election and 1/3 until the third biennial election, and at all biennial elections of such town thereafter, 1/3 of the Directors shall be elected to hold office for six years.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 34, LIBRARY / § 34-3. Powers and duties of Board.

§ 34-3. Powers and duties of Board.

The Board of Directors shall make bylaws for its government, prescribe and enforce regulations for the use of said library, hire such regular employees as may from time to time be reasonably required for the proper conduct and operation of said library and determine the duties and compensation of library employees. Said employees shall have the status and enjoy the benefits of town employees and the town may retire any such employee with a pension or other award. Said Board of Directors shall have the power to accept any bequest, gift or endowment upon the conditions connected with such bequest, gift or endowment, provided that such conditions do not remove any portion of the library from the control of such Board or its successors or in any manner limit the free use of such library or any part thereof by the residents of the town. Said Board of Directors shall also have the power to hold and manage said gifts and bequests and shall have the exclusive right to expend money appropriated by the town for said library and such other funds as said library is or may become entitled to. In addition, the Board of Directors shall have the power to contract with any state agency, municipality, taxing district, private library or other public library to provide or secure library services to the extent and in such manner as may be authorized by law.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 34, LIBRARY / § 34-4. Finances.

§ 34-4. Finances.

The Board of Directors shall designate from among them the officer empowered to draw his

order on the Treasurer of the Town of Simsbury for such sums as may be necessary to pay the expenses of said library, said sums, exclusive of endowment funds and moneys received by gift, grant and bequest, not to exceed in the aggregate the amount appropriated by the town for said library.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 34, LIBRARY / § 34-5. Reports and requests.

§ 34-5. Reports and requests.

The Board of Directors shall make such periodic reports to authorized governmental agencies as are required by law or as it may reasonably be requested to furnish. Said Board shall also submit to the Board of Finance, annually, a statement of estimated amount of money needed by it to perform its required or authorized duties, in the manner provided by law, and may make application to the proper governmental agencies for such grants as may be available to promote the objects and purposes of said library.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 34, LIBRARY / § 34-6. Library Fund.

§ 34-6. Library Fund.

All funds received by the town as gifts or bequests for the benefit of said library shall be placed in the treasury of the town to the credit of the town's Library Fund. The moneys in such fund shall be kept separate from other moneys and shall be withdrawn only by an authorized officer, upon authenticated vouchers of the Board of Directors.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 34, LIBRARY / § 34-7. Designation as principal library.

§ 34-7. Designation as principal library.

The Simsbury Free Library shall continue to be designated as the principal library for the Town of Simsbury until such time as the Board of Directors of the public library herewith established are elected and until library facilities, including both real and personal properties, acquired by

purchase, lease, contract, gift or appropriation, are considered by said Board of Directors as being more sufficient and adequate for library needs of the town than those of the Simsbury Free Library and the town, in a duly called Town Meeting, shall designate the public library herewith established as the "principal public library" of the Town of Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 46, PENSIONS

Chapter 46, PENSIONS

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 9-25-1989.[EN(12)] Amendments noted where applicable.]

GENERAL REFERENCES

Retirement of Town employees -- See Charter Section 1005.
Personnel -- See Ch. 48.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 46, PENSIONS / § 46-1. Full-time employees. [Amended 11-8-2004]

§ 46-1. Full-time employees. [Amended 11-8-2004]

Provisions for all full-time employees of the Town, excluding employees of the Board of Education, police officers and civilian dispatchers, are as follows:

A. Eligibility to participate.

(1) General eligibility. All full-time employees of the Town, including Town officers, shall be required to participate in the plan if they work 321/2 hours per week on a regular schedule. Such participants shall be required to make employee contributions as set forth in the applicable provision of Subsection A(2) below.

(2) Rate of employee contribution. Participants in the plan shall be required to make contributions to the plan each pay period as follows:

(a) Employees other than unaffiliated employees shall contribute to the plan at a rate of 2% of their base pay.

(b) Unaffiliated employees shall contribute to the plan at a rate of 5% of their base pay.

(3) Pickup of unaffiliated employee contributions by the Town. Contributions made by participants who are unaffiliated employees shall be treated as "picked up" by the Town, as defined in Section 414(h) of the Internal Revenue Code. Such amounts shall be considered employer contributions and shall not be includable in an employee's gross income in the year they are made.

B. Vesting schedule. Vesting generally: Participants who have completed five years of service will be 100% vested in their benefits from the plan upon their termination of employment and shall be eligible to receive a benefit at normal retirement or, if the employee elects, at early retirement, subject to any required actuarial reduction for such early retirement.

C. Eligibility to retire and begin receiving benefits.

(1) Normal retirement date.

(a) A participant's normal retirement date is the later of the date on which he attains age 65 or the date on which he has completed five years of credited service.

(b) For members of Connecticut Independent Labor Union, Local #41, a participant's normal retirement date is the date on which the participant attains age 62 if such participant has 25 years of credited service.

(2) Early retirement date. A participant is permitted to retire early on the date that such participant has attained age 55 and completed five years of service, subject to an actuarial reduction for such early retirement.

D. Amount of retirement benefits.

(1) Employees other than unaffiliated employees. The annual retirement income provided by this plan for participants other than unaffiliated employees is equal to 2% of the participant's final earnings times the participant's years of credited service accrued at retirement, up to a maximum of 30 years of credited service.

(2) Unaffiliated employees. The annual retirement income provided by this plan for unaffiliated employees is equal to 2.5% of the participant's final earnings times the participant's years of credited service accrued at retirement, up to a maximum of 30 years of credited service, provided that such retirement income shall not exceed 75% of the employee's final earnings as set forth in Subsection D(3) below.

(3) Exception to thirty-year cap on credited service. Notwithstanding Subsection D(1) and (2) above, the benefit of a participant with more than 30 years of credited service as of the effective date of this chapter shall be determined based on the participant's years of credited service as of that effective date.

(4) Final earnings.

(a) For purposes of calculating the benefit of an employee who retires at his normal retirement date, final earnings means the average of the earnings of the employee during the five highest paid years of the ten-year period preceding retirement.

(b) For purposes of calculating the benefit of an employee who retires on his early retirement date, final earnings means the average of the earnings of the employee during the five-year period preceding retirement.

(5) Purchase of service by unaffiliated employees. Unaffiliated employees may purchase years of credited service under the plan for years of service performed for a governmental entity other than the Town by either transferring all or a portion of the employee's accrued benefit in another governmental pension plan to the plan or by making a cash payment to the plan. The amount of credited service an unaffiliated employee may purchase under this plan shall be limited to the number of years of service such employee completed with another governmental entity. The cost of purchasing a year of credited service to be charged to an employee who wishes to purchase such credited service shall be determined by the plan's actuary.

E. Death benefits.

(1) Preretirement spouse benefit. Upon a participant's death, his/her spouse will receive a preretirement spouse benefit from the plan, provided that: a) the participant and the surviving spouse had been married at least one full year prior to the participant's death; b) the participant was in service with the Town at the time of his/her death; and c) the participant was eligible to retire and receive early retirement income from the plan prior to his/her death. The spouse will receive a preretirement spouse benefit initially equal to 100% of the benefit the participant would have received had he retired early on the date of his death. After 60 such monthly payments have been made, the spouse's benefit will be reduced to 50% of the benefit the participant would have received had he retired early on the date of his death.

(2) Death benefit.

(a) If a participant dies after retirement but prior to 60 payments being made from the plan, and the participant did not select an optional form of benefit, the participant's beneficiary will receive payments equal to the payments received by the participant during his life until a total of 60 payments have been made.

(b) If a participant dies before his retirement date, his beneficiary will receive a refund of the participant's contributions, together with credited interest computed thereon to

the date of the participant's death.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 46, PENSIONS / § 46-2. Board of Education employees.

§ 46-2. Board of Education employees.

Provisions for all full-time Board of Education employees, excluding those covered by the State Teachers Retirement Plan, except for such contractual changes as may be made from time to time, are as follows:

A. Eligibility requirements.

(1) For retirement benefits. All full-time employees of the Board of Education, but excluding those employees covered by the State Teachers Retirement Plan, will be eligible for retirement income if they were hired before age 55 and work 321/2 hours per week on a regular schedule and will have at least 10 years of credited service at retirement date.

(2) For total and permanent disability benefits. For employees as classified above who have completed 10 years' credited service, disability will be deemed total and permanent after it has existed for six months.

(3) For vested benefits. Participating employees who have completed 10 years of credited service will be 100% vested in benefits at termination of employment. All such benefits will commence at normal retirement or at early retirement, but actuarially reduced for such early retirement.

(4) For normal retirement date. The normal retirement date is age 65.

(5) For early retirement. Participating employees will be allowed to retire early at age 55 and with at least 10 years of credited service, with an actuarially reduced pension. There will be no reduction in accrued benefit for a member of the custodial/maintenance staff on or after age 62, provided that the employee has completed 29 years of service.

(6) For retirement benefits. The annual retirement income provided by this plan is equal to 1 1/2% for each year of credited service accrued at retirement. At normal retirement date, final earnings for the purpose of computation of the pension plan will be the five highest of the last 10 years preceding retirement. With early retirement, final earnings for the purpose of computation of the pension plan will be the last five years preceding early

retirement date.

(7) For disability benefits. The disability pension will be $200 per month, except that the monthly amount shall be $300 per month for custodial/maintenance employees until normal retirement, when the pension accrued to the date of disability will be paid.

(8) For death benefits. The only death benefit payments provided by this plan will be the guaranty of pension at full benefit for at least five years from date of retirement, but by employee election, retirement income can be continued to a contingent pensioner at a reduced rate.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 46, PENSIONS / § 46-3. Police officers.

§ 46-3. Police officers.

Provisions for all full-time Town of Simsbury police officers, except for such contractual changes as may be made from time to time, are as follows:

A. Eligibility requirements.

(1) For retirement benefits. All full-time police officers will be eligible for retirement income if they work 32 1/2 hours per week on a regular schedule and will have at least 10 years of credited service at retirement date.

(2) For total and permanent disability benefits. For police officers who have completed 10 years' credited service, disability will be deemed total and permanent after it has existed for six months.

(3) For vested benefits. Participating police officers who have completed 10 years of credited service will be 100% vested in benefits at termination of employment. All such benefits will commence at normal retirement or early retirement, but actuarially reduced for such early retirement.

(4) For normal retirement date. The normal retirement is age 55.

(5) For early retirement. All full-time police officers will be allowed to retire early at age 50 with written consent of the contract holder and with at least 10 years of credited service, with an actuarially reduced pension.

(6) For retirement benefits. The annual retirement income provided by this plan is equal to 2% for each year of credited service accrued at retirement. At normal retirement date,

final earnings for the purpose of computation of the pension plan will be the five highest of the last 10 years preceding retirement. With early or late retirement, final earnings for the purpose of computation of the pension plan will be the last five years preceding early retirement date.

(7) For disability benefits. The disability pension will be $500 per month until normal retirement, when the pension accrued to the date of disability will be paid.

(8) For death benefits. The only death benefit payments provided by this plan will be the guaranty of pension at full benefit for at least five years from date of retirement, but by employee election, retirement income can be continued to a contingent pensioner at a reduced rate.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 46, PENSIONS / § 46-4. Civilian dispatchers.

§ 46-4. Civilian dispatchers.

Provisions for all full-time Town of Simsbury civilian dispatchers, except for such contractual changes as may be made from time to time, are as follows:

A. Eligibility requirements.

(1) For retirement benefits. All full-time employees of the Town, including Town officers, will be eligible for retirement income if they were hired before age 60, work 321/2 hours per week on a regular schedule and will have at least 10 years of credited service at retirement.

(2) For vested benefits. Participating employees and Town officers who have completed 10 years of service will be 100% vested in benefits at termination of employment. All such benefits will commence at normal retirement or at early retirement, but actuarially reduced for such early retirement.

(3) For normal retirement date. The normal retirement date is age 65.

(4) For early retirement. Participating employees and Town officers will be allowed to retire early at age 55 and with at least 10 years of service, with an actuarially reduced pension.

(5) For retirement benefits. The annual retirement income provided by this plan is equal to one and 1 1/2% for each year of credited service accrued at retirement. At normal retirement date, final earnings for the purpose of computation of the pension plan will be

the five highest of the last 10 years preceding retirement. With early retirement, final earnings for the purpose of computation of the pension plan will be the last five years preceding the early retirement date.

(6) For preretirement spouse benefit. Upon the date of a participant's death, his/her spouse will receive a preretirement spouse benefit, provided that they had been married at least one full year prior to the death, the participant was eligible to retire and receive early retirement income and the participant's cessation of service had not previously occurred. The preretirement spouse benefit after 60 months will be equal to 50% of the accrued benefit reduced by early retirement and contingent annuitant factors.

(7) For death benefit. The only death benefit payments provided by this plan will be the guaranty of pension at full benefit for at least five years from date of retirement, but by employee election, retirement income can be continued to a contingent pensioner at a reduced rate.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 48, PERSONNEL

Chapter 48, PERSONNEL

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 10-8-1975. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics -- See Ch. 13.
Pensions -- See Ch. 46.
Salaries and compensation -- See Ch. 57.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 48, PERSONNEL / § 48-1. Authority to establish Personnel Plan.

§ 48-1. Authority to establish Personnel Plan.

Pursuant to Sections 403 and 1001 of the Charter of the Town of Simsbury,[EN(13)] a Personnel Plan shall be established by the Board of Selectmen of said town in accordance with the following.[EN(14)]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 48, PERSONNEL / § 48-2. Applicability of plan.

§ 48-2. Applicability of plan.

The Personnel Plan will apply to all employees of the town except those employed by the Board of Education.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 48, PERSONNEL / § 48-3. Composition of plan.

§ 48-3. Composition of plan.

The plan will include:

A. A position description for each employee in a position filled by or to be filled by an employee of the town, including a complete description of the duties and responsibilities of the position, the minimum qualifications required for appointment to the position and the person who supervises and has authority to employ and terminate employees in the position.

B. Compensation plan which identifies compensation ranges for each employment position and a statement of the town's policy with regard to the development and revision of the ranges, and the application of the plan.

C. Personnel guidelines and rules establishing, among other things, procedures for selection and promotion, probationary employment, normal hours of work and overtime, vacations, sick leave, leaves of absence, dismissals and other guidelines and rules as appropriate to form a complete system for supervising, developing and organizing personnel employed by the town in a manner which is fair to the individuals concerned and as inexpensive and efficient as possible.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 48, PERSONNEL / § 48-4. Position descriptions.

§ 48-4. Position descriptions.

A. The First Selectman shall prepare or cause to be prepared initial position descriptions for all existing positions and present them to the Board of Selectmen for review at or before the first meeting of the Board of Selectmen in December 1975.

B. The First Selectman shall prepare or cause to be prepared new or revised position descriptions from time to time as appropriate and submit them to the Board of Selectmen for approval. No new permanent full-time employees will become employed by the town until a position description has been prepared, recommended by the First Selectman and approved by the Board of Selectmen, except when unusual circumstances require a temporary departure from this standard.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 48, PERSONNEL / § 48-5. Compensation plan and personnel guidelines.

§ 48-5. Compensation plan and personnel guidelines.

The First Selectman shall also prepare or cause to be prepared the compensation plan and personnel guidelines and rules referred to in § 48-3 above. They shall be referred to the Board of Selectmen for review at or before the first meeting of the Board of Selectmen in December 1975.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 48, PERSONNEL / § 48-6. Employees subject to collective bargaining.

§ 48-6. Employees subject to collective bargaining.

Separate provisions may apply with respect to position descriptions, compensation plan and personnel guidelines and rules for employees subject to collective bargaining agreements as necessitated by those agreements.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 48, PERSONNEL / § 48-7. Personnel and Collective Bargaining Committee.

§ 48-7. Personnel and Collective Bargaining Committee.

The First Selectman and the Board of Selectmen shall be assisted by the Personnel and Collective Bargaining Committee of the Board of Selectmen in fulfilling their obligations as outlined above.

All newly created positions will be referred to this Committee prior to action by the full Board. This Committee will also be advised of plans to hire or promote employees at department head level so that assistance can be provided in screening candidates and so that the Committee will be able to recommend action to the full Board when appropriate.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 50, PLANNING COMMISSION

Chapter 50, PLANNING COMMISSION

[The Planning Commission of the Town of Simsbury was first established by the Town Meeting on October 1, 1928. The current Commission members and alternates are elected in accordance with Sections 301 and 302 of the Charter and exercise the powers and duties prescribed by the General Statutes of Connecticut, Section 8-18 et seq.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 52, POLICE COMMISSION

Chapter 52, POLICE COMMISSION

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 1-25-1993. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 52, POLICE COMMISSION / § 52-1. Creation.

§ 52-1. Creation.

Pursuant to the General Statutes of Connecticut, Chapter 104, Section 7-274 et seq., and the Charter of the Town of Simsbury, Chapter VII, Section 717, there is hereby created a Police Commission in the Town of Simsbury with full powers and authority as set forth in said statutes and Charter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 52, POLICE COMMISSION / § 52-2. Membership; appointment and term.

§ 52-2. Membership; appointment and term.

The Police Commission shall consist of five electors of the town. The members shall be appointed by the Board of Selectmen and shall serve a term of four years, except that of those first appointed three shall be appointed for a two-year term and the remainder for a four-year term. Biennially thereafter, the Board of Selectmen shall appoint in the manner provided herein either two or three members to the Police Commission, depending on the number of members whose terms then expire.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 52, POLICE COMMISSION / § 52-3. Chairperson.

§ 52-3. Chairperson.

Members of the Commission shall elect a Chairperson at the Commission's first meeting in each calendar year. The Chairperson shall serve as the Police Commission's liaison to the Police Chief and to the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 52, POLICE COMMISSION / § 52-4. Powers and duties.

§ 52-4. Powers and duties.

A. Generally. The Police Commission shall have all the powers and duties, not inconsistent with the Charter of the Town of Simsbury, as are now or may be hereafter conferred or imposed upon said Commission by Chapter 104, Section 7-276, of the Connecticut General Statutes, as amended.

B. Specifically, the Police Commission shall also have the following specific powers and duties:

   (1) Citizen matters. The Police Commission shall be responsible for the investigation of citizen complaints against members of the Police Department in accordance with procedures established and published by the Police Commission. The Police Commission shall be responsible for maintaining good relations between the Police Department and the Simsbury community.

   (2) Budget. The Police Commission shall annually prepare a proposed budget for the Police

Department to be submitted to the Board of Selectmen.

(3) Personnel matters. The Police Commission shall be responsible for personnel matters within the Police Department, including but not limited to the appointment and removal, after receiving and considering comments from the Chief of Police and subject to such rules and regulations concerning town employees as may be adopted by the Board of Selectmen pursuant to the provisions of Chapter X of the Charter, of all other officers and employees of the Police Department. Said powers of appointment and removal shall include the appointment and removal of an Animal Control Officer, whose appointment shall be subject to the approval of the First Selectman and whose powers and duties shall be as provided in Chapter 435 of the Connecticut General Statutes, as amended.

(4) Collective bargaining matters. The Police Commission shall conduct police union contract negotiations pursuant to procedures mutually agreed to by the Commission and the Board of Selectmen, with the proviso that final authority for the approval of any union contract or collective bargaining agreement is vested in the Board of Selectmen.

(5) Other duties. The Police Commission shall have such other duties as may be imposed by the Board of Selectmen.

Chapter 53, PUBLIC HEARINGS, JOINT

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 5-14-2007. Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Commission/Inland Wetlands and Watercourses Agency -- See Charter, Section 705.
Planning Commission -- See Ch. 52.

§ 53-1. Joint hearings on land use applications allowed.

Whenever any land use application or applications within the Town of Simsbury require review or decision by any combination of the Board of Selectmen, Planning Commission, Zoning

Commission, Conservation Commission/Inland Wetlands and Watercourses Agency or Zoning Board of Appeals, upon the affirmative vote of each Board or Commission, those agencies may hold joint public hearings with respect to some or all of the applications or other matters before them when it appears that such joint public hearings are in the best interest of the Town.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 53, PUBLIC HEARINGS, JOINT / § 53-2. Notice of hearing.

§ 53-2. Notice of hearing.

Each participating agency shall be responsible for providing separate notice of the hearing, and such notices shall identify the proceeding as a joint hearing. Whenever practicable, consolidated notice of the joint public hearing, shall be given in the manner required by each agency's regulations. Such notice shall be in accord with the requirements applicable to each of the applications or other matters to be considered and shall comply with the Connecticut Freedom of Information Act.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 53, PUBLIC HEARINGS, JOINT / § 53-3. Conduct of hearing.

§ 53-3. Conduct of hearing.

The agencies participating in the joint public hearing shall adopt procedures for the conduct of joint public hearings.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 53, PUBLIC HEARINGS, JOINT / § 53-4. Participating agencies to deliberate and decide applications separately.

§ 53-4. Participating agencies to deliberate and decide applications separately.

After the joint public hearing is closed, each participating agency shall meet separately to deliberate and decide the application or applications regarding which it has jurisdiction.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART I ADMINISTRATIVE LEGISLATION / Chapter 57, SALARIES AND

COMPENSATION

Chapter 57, SALARIES AND COMPENSATION

[Pursuant to Section 1003 of the Charter of the Town of Simsbury, the salaries, wages or other compensation of officers and employees of the town are set periodically by the Board of Selectmen. Current salary figures are on file in the office of the Director of Finance and available for public inspection during regular office hours.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION

PART II
GENERAL LEGISLATION

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS

Chapter 61, ALARM SYSTEMS

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 6-13-1994.[EN(15)] Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department -- See Ch. 18.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-1. Purpose.

§ 61-1. Purpose.

The purpose of this chapter is to provide minimum standards and regulations applicable to alarm systems and alarm system owners/users, as defined in this chapter. The responsible usage of alarm systems is the primary goal of this chapter, and the Town of Simsbury mandates that the following chapter be complied with in order to enhance the safety of the residents of Simsbury as well as the safety of Simsbury police officers, firefighters and volunteer ambulance personnel

responding to alarms.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-2. Definitions.

§ 61-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALARM BUSINESS -- Any business operated for a profit which engages in the activity of installing, leasing, maintaining, servicing, monitoring, receiving or responding to alarm systems, including burglar, holdup, panic, fire or medical alert alarm systems, or which causes any of these activities to take place.

ALARM SYSTEM -- Any assemblage of equipment and devices (or a single device, such as a solid-state unit, that plugs directly into a one-hundred-ten-volt AC line) arranged to signal the presence of a hazard requiring urgent attention of the Police Department, the Fire Department or the Volunteer Ambulance Service.

ALARM SYSTEM OWNER/USER -- A person who buys and/or leases or otherwise obtains an alarm system and thereafter installs it or has it installed and contracts with an alarm business to monitor and/or service the alarm system. The term "alarm system owner/user" shall also mean a person who has control of premises in which an operable alarm system is installed.

FALSE ALARM -- The activation of an alarm system through the mechanical failure, improper monitoring, malfunction, improper installation or negligence of the alarm system owner/user or his employees, agents or family. "False alarms" do not include activations of alarm systems caused by fire, criminal act or other emergency; an act of nature, such as an earthquake, tornado or hurricane; circumstances which are not within the control of the alarm system owner/user; or failure of telephone company equipment used for the transmitting of alarms from premises or property to a monitoring location.

FIRE ALARM SYSTEM -- Any heat-activated, smoke-activated, flame-activated or other such automatic device capable of transmitting a fire alarm signal to a central station operating company. All fire alarms shall be installed, tested, and maintained in accordance with the Connecticut State Fire Code and applicable building codes.

FIRE DEPARTMENT -- The Volunteer Fire Department of the Town of Simsbury.

FIRE DISTRICT -- The Fire District of the Town of Simsbury.

FIRE MARSHAL -- The person appointed as Fire Marshal by the President of the Simsbury Fire District, or such person's designee.

INTRUSION ALARM SYSTEM -- Any alarm system which transmits an alarm signal to a central station operating company indicating a burglary, robbery or other intrusion into a building or which emits or causes to be emitted an audible alarm signal.

MEDICAL ALARM SYSTEM -- Any alarm system which transmits an alarm signal to a central station operating company indicating that a person is in need of medical assistance.

PERSON -- Any person, firm, partnership, association, corporation, company or organization of any kind.

POLICE CHIEF -- The Chief of the Police Department of the Town of Simsbury, Connecticut, or his designee.

POLICE COMMISSION -- The Police Commission of the Town of Simsbury or its designee(s).

POLICE DEPARTMENT -- The Police Department of the Town of Simsbury, Connecticut, or any authorized agent thereof.

RECORDED MESSAGING ALARM SYSTEM -- A signaling device that dials a predetermined number when the alarm system signals an intrusion or attempted intrusion and audibly reports such an intrusion or attempted intrusion from a recorded message at the premises.

TOWN -- The Town of Simsbury, Connecticut.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-3. Promulgation of rules and regulations.

§ 61-3. Promulgation of rules and regulations.

A. The Police Commission may promulgate rules and regulations to implement this chapter. Said regulations shall be consistent with the terms of this chapter.

B. The Fire Marshal may promulgate rules and regulations to implement the portions of this chapter relating to fire alarms. Said regulations relating to fire alarms shall be consistent with the terms of this chapter and with any regulations adopted by the Police Commission to implement this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-4. Alarm system permit.

§ 61-4. Alarm system permit.

A. The town is hereby authorized to issue a permit to any person who is the owner, lessee or occupant of premises or property located in the town to install, operate, maintain or modify an alarm system, and no such system shall be installed, operated, maintained or modified unless such permit shall have first been issued. The form and content of information required on the permit application shall be as determined by the Police Commission in rules and regulations promulgated under § 61-3A. The town shall charge a fee of $10 for the issuance of any such permit.

B. No permit shall be issued to operate, maintain, install or modify a fire alarm system unless a locked key vault system designed to provide rapid entry into an unattended, secured building without damage has been installed on the premises for which the permit is issued.

C. Except as otherwise provided by law, a permit issued under this chapter may be revoked by the Police Commission upon the recommendation of the Chief of Police, or, in the case of a fire alarm system, upon the recommendation of the Fire Marshal, and the giving of 10 days notice, in writing, by certified mail to the permit holder, sent to the address shown on the permit.

D. The Police Commission may impose a penalty of $25 upon any person who operates an alarm system for which a permit has not been issued for each day of continued noncompliance with this section.

E. The owner/user of an alarm system shall be responsible for informing the Police Department of any material change in the information provided in the alarm permit application within 10 days of such change. The Police Commission may impose a penalty upon an alarm system owner/user in the amount of $25 for each day of continued noncompliance with this section.

F. If at the passage of this chapter an alarm system has already been installed and is being operated on premises or property located within the town, the alarm system owner/user shall comply with the requirements of this section within 15 days after the Simsbury Police Department has notified the alarm system owner/user of the requirements of this section. The Police Commission may impose a penalty upon an alarm system owner/user in the amount of $25 for each day of continued noncompliance with this section once the fifteen-day notification requirement has been met.

PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-5. No direct transmission to Police Department or Fire Department.

§ 61-5. No direct transmission to Police Department or Fire Department.

A. With the exception of town or fire district facilities, no alarm system shall transmit an alarm directly to the Police Department or Fire Department.

B. Within 15 days after receipt of notice that an alarm system may not transmit directly to the Police Department and an order to disconnect such system, the alarm system owner/user shall disconnect such alarm system. Failure to do so within this fifteen-day period shall subject the alarm system owner/user to a penalty of $50 for each continued day of noncompliance.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-6. Maintenance of system; notice of service disruption.

§ 61-6. Maintenance of system; notice of service disruption.

A. Each alarm system owner/user is required to maintain all components of his alarm system in good working order at all times to ensure that the sensory mechanism used in connection with such system is adjusted to suppress false indications, so that the alarm system will not be activated by impulses due to forces unrelated to genuine alarms. In the case of fire alarm systems, maintenance and testing shall be conducted in conformity with the State Fire Safety Code, as the same may be amended from time to time.

B. When an alarm business's service to its subscribers is disrupted by the alarm business for any reason, or the alarm business becomes aware of a disruption, the alarm business shall promptly notify its subscribers by telephone that protection has been disrupted. If, however, the subscriber has instructed the alarm business, in writing, not to make such notification by telephone during business hours, the alarm business may comply with such instructions. When installation of required fire alarm systems is interrupted for repairs or other necessary reasons, the owner, tenant or lessee shall promptly notify the Fire Department.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-7. Administration and enforcement.

§ 61-7. Administration and enforcement.

A. The Police Department shall administer and enforce this chapter and any rules and regulations promulgated thereunder. Violation of any provision of this chapter shall constitute grounds for the revocation of a permit issued under this section.

B. In addition to any other penalty set out in this chapter, the Police Commission may by regulation prescribe penalties not to exceed $90 for specific violations of this chapter, if no penalty for such a violation is specifically prescribed by this chapter.

C. The Police Department, or such agency as may be designated by the Board of Selectmen, shall be responsible for the billing of penalties and false alarm charges to alarm system owners/users who have violated the provisions of this chapter. The town, or such agency as may be designated by the Board of Selectmen, shall be responsible for the receipt and collection of all such penalties and charges.

D. Notification of false alarms. If the Police Department or Fire Department responds to a false alarm as defined in § 61-2 of this chapter, the Police Department shall leave at the premises of the alarm system owner/user a notice of such response and a copy of the provisions of the ordinance dealing with false alarms.

E. False alarms.

(1) No more than three false alarms from any one alarm system per calendar year shall be permitted.

(2) False alarm charges.

(a) First three false alarms each calendar year: no charge.

(b) Fourth false alarm each calendar year: $50.

(c) Fifth false alarm each calendar year: $75.

(d) Sixth and all subsequent false alarms each calendar year: $90.

(3) The above charges for false alarms shall be paid to the town or such agency as may be designated by the Board of Selectmen. Failure to pay any such charges shall subject an alarm system owner/user to the penalty provisions of this chapter.

(4) False alarm charges which remain unpaid for a period of more than 30 days after billing shall be doubled.

F. Hearing on penalties or revocation of alarm permit; reconsideration of false alarm determination; appeal of false alarm charges.

(1) Upon written request filed with the Police Commission within 15 days of the receipt of a

notice of penalty or revocation of an alarm permit, the alarm system owner/user may request a hearing before the Police Commission to determine if there are sufficient grounds to sustain any penalty(s) or revocation as provided for in this chapter. If such a request is filed on a timely basis, the penalty(s) or revocation of the permit will not take effect until such hearing shall have been held.

(2) Within 15 days of the notification of a false alarm, an alarm system owner/user may request reconsideration of the false alarm determination by filing a written request with the Police Commission containing information to show why the alarm indication was not false. Within 15 days of the receipt of such a request, the Police Commission or its designee shall make a decision to reconsider or to reaffirm the false alarm determination. Prior to taking an appeal under § 61-7F(3) below, an alarm system owner/user must request reconsideration of a false alarm determination as provided in this section.

(3) Within 15 days of the notification from the Police Commission or its designee reaffirming a false alarm determination, an alarm system owner/user may file a written request for appeal of the false alarm charges with the Police Commission. The Police Commission shall hold a hearing at which the alarm system owner/user, the Police Chief or his designee and/or the Fire Marshal or his designee shall be heard. Within 10 days of such hearing, the Police Commission shall issue a decision affirming, annulling or modifying the false alarm determination and/or any charges stemming therefrom and shall send a copy of such decision to the alarm system owner/user by certified mail.

(4) The Police Commission may designate the Police Chief or one or more of his subordinates to perform its duties under this section except with regard to hearings held pursuant to this section.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-8. Timing device; disconnection.

§ 61-8. Timing device; disconnection.

A. The alarm system owner/user of every intrusion alarm system emitting an audible signal shall, at the time of installation or within six months of the effective date of this chapter, install or cause to be installed an automatic timing device which shall deactivate such alarm so that it will not emit an audible signal for more than 30 minutes.

B. In the event that an intrusion alarm system shall fail to be deactivated within the thirty-minute limit specified in Subsection A above, the town shall have the right to take such action as is

necessary to disconnect such alarm system.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-9. Penalties for offenses.

§ 61-9. Penalties for offenses.

A violation of any provision of this chapter shall be an infraction as provided for in Connecticut General Statutes Sections 51-164m and 51-164n. Pursuant to Connecticut General Statutes Section 51-164p, any violation of any provision of this chapter shall be punishable by a fine of not more than $90 for each offense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-10. Deposit of funds from false alarm charges.

§ 61-10. Deposit of funds from false alarm charges.

A. Funds from charges or penalties arising out of or as a result of the use of fire alarm systems shall be payable to the Simsbury Fire District for deposit in the Fire District General Fund.

B. All other funds from penalties or charges imposed pursuant to the provisions of this chapter shall be payable to the Town of Simsbury and shall be deposited in the Town General Fund.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-11. Town liability.

§ 61-11. Town liability.

Neither the Town of Simsbury nor any fire district within the the town shall be liable for any defects in operation of any alarm system, for any failure or neglect to respond appropriately upon receipt of an alarm from such a source or for any failure or neglect of any person in connection with the installation, operation, disconnection or removal of equipment, the transmission of alarm signals or the relaying of such signals or messages.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-12. Severability.

§ 61-12. Severability.

If any section, clause, provision or portion of this chapter shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 61, ALARM SYSTEMS / § 61-13. Effective date.

§ 61-13. Effective date.

This chapter shall take effect July 14, 1994.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 63, ALCOHOLIC BEVERAGES

Chapter 63, ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 63, ALCOHOLIC BEVERAGES / ARTICLE I, Purchase at Town Expense [Adopted by the Town Meeting 11-5-1832]

ARTICLE I, Purchase at Town Expense [Adopted by the Town Meeting 11-5-1832]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 63, ALCOHOLIC BEVERAGES / ARTICLE I, Purchase at Town Expense [Adopted by the Town Meeting 11-5-1832] / § 63-1. Purchase at Town expense prohibited.

§ 63-1. Purchase at Town expense prohibited.

No ardent spirits or wine shall be furnished or procured by the Selectmen or others at the expense of the Town.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 63, ALCOHOLIC BEVERAGES / ARTICLE II, Public Consumption [Adopted by the Board of Selectmen 3-24-2003]

ARTICLE II, Public Consumption [Adopted by the Board of Selectmen 3-24-2003]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 63, ALCOHOLIC BEVERAGES / ARTICLE II, Public Consumption [Adopted by the Board of Selectmen 3-24-2003] / § 63-2. Possession or consumption in Town buildings limited; permit required.

§ 63-2. Possession or consumption in Town buildings limited; permit required.

Except as permitted under the provisions of this article, no person shall consume any alcoholic beverage or have in his or her possession or control an open container containing any alcoholic beverage while he or she is an occupant in any Town-owned building. For the purposes of this article, alcoholic beverages shall be as those terms are defined in Connecticut General Statutes Section 30-1(3).

A. Exception to prohibition; permit required. Notwithstanding the provisions of this § 63-2, any person may possess and consume alcoholic liquor in Town-owned buildings, excluding buildings operated by the Board of Education, if a written permit so authorizing said possession and consumption has been obtained from the office of the First Selectman for a specific event on a specific date or dates. Such a permit may be issued by the First Selectman upon receipt of a completed application on a form approved by the Board of Selectmen and upon a determination by the Board of selectmen that the issuance of the permit will not be detrimental to the public safety, health or welfare or result in a violation of any other ordinance of the Town, or state or federal law.

B. Property exempted. The premises known as the "Simsbury Farms Restaurant," including the patio, located at the Simsbury Farms Recreation Complex, is specifically exempted from this permitting requirement set forth in § 63-2A of this article. The purpose of this exemption for

§ 63-2A is to permit patrons of the Simsbury Farms Restaurant to bring their own alcoholic liquor, as those terms are defined in the Connecticut General Statutes Sections 30-1(5) and 30-1(19), to the restaurant for consumption that is customary and incidental to consumption with meals served at the restaurant. This exemption shall be subject to the ongoing review of the Board of Selectmen and shall be reviewed by the Board of Selectmen at least annually.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 63, ALCOHOLIC BEVERAGES / ARTICLE II, Public Consumption [Adopted by the Board of Selectmen 3-24-2003] / § 63-3. Penalties for offenses.

§ 63-3. Penalties for offenses.

Any person who shall violate any of the provisions of this article or who shall aid or abet in the violation of any of said provisions shall be fined not less than $25 nor more than $50 for each offense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 63, ALCOHOLIC BEVERAGES / ARTICLE III, Possession by Minors [Adopted 1-26-2004]

ARTICLE III, Possession by Minors [Adopted 1-26-2004]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 63, ALCOHOLIC BEVERAGES / ARTICLE III, Possession by Minors [Adopted 1-26-2004] / § 63-4. Possession of alcoholic beverages by minors.

§ 63-4. Possession of alcoholic beverages by minors.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

ALCOHOLIC LIQUOR -- Shall have the same meaning, as the same term is defined in Title 30, Section 30-1 of the Connecticut General Statutes from time to time.

HOST -- To organize a gathering of two or more persons, or to allow the premises under one's control to be used with one's knowledge of two or more persons for personal, social or business

interaction.

MINOR -- Shall have the same meaning as the same term is defined in Title 30, Section 30-1 of the Connecticut General Statutes, which states a "minor" means any person under 21 years of age.

B. Possession. Subject to the exceptions set forth in Subsection E, no minor shall be in possession of alcoholic liquors, whether in opened or closed containers or otherwise on private property within the Town of Simsbury except when accompanied by or in the presence of his or her parent, guardian or spouse who has attained the age of 21.

C. Hosting events. No person shall host an event or gathering on private property at which alcoholic liquor is consumed by or dispensed to any minor unless said minor is accompanied by or in the presence of his or her parent, guardian, or spouse who has attained the age of 21.

D. Penalty. Any person violating any provisions of this section shall be subject to a fine not to exceed $90 for each offense.

E. Exceptions. The provisions of § 63-4B of this article shall not apply to the following:

(1) A minor who possesses alcoholic liquor on the order of a practicing physician or any person who sells, ships, delivers or gives any alcoholic liquors to a minor on the order of a practicing physician.

(2) A person over the age of 18 who is an employee or permit holder under Section 30-90a of the Connecticut General Statutes and who possesses alcoholic liquor in the course of such persons employment or business or in the course of a sale, shipment or delivery of alcoholic liquor made to a person over age 18 who is an employee or permit holder under § 30-90a of the Connecticut General Statutes and where such sale, shipment or delivery is made in the course of such person's employment or business.

(3) A minor who possesses an unopened container of alcoholic liquor without intent to consume the alcoholic liquor.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 67, BICYCLES

Chapter 67, BICYCLES

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 1-8-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Riding bicycles on town and school property -- See Ch. 115.
Streets and sidewalks generally -- See Ch. 137.
Vehicles and traffic -- See Ch. 149.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 67, BICYCLES / § 67-1. Definitions.

§ 67-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SIDEWALK -- Any hard-surfaced walkway which is five feet or less in width and generally paralleling a road or highway and is for the exclusive use of pedestrians.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 67, BICYCLES / § 67-2. Riding on sidewalks.

§ 67-2. Riding on sidewalks.

On and after the effective date of this chapter,[EN(16)] it shall be unlawful for any person to ride any bicycle on any portion of a sidewalk in the Town of Simsbury extending along a road or highway.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 67, BICYCLES / § 67-3. Penalties for offenses.

§ 67-3. Penalties for offenses.

The violation of this chapter shall be an infraction as provided in General Statutes Sections 51-164m and 51-164n. Any person violating this chapter shall be subject to a penalty of $20 for the first offense and $40 for each offense thereafter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 67, BICYCLES / § 67-4. Enforcement.

§ 67-4. Enforcement.

Pursuant to General Statutes Section 7-148(c)(10)(A), this chapter may be enforced by citations issued by a member of the Simsbury Police Department.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 70, BUILDING CONSTRUCTION

Chapter 70, BUILDING CONSTRUCTION

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury: Art. I, 6-22-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Demolition of buildings -- See Ch. 72.
Construction in flood hazard areas -- See Ch. 94.
Numbering of buildings -- See Ch. 112.
Sewers -- See Ch. 130.
Highway excavations -- See Ch. 137, Art. II.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 70, BUILDING CONSTRUCTION / ARTICLE I, Building Department Fees [Adopted 6-22-1987]

ARTICLE I, Building Department Fees [Adopted 6-22-1987]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 70, BUILDING CONSTRUCTION / ARTICLE I, Building Department Fees [Adopted 6-22-1987] / § 70-1. Applicability.

§ 70-1. Applicability.

The fees established in this Article shall not be applied to any agency or department of the Town of Simsbury, the Simsbury Board of Education or the Simsbury Fire District.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 70, BUILDING CONSTRUCTION / ARTICLE I, Building Department Fees [Adopted 6-22-1987] / § 70-2. Fee schedule. [Amended 11-13-1991; 1-13-1992]

§ 70-2. Fee schedule. [Amended 11-13-1991; 1-13-1992]

The following schedule of fees is hereby adopted:

A. Building permits for new construction, repair and alterations:

   (1) One thousand dollars and over: $12 per $1,000 of construction cost or portion thereof.

   (2) Under $1,000: a fee of $12.

B. Certificates of occupancy: $5.

C. Permits for building movement: $12 per $1,000 of moving cost or part thereof, plus cost of foundation and all work necessary to place the building or structure in its completed condition in the new location. Fees will be waived for structures listed in A Survey of Historic Structures and Landmarks in Simsbury, as amended from time to time.

D. Demolition permits: $12 per $1,000 or portion thereof for cost of demolition.

E. Structural and mechanical review and testing. When structural and/or mechanical services are required, the applicant shall pay the cost of the services in addition to the above fees.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 72, BUILDINGS, DEMOLITION OF

Chapter 72, BUILDINGS, DEMOLITION OF

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 3-23-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 70.
Open burning -- See Ch. 75.
Disconnection of sewers -- See Ch. 130.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 72, BUILDINGS, DEMOLITION OF / § 72-1. Permit required.

§ 72-1. Permit required.

No person, firm, corporation or other entity shall demolish any building, structure or part thereof without first obtaining a permit from the Building Department. No such permit shall be issued until:

A. The applicant complies with the provisions of Connecticut General Statutes Section 29-406;

B. The applicant supplies the Building Department with a certificate from a licensed exterminator which certifies that the premises to be demolished is free from rodent infestation; and

C. If the building, structure or part thereof to be demolished is 500 square feet in size or larger and more than 50 years old, the provisions of § 72-2 are complied with.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 72, BUILDINGS, DEMOLITION OF / § 72-2. Requirements for certain large or old buildings.

§ 72-2. Requirements for certain large or old buildings.

With respect to any application to demolish a building, structure or part thereof which is 500 square feet in size or larger and more than 50 years old, in addition to the applicant's complying with the provisions of § 72-1 above, prior to the issuance of a demolition permit the Building Inspector or his designee shall:

A. 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 10 days following the filing of the demolition permit application. Such notice shall state the following:

   (1) That an application has been filed for a demolition permit.

   (2) The date of the filing of such application.

   (3) The location of the property.

   (4) The name of the owner of the property.

   (5) That unless written objection, stating the nature of the objection, is filed with the Building Inspector within 15 days of the publication of the notice, the permit may be

issued after the expiration of such fifteen-day period.

B. Within 10 days following the filing of the demolition permit application, provide, by first-class mail, a copy of the legal notice required under Subsection A 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.[EN(17)] To be entitled to notification under this provision, any such individual, firm, corporation, organization or other entity shall register with the Building Inspector and indicate a desire to be notified of demolition permit applications. Such registration must be renewed annually each January 1 following the initial registration. Within such period, such notice shall also be provided in like manner to the Connecticut Historical Commission and to abutting landowners of the property in question. The Commission and such landowners shall be exempt from the registration requirement.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 72, BUILDINGS, DEMOLITION OF / § 72-3. Filing of objections.

§ 72-3. Filing of objections.

With respect to any application to demolish any building, structure or part thereof covered under § 72-2 above, if a written objection stating the nature of the objection to the issuance of the demolition permit is filed with the Building Inspector by any individual, firm, corporation, organization or other entity within 15 days following publication of the legal notice as required under § 72-2A above, the Building Inspector shall delay issuance of the permit for a period of 90 days from the receipt of the application. If no objection to the demolition of the subject building, structure or part thereof is filed within 15 days of said publication, the Building Inspector may issue the permit forthwith.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 72, BUILDINGS, DEMOLITION OF / § 72-4. Fees.

§ 72-4. Fees.

A. The fee is based on the cost of demolition work. The applicant for a demolition permit shall pay a permit fee based on the fee set forth in the Building Department fee schedule.[EN(18)] [Amended 1-8-1990]

B. Cost of notices. If an application is for demolition of a building or structure of part thereof

which is more than 50 years old, in addition to the above, the applicant shall pay the cost of the 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 72, BUILDINGS, DEMOLITION OF / § 72-5. Interpretation.

§ 72-5. Interpretation.

This chapter is intended to supplement and not to limit any requirements now or hereafter imposed by the Connecticut General Statutes and regulations adopted thereunder on any applicant for or recipient of a demolition permit, or any authority now or hereafter granted to the Building Official by the Connecticut Basic Building Code.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 75, BURNING, OPEN

Chapter 75, BURNING, OPEN

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 10-13-1976. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse -- See Ch. 98.
Fires on town property -- See Ch. 115.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 75, BURNING, OPEN / § 75-1. Definitions.

§ 75-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BRUSH -- Shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point.

COMMISSIONER -- Commissioner of the State of Connecticut Department of Environmental Protection.

FIREMAN (FIREMEN) -- Any volunteer fireman who engages in fire fighting under the supervision of the Fire Chief or his designee.

OPEN BURNING OFFICIAL -- Any person appointed by the First Selectman and certified by the Commissioner.

RESIDENT -- An individual seeking to burn on the property where he resides.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 75, BURNING, OPEN / § 75-2. Open burning certificates required.

§ 75-2. Open burning certificates required.

A. Except as specified in § 75-3A, no person shall set, cause or permit an open fire without obtaining an open burning certificate from the Commissioner or the Open Burning Official.

B. An application for a burning certificate for any fire described in § 75-3B shall be made by the applicant on forms furnished by the Open Burning Official, and each applicant shall describe the purpose of the fire, the nature and quantity of the material to be burned and such other information as the Commissioner and/or the Open Burning Official may require.

C. A certificate issued under this section shall be applicable only for the occasions or the purpose for which it has been obtained.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 75, BURNING, OPEN / § 75-3. Exceptions and applications.

§ 75-3. Exceptions and applications.

A. Certificates under this chapter shall not be required for the following fires:

(1) Barbecues or other outdoor open fires for the cooking of food for human consumption.

(2) Fires to abate an immediate fire hazard, provided that the abatement fire is supervised by a responsible fire official.

(3) Fires in salamanders or other similar devices used by construction or other workers for

heating purposes or fires essential to street installation or paving activities, the repairing of utilities or other similar work.

B. The Open Burning Official may issue, subject to the provisions of § 75-5, a certificate for the following fires:

(1) Fires for the prevention, control or destruction of diseases and pests, and agricultural burning for vegetation management.

(2) Fire-training exercises for firemen where only liquid fuel is used.

(3) Bonfires and other fires for ceremonial or recreational purposes.

C. Applications for other open burning certificates must be addressed to the Commissioner.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 75, BURNING, OPEN / § 75-4. Restrictions on issuance of certificates.

§ 75-4. Restrictions on issuance of certificates.

The Open Burning Official shall not issue a certificate requested under § 75-3B when he determines that:

A. A hazardous health condition will be created by such burning.

B. The fire constitutes a salvage operation by open burning.

C. A practical and alternative method for the disposal of the material to be burned exists, including but not limited to the following techniques: chipping, cutting for forest products, landfilling, piling for protective cover for wildlife and stockpiling.

D. Such open burning would interfere with or prevent the attainment or maintenance of a relevant ambient air quality standard.

E. The forest fire danger, as determined by the State Forest Fire Warden, is high or extreme and the area is within 100 feet of a woodland or grassland.

F. The Commissioner has issued an advisory of an air pollution emergency episode stage.

G. Garbage, paper, grass, metals, plastics, leaves, brush, rubber, painted materials or demolition waste is to be burned.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 75, BURNING, OPEN / § 75-5. Conditions and regulations; revocation of certificate.

§ 75-5. Conditions and regulations; revocation of certificate.

A. Certificates approved under § 75-3B shall be subject to such reasonable conditions as are necessary to avoid a nuisance or to protect the health, safety or comfort of the public, including but not limited to the following:

   (1) Only materials and quantities specified on the certificate shall be burned.

   (2) The Open Burning Official shall specify on any permit the hours and days during which open burning is allowed.

   (3) Except for fire-training exercises, burning shall only be permitted on sunny or partly sunny days when wind speed is five to 15 miles per hour.

B. A copy of the certificate shall be kept in the possession of the applicant at the burning site at all times during the burning.

C. The Commissioner or his designee or the Open Burning Official may revoke in writing any certificate or add any reasonable, specifically identified conditions if circumstances indicate that air pollution standards will be violated.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 75, BURNING, OPEN / § 75-6. Penalties for offenses. [Amended 1-8-1990]

§ 75-6. Penalties for offenses. [Amended 1-8-1990]

A violation of any provision of this chapter shall be an infraction as provided for in Connecticut General Statutes Sections 51-164m and 51-164n. Pursuant to General Statutes Section 51-164p, any violation of any provision of this chapter shall be punishable by a fine of not more than $90 for each offense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES

Chapter 85, FEES

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission -- See Ch. 50.
Building Department fees -- See Ch. 70, Art. I.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE I, Land Use Applications [Adopted 6-25-1990]

ARTICLE I, Land Use Applications [Adopted 6-25-1990]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE I, Land Use Applications [Adopted 6-25-1990] / § 85-1. Purpose.

§ 85-1. Purpose.

The intent of this article is to establish a schedule of fees for the processing of applications by certain agencies of the Town of Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE I, Land Use Applications [Adopted 6-25-1990] / § 85-2. Planning Commission. [Amended 6-10-1991; 9-4-1992; 2-26-2001]

§ 85-2. Planning Commission. [Amended 6-10-1991; 9-4-1992; 2-26-2001]

The Simsbury Planning Commission shall charge fees for processing applications in connection with matters administered by said Commission, as may be established from time to time by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE I, Land Use Applications [Adopted 6-25-1990] / § 85-3. Zoning Commission. [Amended 6-10-1991; 9-4-1992; 2-26-2001]

§ 85-3. Zoning Commission. [Amended 6-10-1991; 9-4-1992; 2-26-2001]

The Simsbury Zoning Commission shall charge fees for processing applications in connection with matters administered by said Commission, as may be established from time to time by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE I, Land Use Applications [Adopted 6-25-1990] / § 85-4. Zoning Board of Appeals. [Amended 6-10-1991; 9-4-1992; 2-26-2001]

§ 85-4. Zoning Board of Appeals. [Amended 6-10-1991; 9-4-1992; 2-26-2001]

The Simsbury Zoning Board of Appeals shall charge fees for each individual request for variance, an appeal of a decision of the Building Official or an application for a special exception, as may be established from time to time by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE I, Land Use Applications [Adopted 6-25-1990] / § 85-5. Conservation Commission - Inland Wetlands and Watercourses Agency. [Amended 9-4-1992; 2-26-2001]

§ 85-5. Conservation Commission - Inland Wetlands and Watercourses Agency. [Amended 9-4-1992; 2-26-2001]

The Simsbury Conservation Commission - Inland Wetlands and Watercourses Agency shall charge fees for processing applications in connection with matters administered by said Commission, as may be established from time to time by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE I, Land Use Applications [Adopted 6-25-1990] / § 85-6. Effect on established fees.

§ 85-6. Effect on established fees.

The fees set forth in this article shall supersede any and all specific fees heretofore established pursuant to the General Statutes by any of the aforesaid agencies of the Town of Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE I, Land Use Applications [Adopted 6-25-1990] / § 85-6.1. Large and complex projects. [Added 9-10-2007]

§ 85-6.1. Large and complex projects. [Added 9-10-2007]

A. For purposes of this section, "large and complex project" shall mean a land development project which has, cumulatively, proposed new construction of 100,000 square feet of gross building area or more and/or proposed new parking areas of 200 parking spaces or more.

B. The Planning Commission, Zoning Commission, the Conservation Commission/Inland Wetlands and Watercourses Agency or Zoning Board of Appeals (hereinafter collectively the "land use agencies" or each individually a "land use agency") may require additional technical assistance in reviewing and evaluating applications for a large and complex project if the land use agencies or a land use agency determines that the nature, intensity, scope or impact of the proposed development is beyond the technical capacity of Town staff to fully evaluate and the actual cost of processing a municipal land use application exceeds the established minimum fee. The requested technical assistance shall directly pertain to the statutory jurisdiction of the land use agencies or land use agency requesting the supplemental fee. The requested supplemental fee shall be limited to the documented actual cost of retained technical consultants as noted in Subsection F.

C. When, after consulting with their staff, the land use agencies or a land use agency makes such a determination that a consultant or consultants with technical expertise in engineering, traffic, environmental, economics, planning and law and/or independent studies are required to process the application, the land use agencies or a land use agency shall obtain proposals from identified consultants. After receiving proposals for such consultant or consultants and/or independent studies, the land use agencies or a land use agency shall recommend the retention of selected consultants and prepare an estimated fee based on the actual costs of retaining such consultants and submit the proposed fee to the Board of Selectmen for adoption as a resolution. Prior to the submission of the proposed fee to the Board of Selectmen, the land use agencies or land use agency shall give notice of the proposed fee to the applicant and provide the applicant with an opportunity to comment on the scope and amount of the proposed fee.

D. After approval of the fee by the Board of Selectmen, the land use agencies or a land use

agency shall bill the applicant for the approved fee. The approved fee for technical assistance, together with the application fee from the fee schedule, shall be paid forthwith. No application shall be deemed filed and complete unless accompanied by the appropriate application fees.

E. Any consultant fees not expended on review of the application shall be refunded to the applicant upon conclusion of the application process.

F. In the event that consultant costs are in excess of the approved fee paid by the applicant, the land use agencies or a land use agency shall bill the applicant, who shall pay such additional costs prior to the issuance of the permit or license sought. In no event shall the excess costs billed to the applicant exceed 110% of the approved fee.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE II, Use of Recreational Facilities [Adopted 5-13-1991]

ARTICLE II, Use of Recreational Facilities [Adopted 5-13-1991]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE II, Use of Recreational Facilities [Adopted 5-13-1991] / § 85-7. Purpose.

§ 85-7. Purpose.

Whereas the Town has charged and intends to continue to charge fees at Town facilities which have been constructed and maintained through the use of funds, such as taxes, paid by residents of the Town and whereas nonresidents are and will continue to be able to use these facilities and whereas fees will be charged to all users of these facilities and whereas fairness dictates that those from whose funds the facilities have been constructed and will be maintained should have that contribution reflected in the fee, they are charged for the use of said facilities.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE II, Use of Recreational Facilities [Adopted 5-13-1991] / § 85-8. Resident rates.

§ 85-8. Resident rates.

At any Town recreational facility at which a fee is charged for its use, residents may be charged a fee which is less than the fee charged to nonresidents.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE II, Use of Recreational Facilities [Adopted 5-13-1991] / § 85-9. Establishment of fees.

§ 85-9. Establishment of fees.

The amount of those fees shall be determined from time to time by resolution adopted by the Board of Selectmen. In lieu of such resolution, the fees may be established by setting them forth in the appropriate portion of the annual Town budget as the basis for anticipated revenues from said facilities.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 85, FEES / ARTICLE II, Use of Recreational Facilities [Adopted 5-13-1991] / § 85-10. Proof of resident status. [Amended 11-13-1991]

§ 85-10. Proof of resident status. [Amended 11-13-1991]

A. In determining whether a user is a resident, any two of the following documents shall suffice as proof of resident status:

   (1) A lease agreement indicating that the proposed user currently resides in Simsbury;

   (2) A Connecticut driver's license indicating that the individual resides at a Simsbury street address;

   (3) A certificate of voting rights issued by the Town Clerk at a cost of $1;

   (4) A recent telephone bill; or

   (5) A copy of a real estate tax bill indicating ownership of property in the Town of Simsbury with an assessment value of at least $25,000.

B. If the applicant is a minor, satisfactory proof that the minor resides with a parent, relative or guardian who satisfies two of the above criteria is acceptable as proof of resident status.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 89, FIREARMS

Chapter 89, FIREARMS

[HISTORY: Adopted by the Town Meeting of the Town of Simsbury 12-28-1971. Amendments noted where applicable.]

GENERAL REFERENCES

Offenses on town property -- See Ch. 115.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 89, FIREARMS / § 89-1. Discharge restricted.

§ 89-1. Discharge restricted.

A. Unless otherwise permitted by law, no person shall aim and discharge any firearm or dangerous device outdoors within a distance of 500 feet from any building situated anywhere in the town, except as to buildings on his own land or on land used in conjunction with a duly organized rifle, fish and game, gun or archery club or in an area approved by the Chief of Police, provided that the point of discharge shall be 500 feet from any building on adjoining lands, unless in an area approved by the Chief of Police.

B. No person shall aim and discharge a firearm or dangerous device in the direction of a person, building, vehicle or domestic animal within the range of the firearm or dangerous device which he is discharging.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 89, FIREARMS / § 89-2. Discharge by minors.

§ 89-2. Discharge by minors.

No minor under 16 years of age shall discharge any firearm or dangerous device within the limits of the Town of Simsbury except in the presence of and under the supervision of a parent or legal guardian of such minor or of a qualified instructor on an authorized range, and except that minors between the ages of 12 and 16 years of age may discharge firearms while hunting in accordance with Section 235 of Public Act 872 of the 1971 General Assembly.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 89, FIREARMS / § 89-3. Permission granted by landowner.

§ 89-3. Permission granted by landowner.

A landowner may extend to others, by written consent, the right to use his property for hunting, target practice or other purposes requiring the use of firearms or bow and arrow, provided that the area so used shall be a distance of 500 feet from any buildings other than those of the owner.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 89, FIREARMS / § 89-4. Exemptions.

§ 89-4. Exemptions.

This chapter shall not apply to any person who shall discharge any firearm or dangerous device in reasonable defense of his person or property or in the performance of any legal duty, nor shall it apply to land used in conjunction with a duly organized rifle, fish and game, gun or archery club in an area thereon approved by the Chief of Police or to land used by the State Police as an outdoor shooting range.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 89, FIREARMS / § 89-5. Designation of dangerous devices.

§ 89-5. Designation of dangerous devices.

For the purpose of this chapter, a "dangerous device" shall be any air rifle or pistol, BB gun, slingshot, crossbow, bow and arrow or any other device capable of projecting an object with sufficient force so as to cause injury to persons or domestic animals or to cause damage to property.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 89, FIREARMS / § 89-6. Penalties for offenses. [Amended 1-8-1990]

§ 89-6. Penalties for offenses. [Amended 1-8-1990]

A violation of any provision of this chapter by any persons 16 years of age or over or by a parent or legal guardian of such person knowingly permitting such violation by a minor under 16 years

of age shall be an infraction as provided for in Connecticut General Statutes Sections 51-164m and 51-164n. Pursuant to General Statutes Section 51-164p, each such violation shall be punishable by a fine of not more than $90.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 90, FIRE HYDRANT MAINTENANCE

Chapter 90, FIRE HYDRANT MAINTENANCE

[HISTORY: Adopted by the Board of Selectmen 9-16-2015. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department -- See Ch. 18.
Fire lanes -- See Ch. 91.
Streets and sidewalks -- See Ch. 137.
Water -- See Ch. 156.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 90, FIRE HYDRANT MAINTENANCE / § 90-1. Purpose.

§ 90-1. Purpose.

The purpose of this chapter is to provide for the safety and welfare of residents and property owners of the Town of Simsbury by requiring that the owner, agent of the owner or the occupant of any property which has a public or private fire hydrant located on or adjacent to that property shall eliminate any obstructions around such fire hydrants and/or automatic fire sprinkler equipment.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 90, FIRE HYDRANT MAINTENANCE / § 90-2. Definitions.

§ 90-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

OBSTRUCTION -- Any item, including but not limited to snow, vegetation, ground cover,

fences, mailboxes or such that would impede any use or maintenance by Simsbury Fire District personnel.

PRIVATE FIRE HYDRANTS -- Fire hydrants, to include all automatic fire sprinkler controls, which are owned by private entities but in the case of emergency will be used by Simsbury Fire District personnel.

PUBLIC FIRE HYDRANTS -- Fire hydrants owned by the Simsbury Fire District, Avon Water Company or Tariffville Fire District that are located along a public roadway.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 90, FIRE HYDRANT MAINTENANCE / § 90-3. Obstruction of fire hydrants prohibited

§ 90-3. Obstruction of fire hydrants prohibited

The owner, agent of the owner or the occupant of any property which has a public or private fire hydrant located on or adjacent to it shall remove, clear away or cause removal or clearing of any obstructions:

A. Within a three-foot radius of any such hydrant; and

B. To an access strip five feet in width from such hydrant to the street.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 90, FIRE HYDRANT MAINTENANCE / § 90-4. Enforcement provisions.

§ 90-4. Enforcement provisions.

A. It shall be the duty of the Police Department, under direction of the Chief of Police, or his or her designee, to enforce this chapter upon notification by the Fire Marshal, Fire Chief or his/her designees, of a violation. It shall be the duty of the Chief of Police or his or her designee to provide notice of all violations to the offending party, which shall set forth the nature of the violation and order of immediate correction thereof.

B. Any owner, agent of the owner or the occupant of any property which has a public or private fire hydrant located on or adjacent to that property who fails to comply with the provisions of this chapter following notification shall be issued a Town ordinance violation ticket for each day that the violation remains unabated after the date of the notification. Each Town ordinance violation ticket shall subject the owner, agent of the owner or the occupant to a fine

of $90 for each ticket issued, or the maximum penalty provided by the Connecticut General Statutes Section 5l -164p.

C. The Town of Simsbury may, at any time after the issuance of the notice of violation and failure to comply by the owner, agent of the owner or the occupant of any property, cause the removal of the obstruction and recover its cost to remove the obstruction in any fashion permitted by law, including the filing of a lien against the subject property, pursuant to the provisions of Connecticut General Statutes Section 7-148(c)(6)(C)(v).

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 91, FIRE LANES

Chapter 91, FIRE LANES

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 5-26-1976. Amendments noted where applicable.]

GENERAL REFERENCES

Other parking restrictions -- See Ch. 149.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 91, FIRE LANES / § 91-1. Description and interpretation.

§ 91-1. Description and interpretation.

A. A fire lane, as defined by this chapter, is a designated, unobstructed passageway sufficient in size and constructed in a manner to permit free passage of fire apparatus and other emergency equipment from a public highway to all necessary areas around or upon any private shopping center or around any office building, commercial building, mercantile building, warehouse, storage building, manufacturing building, hospital, convalescent home, school or public building in all seasons and in all kinds of weather.

B. The registered owner of a motor vehicle shall be presumed to be the operator of such motor vehicle.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 91, FIRE LANES / § 91-2. Maintenance of fire lanes.

§ 91-2. Maintenance of fire lanes.

Fire lanes are to be kept free of obstructions. Fire lanes shall be kept free of ice and snow, rubbish containers and all other obstructions.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 91, FIRE LANES / § 91-3. Designation of fire lane locations; notice.

§ 91-3. Designation of fire lane locations; notice.

Fire lanes shall be designated by the Fire Marshal with the approval of the Chief of Police and the authorized agents of the Board of Selectmen and the Zoning Commission. Notification to the owner, owners, agent or occupant of any affected area may be by personal service or certified mail and shall prescribe a reasonable time for compliance.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 91, FIRE LANES / § 91-4. Erection of signs.

§ 91-4. Erection of signs.

Upon notification from the Fire Marshal, the owner, owners, agent or occupants shall ensure that fire lanes are kept free of obstructions and shall cause to be erected, installed and maintained at their own expense, near said fire lanes, permanent and adequate signs bearing the words FIRE LANE - NO PARKING and such other designations as are reasonably required to warn persons to keep said fire lanes free and open for passage.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 91, FIRE LANES / § 91-5. Failure to comply with notice; penalties.

§ 91-5. Failure to comply with notice; penalties.

If after notification by the Fire Marshal compliance is not obtained within the prescribed time, each owner (owners), agent or occupant shall be subject to a fine not to exceed $25 per violation. Each day following such prescribed time shall constitute a new violation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 91, FIRE LANES / § 91-6. Parking restricted.

§ 91-6. Parking restricted.

No person shall park or permit to stand a motor vehicle unattended by a licensed operator in any fire lane except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 91, FIRE LANES / § 91-7. Penalties for offenses. [Amended 4-12-1982; 12-9-1996]

§ 91-7. Penalties for offenses. [Amended 4-12-1982; 12-9-1996]

Upon finding any motor vehicle parked or standing in a fire lane in violation of this chapter, any police officer may attach a notice of violation to said vehicle that it has been illegally parked or direct the towing of said vehicle to any public or private facility, all expenses for said towing, including storage, being borne by the registered owner of said vehicle. Any person found in violation shall be fined in accordance with the fee schedule by the Board of Selectmen, provided that the fine is paid at the police station within seven days of the offense; otherwise the penalty shall be doubled. Payment to the designated authority shall be in lieu of a court appearance. Failure to pay the appropriate fine as provided for in this chapter shall be an infraction as provided for in Connecticut General Statutes, §§ 51-164m and 51-164n. Pursuant to Connecticut General Statutes, § 51-164p, any such violation shall be punishable by a fine of not more than $90 for each offense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION

Chapter 94, FLOOD DAMAGE PREVENTION

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 5-11-1977; amended in its entirety 9-27-1993. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 70.
Sediment and erosion control -- See Ch. 128.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE I, Purpose and Definitions

ARTICLE I, Purpose and Definitions

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE I, Purpose and Definitions / § 94-1. Purpose.

§ 94-1. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities.

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

C. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters.

D. Control filling, grading, dredging and other development which may increase erosion or flood damage.

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE I, Purpose and Definitions / § 94-2. Definitions.

§ 94-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPEAL -- A request for a review of the Town Planner's interpretation or decision on any provision of this chapter.

AREA OF SPECIAL FLOOD HAZARD -- The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD -- The flood having a one-percent chance of being equaled or exceeded in any year.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD BOUNDARY AND FLOODWAY MAP -- An official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the floodway.

FLOOD or FLOODING -- A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland waters.

B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) -- An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY -- The official report provided by the federal insurance administration. the report contains flood profiles, as well as the Flood Hazard Boundary - Floodway Map and the water surface elevation of the base flood.

FLOODPROOFING -- Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

LOWEST FLOOR -- The lowest floor of the lowest enclosed area (including basement).

NEW CONSTRUCTION -- Structures for which the start of construction commenced on or after the effective date of this chapter (May 11, 1977), and includes any subsequent improvements to

such structures.

PERSON -- Any individual or group of individuals, corporation, partnership, association or any other entity, including state and local governments and their agencies.

RECREATIONAL VEHICLE -- A vehicle which is:

A. Built on a single chassis;

B. Four hundred square feet or less when measured at the largest horizontal projections;

C. Designed to be self-propelled or permanently towable by a light-duty truck; and

D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

START OF CONSTRUCTION -- For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. Should the permittee fail to commence work within this time frame, a new permit shall be required. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE -- A walled and roofed building that is principally above ground.

SUBSTANTIAL DAMAGE -- Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which is solely necessary to assure safe living conditions; or

B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTANTIAL IMPROVEMENT -- Any combination of repairs, reconstruction, alteration or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds 50% of the market value of the structure. The market value of the structure should be the appraised value of the structure using the segregated cost method prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement project required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

VARIANCE -- A grant of relief by the Zoning Board of Appeals from the terms of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE II, General Provisions

ARTICLE II, General Provisions

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE II, General Provisions / § 94-3. Territorial applicability.

§ 94-3. Territorial applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Town of Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE II, General Provisions / § 94-4. Basis for establishing areas of special flood hazard. [Amended 10-10-2008]

§ 94-4. Basis for establishing areas of special flood hazard. [Amended 10-10-2008]

The areas of special flood hazard identified by the Federal Insurance Administration in its Flood

Hazard Boundary Maps (FHBM), Nos. H-03, -06, -08 and -10, dated May 16, 1977, and any revisions thereto, are adopted by reference and declared to be a part of this chapter; or the areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for Hartford County, CT (All Jurisdictions)," dated September 26, 2008, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps and any revision thereto, are hereby adopted by reference and declared to be a part of this chapter.[EN(19)]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE II, General Provisions / § 94-5. Permit required.

§ 94-5. Permit required.

No development or new construction shall take place after the effective date of this chapter without first obtaining a permit, known as a "development permit."

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE II, General Provisions / § 94-6. Severability.

§ 94-6. Severability.

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE II, General Provisions / § 94-7. Abrogation and greater restrictions.

§ 94-7. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION /

ARTICLE II, General Provisions / § 94-8. Warning and disclaimer of liability.

§ 94-8. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Simsbury or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE III, Administration

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ARTICLE III, Administration

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE III, Administration / § 94-9. Designation of enforcing official.

§ 94-9. Designation of enforcing official.

The Town Planner is hereby appointed to administer and implement the provision of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE III, Administration / § 94-10. Duties and responsibilities of enforcing official.

§ 94-10. Duties and responsibilities of enforcing official.

The Town Planner shall:

A. Review all development permits to assure that the permit requirements of this chapter have

been satisfied.

B. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

C. Notify adjacent communities and the Connecticut Department of Environmental Protection prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Verify and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures.

F. Verify and record the actual elevation, in relation to mean sea level, to which new or substantially improved structures have been floodproofed.

G. When floodproofing is utilized for a particular structure, obtain certification from a registered professional engineer or architect.

H. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall appeal the interpretation as provided in this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE III, Administration / § 94-11. Permit procedures.

§ 94-11. Permit procedures.

A. Application for a development permit shall be made to the Town Planner on forms furnished by him and may include but not be limited to the following plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing:

B. Specifically, the following information is required:

(1) Elevation, in relation to the base flood level, of the lowest floor, including basement, of

all structures.

(2) Elevation, in relation to the base flood level, to which any nonresidential structure has been floodproofed.

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in § 94-13B.

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE IV, Flood Hazard Reduction Provisions

ARTICLE IV, Flood Hazard Reduction Provisions

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE IV, Flood Hazard Reduction Provisions / § 94-12. General standards.

§ 94-12. General standards.

In all areas of special flood hazards, the following provisions are required:

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. All new construction and substantial improvements shall be resistant to flood damage.

C. Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate

infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

G. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

H. The Town Planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to Article VI of this chapter, as criteria for requiring that new construction, substantial improvements or other development in Zone A on the community's FIRM meet the standards in § 94-13.

(1) In A Zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement or other development (including fill) shall be permitted which will increase base flood elevations more than one foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.

(2) The Town Planner may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an application or whenever such data is available from any other source (in response to the Town's request or not), the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.

(3) Base flood elevation data shall be provided with any application for activity in an A Zone or applications for new construction and/or substantial improvements in A Zones.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE IV, Flood Hazard Reduction Provisions / § 94-13. Specific standards.

§ 94-13. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 94-4 and § 94-12H, the following provisions are required:

A. Residential construction. Substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

B. Nonresidential construction. New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with

attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in § 94-11B(3).

C. Recreational vehicles placed on sites within Zones A1-30, AH and AE shall either:

(1) Be on the site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions); or

(3) Meet all the general standards of § 94-12 and the elevation and anchoring requirements of this § 94-13.

D. Floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, in addition to other provisions of this Article, all encroachments, including fill, new construction, substantial improvements and other developments, are prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE V, Appeals

ARTICLE V, Appeals

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE V, Appeals / § 94-14. Remedy.

§ 94-14. Remedy.

Any person aggrieved by the decision of the Town Planner or any taxpayer may appeal such

decision to the Court of Common Pleas, as provided by Section 8-8 of the Connecticut General Statutes 1958, as revised.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE VI, Penalties

ARTICLE VI, Penalties

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 94, FLOOD DAMAGE PREVENTION / ARTICLE VI, Penalties / § 94-15. Penalties for offenses.

§ 94-15. Penalties for offenses.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance of special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or falls to comply with any of its requirements shall, upon conviction thereof, be fined not more than $250 per day if proven done willfully and $100 per day if not, or imprisoned for not more than 10 days for each day of violation, or both, and in addition, shall pay all costs and reasonable legal fees involved in the case. Nothing herein contained shall prevent the Town of Simsbury from taking such other lawful action as is necessary to prevent or remedy any violation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 96, FURNACES, OUTDOOR

Chapter 96, FURNACES, OUTDOOR

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 6-27-2011. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 70.
Open burning -- See Ch. 75.
Zoning violations -- See Ch. 158.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 96, FURNACES, OUTDOOR / § 96-1. Outdoor wood-burning furnaces prohibited; definitions.

§ 96-1. Outdoor wood-burning furnaces prohibited; definitions.

A. Outdoor wood-burning furnaces are prohibited in the Town of Simsbury.

B. As used in this chapter, the following terms shall have the meanings indicated:

OUTDOOR WOOD-BURNING FURNACE

(1) An accessory structure or appliance designed to be located outside of living space used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, or any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or jacuzzi water.

(2) "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 96, FURNACES, OUTDOOR / § 96-2. Penalties for offenses.

§ 96-2. Penalties for offenses.

Any person who violates this chapter shall be subject to a fine of up to $250 per day. Each day such violation continues is a separate violation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 98, (R E S E R V E D)

Chapter 98, (R E S E R V E D)

[Former Ch. 98, Garbage, Rubbish and Refuse, Art. I, Recycling, adopted 9-14-1988, as amended, was repealed 9-30-1992. See now Ch. 133.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

Chapter 100, GIFT POLICY

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 6-8-1992. Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics -- See Ch. 13.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 100, GIFT POLICY / § 100-1. Purpose.

§ 100-1. Purpose.

The purpose of this chapter is to establish uniform procedures to govern the donation to and receipt by the town of gifts of money or of value from citizens, foundations, business concerns and others, both for specific purposes and for general use by the town. In addition to the provisions of this chapter, the town will determine whether to accept gifts by taking into consideration the Code of Ethics of the town[EN(20)] and the selection policy governing the acquisition of purchased materials.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 100, GIFT POLICY / § 100-2. Monetary donations.

§ 100-2. Monetary donations.

A. No donation of more than $1,500 shall be accepted by the town unless it has received the prior approval of the Board of Selectmen. Donations of $1,500 or less may be made directly to the Finance Director, who is authorized to accept them without prior Board of Selectmen approval. The Board of Directors of the library shall, however, retain the power provided in Code § 34-3 to accept any bequest, gift or endowment for the benefit of the library, on behalf of and as the agent of the town, and such gift, bequest or endowment shall promptly be delivered to the Director of Finance - Treasurer for custody and investment. Contributors of any sum to the town shall provide a letter properly designating the purposes and conditions, if any, of the gift. Individuals desiring anonymity shall state so in that letter, in which event the town will undertake to preserve their anonymity.

B. The Director of Finance shall establish a special account for the deposit of donations of $1,500 or more which the donor has designated for use for specific purposes. After a period not to exceed two years and/or the completion of the specific purpose for which the funds have been donated, excess funds shall be deposited in the general fund unless the town has accepted the gift under different conditions.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 100, GIFT POLICY / § 100-3. Nonmonetary gifts.

§ 100-3. Nonmonetary gifts.

No nonmonetary gift to the town shall be accepted without the prior approval of the Board of Selectmen. Contributors shall execute a document giving the town the right to use the gift in its sole and absolute discretion and relinquishing any future claim to the gift. The Board of Directors of the library shall retain the power provided in Code § 34-4 to accept any nonmonetary bequest or gift for the benefit of the library on behalf of and as the agent of the town and shall, within 10 days of receipt of said bequest or gift, report its receipt and a description of it to the Director of Finance - Treasurer if the bequest or gift has a value sufficient to warrant its placement on the town inventory.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 100, GIFT POLICY / § 100-4. Criteria for acceptance of gifts; tax consideration.

§ 100-4. Criteria for acceptance of gifts; tax consideration.

A. In considering whether to approve acceptance of such a gift, the Board of Selectmen shall consider the following:

(1) Whether the gift is appropriate for a public building or facility.

(2) Whether the gift will benefit the town and the community.

(3) Whether there is space in a public facility to accommodate it.

(4) Whether there are maintenance or repair costs involved and, if there are, how they will be funded.

(5) Whether there are insurance costs associated with receiving and maintaining the gift.

(6) Whether receipt of the gift may conflict in any way with the town's Code of Ethics[EN(21)] or purchasing policies.

B. The town will not evaluate gifts for tax purposes but shall acknowledge the receipt of a gift for purposes of enabling the donor to receive a tax deduction.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 100, GIFT POLICY / § 100-5. Administrative procedures.

§ 100-5. Administrative procedures.

A. Before a donor offers a gift of personal property to the town which does not exceed $1,500 in value, the donor shall discuss the proposed gift with the Director of Finance if the gift is to be directed to a specific program or department or with the First Selectman if the proposed gift is intended for system-wide use by the town. The Director of Finance may accept any such gift not in excess of $1,500 in value if he determines that acceptance of the gift is consistent with the goals of the town.

B. Before a donor offers a gift of personal property to a town department or program or to the town offices having a value in excess of $1,500, the donor shall complete the form entitled "Proposed Donation/Gift of Personal Property to the Simsbury Town Offices." That form shall be submitted initially to the Director of Finance if the donation or gift is to be directed toward a specific program or department. The Director of Finance shall thereupon secure any additional information pertinent to the decision whether to accept the gift and forward the form and such information, including a recommendation, to the First Selectman. If a gift is intended for system-wide use, the completed form shall be given directly to the First Selectman by the donor.

C. Upon receipt of said form, the First Selectman shall review all pertinent information related to the gift and prepare a recommendation as to approval or disapproval by the Board of Selectmen.

D. Potential donors of personal property to a program, department or the town offices shall be advised by the Director of Finance that, in determining whether to accept a gift, the Board of Selectmen will base its determination upon whether the gift is in the best interests of the town and the community at large.

E. At the conclusion of each fiscal year, the Director of Finance shall provide to the Board of Selectmen a list of all gifts accepted by the town during the preceding fiscal year that had a value in excess of $1,500.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 106, LITTERING

Chapter 106, LITTERING

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 5-26-1976. Amendments noted where applicable.]

GENERAL REFERENCES

Open burning -- See Ch. 75.
Garbage, rubbish and refuse -- See Ch. 98.
Offenses on town property -- See Ch. 115.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 106, LITTERING / § 106-1. Definitions.

§ 106-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LITTER -- All those items listed in Section 22a-248 of the Connecticut General Statutes Revised to 1987, or as may be amended.

PERSON -- Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES OR PROPERTY -- Any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, commercial or industrial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, parking area as defined in Connecticut Public Act 75-448, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 106, LITTERING / § 106-2. Owner to maintain premises free of litter.

§ 106-2. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain said property free of litter. The storage of litter in proper containers for collection shall not be considered a violation of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 106, LITTERING / § 106-3. Notice to remove litter, failure comply; assessment of costs and expenses.

§ 106-3. Notice to remove litter, failure comply; assessment of costs and expenses.

A. The First Selectman or his authorized representative is hereby authorized and empowered to notify the owner of any private property within the town or the agent of such owner to dispose of litter located on such owner's property which is unsightly or dangerous to public health, safety or welfare. Said notice shall be by registered or certified mail, return receipt requested, addressed to such owner at the address shown on the last completed grand list or to his agent at his last known address.

B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to dispose of litter unsightly or dangerous to public health, safety or welfare within five days after receipt of written notice provided for in Subsection A above, or within five days after the date of such notice in the event the same is returned by the United States Postal Service because of its inability to make delivery thereof, provided that the same was properly addressed to such owner or agent, the First Selectman or his authorized representative is hereby authorized and empowered to pay for the disposing of such litter or to order its disposal by the town.

C. Recorded statement constitutes lien. Upon completion of such work, the First Selectman or his authorized representative shall determine the reasonable cost thereof and bill the owner or agent therefor. Upon failure of the owner or agent to remit to the town the amount of such charge within 30 days from the date of such notice shall cause to be recorded in the land records of the town a sworn statement showing the cost and expense incurred for the work, the date the work was done and the location of the property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and legal interest, plus costs of court, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily and shall be full notice to every person concerned that the amount of the statement, plus interest at the same rate as allowed for delinquent town taxes, constitutes a charge against the property designated or described in the statement and that the same is due

and collectible as provided by law. Said lien shall be of the same effect and may be foreclosed in the same manner as a tax lien.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 106, LITTERING / § 106-4. Penalties for offenses. [Amended 1-8-1990]

§ 106-4. Penalties for offenses. [Amended 1-8-1990]

A violation of any provision of this chapter shall be an infraction as provided for in Connecticut General Statutes Sections 51-164m and 51-164n. Pursuant to Connecticut General Statutes Section 51-164p, any such violation shall be punishable by a fine of not more than $90 for each offense. Each day that such offense is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 112, NUMBERING OF PROPERTY

Chapter 112, NUMBERING OF PROPERTY

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 7-22-1985. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 112, NUMBERING OF PROPERTY / § 112-1. Uniform numbering system established; map.

§ 112-1. Uniform numbering system established; map.

A uniform system of numbering properties and principal buildings as shown on the map identified by the title "Building Numbering Base Map," which is filed in the Town Office, is hereby adopted for use in the Town of Simsbury, Connecticut. This map and all explanatory matter thereon is hereby adopted and made a part of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 112, NUMBERING OF PROPERTY / § 112-2. Assignment of property numbers; placement and visibility.

§ 112-2. Assignment of property numbers; placement and visibility.

A. All properties or parcels of land within the limits of the Town of Simsbury, Connecticut, shall hereafter be identified by reference to the uniform numbering system adopted herein, provided that all existing numbers of properties and buildings on accepted public streets not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within six months from the date of passage of this chapter.

B. A separate number shall be assigned for each unit of frontage according to the numbering zone indicated on the Building Numbering Base Map and in detail on Assessor's maps.

C. Each principal building shall bear the number assigned the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number or letter (A, B, C, etc.) as determined by the Town Plan Commission.

D. Numerals indicating the official number for each principal building or each front entrance to such building shall be placed on the building so that the numbers can be plainly seen from the street on which the property is located. Such numbers shall not be less than three inches in height.

E. If the assigned street number so posted under Subsection D above shall not be visible from a public street or highway, the owner shall further post or cause the further posting of the assigned street number such that it is clearly visible from the street which is the legal address of the premises.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 112, NUMBERING OF PROPERTY / § 112-3. Administration and enforcement.

§ 112-3. Administration and enforcement.

A. The Building Inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility, he shall be guided by the provisions of § 112-2 of this chapter.

B. The Building Inspector shall keep a record of all numbers assigned under this chapter.

C. The Building Inspector shall assign to any property owner in the Town of Simsbury, Connecticut, upon request, a number or numbers for each principal building or separate front

entrance to such building.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 112, NUMBERING OF PROPERTY / § 112-4. Penalties for offenses. [Amended 1-8-1990]

§ 112-4. Penalties for offenses. [Amended 1-8-1990]

A violation of any provision of this chapter shall be an infraction as provided for in Connecticut General Statutes Sections 51-164m and 51-164n. Pursuant to Connecticut General Statutes Section 51-164p, any violation of any provision of this chapter shall be punishable by a fine of not more than $90 for each offense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 112, NUMBERING OF PROPERTY / § 112-5. Enforcement.

§ 112-5. Enforcement.

The Chief of Police or his/her designated agents shall be responsible for enforcing the provisions and carrying out the intent of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 115, OFFENSES ON PUBLIC PROPERTY

Chapter 115, OFFENSES ON PUBLIC PROPERTY

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury: Art. I, 4-1-1990; Art. II, 2-28-1983. Amendments noted where applicable.]

GENERAL REFERENCES

Culture, Parks and Recreation Commission -- See Charter Section 704.
Director of Culture, Parks and Recreation -- See Charter Section 804(e).
Open burning -- See Ch. 75.
Firearms -- See Ch. 89.
Littering -- See Ch. 106.
Peddling and soliciting -- See Ch. 120.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 115, OFFENSES ON PUBLIC PROPERTY / ARTICLE I, Parks, Playgrounds and Other Town Property [Adopted 4-1-1990EN]

ARTICLE I, Parks, Playgrounds and Other Town Property [Adopted 4-1-1990[EN(22)]]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 115, OFFENSES ON PUBLIC PROPERTY / ARTICLE I, Parks, Playgrounds and Other Town Property [Adopted 4-1-1990EN] / § 115-1. Prohibited activities. [Amended 3-25-1996EN]

§ 115-1. Prohibited activities. [Amended 3-25-1996[EN(23)]]

It shall be unlawful for any person to commit any of the following acts in any park or playground or upon property that is owned, leased or under license or control by the Town of Simsbury, but excluding town property devoted to school use:

A. To deface, remove or destroy any sign, notice or protective device erected by the Town of Simsbury.

B. To provide music or entertainment for any organized gathering for any purpose except by permission of the Board of Selectmen or its designated agent.

C. To sell, offer or solicit for sale any goods or merchandise without permission of the Board of Selectmen or its designated agent.

D. To give instructions to any person in driving an automobile or in learning to drive an automobile, to drive at a rate exceeding 15 miles per hour, to drive any automobile or other motorized vehicle except on provided roads or to park any car except in areas designated for public parking or to park overnight without permission of the Board of Selectmen or its designated agent.

E. To ride a bicycle except on roads, park walkways, footpaths or bike paths unless otherwise posted.

F. To post, plaster or affix any placard, notice or sign without permission of the Board of Selectmen or its designated agent.

G. To damage, destroy or make improper or unauthorized use of any public property; or to engage in conduct which is contrary to any notices, rules or regulations posted by the Town; or to refuse to obey the orders of any person or persons in authority with respect to the use of or conduct on such property.

H. To hunt, injure or harass animals, birds or fish on town property except when and where hunting and fishing are allowed by the Board of Selectmen or its designated agent.

I. To throw, deposit or leave any litter, rubbish, leaves, brush or grass clippings, except in receptacles or locations provided for this purpose.

J. To participate in any activity in a manner to create a nuisance.

K. To skate on or wade or swim or fish in any brook, stream or pond in any park or playground under the control of the town, except on places where authorized by the Director of the Simsbury Department of Culture, Parks and Recreation or his designated agent.

L. To make a fire in any place other than fireplaces provided by the Town of Simsbury unless authorized by the Director of the Culture, Parks and Recreation Department or his designated agent. All such fires shall be completely extinguished before the responsible person leaves the area.

M. To enter or remain in any park or recreation area during the period from one hour after sunset to one hour before sunrise, unless authorized by the Director of the Culture, Parks and Recreation Department, Board of Selectmen or a designated agent.

N. To have animals in all park areas not in reasonable control of the owner or the owner's agent or which disturb the normal operation of the park or facility or endanger the health or safety of the park patrons. Under no condition will such animals be permitted in the waters of any area established for swimming purposes under the control of the Culture, Parks and Recreation Commission.

O. To ride or walk horses in areas set aside for other recreational purposes by the Simsbury Culture, Parks and Recreation Department.

P. To operate any motor-powered vehicles such as snowmobiles, motorcycles and minibikes except when and where authorized by the Board of Selectmen or its designated agent.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 115, OFFENSES ON PUBLIC PROPERTY / ARTICLE I, Parks, Playgrounds and Other Town Property [Adopted 4-1-1990EN] / § 115-2. Penalties for offenses.

§ 115-2. Penalties for offenses.

Any person violating any provision of this Article shall be fined not more than $100.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 115, OFFENSES ON PUBLIC PROPERTY / ARTICLE II, School Property [Adopted 2-28-1983]

ARTICLE II, School Property [Adopted 2-28-1983]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 115, OFFENSES ON PUBLIC PROPERTY / ARTICLE II, School Property [Adopted 2-28-1983] / § 115-3. Prohibited activities.

§ 115-3. Prohibited activities.

It shall be unlawful for any person to commit any of the following acts on town property that is devoted to school use and under the jurisdiction and control of the Board of Education:

A. To engage in recreational or other activities not authorized by the Board of Education on such public property in violation of signs posted by order of the Board of Education.

B. To deface, remove or destroy any sign, notice or protective device erected by the Board of Education.

C. To provide music or entertainment for any organized gathering for any purpose except by permission of the Board of Education or its designated agent.

D. To sell, offer or solicit for sale any goods or merchandise without permission of the Board of Education or its designated agent.

E. To give instructions to any persons in driving an automobile or in learning to drive an automobile; to drive at a rate exceeding 15 miles per hour; to drive any automobile or other motorized vehicle except on provided roads; or to park any automobile except in areas designated for public parking; or to park overnight without permission of the Board of Education or its designated agent.

F. To ride a bicycle except on roads, walkways, footpaths or bike paths unless otherwise posted.

G. To post, plaster or affix any placard, notice or sign without permission of the Board of Education or its designated agent.

H. To hunt, injure or harass animals, birds or fish on such town property except when and where hunting and fishing are allowed by the Board of Education or its designated agent.

I. To destroy, misuse or abuse such public property, or to pick, cut or remove any tree, shrub, bush or flower without permission of the Board of Education or its designated agent.

J. To throw, deposit or leave any litter or rubbish except in receptacles provided for this purpose.

K. To participate in any activity in a manner to create a nuisance.

L. To skate on or wade or swim or fish in any brook, stream or pond in any park or playground under the control of the Board of Education except where such activities are authorized by the Board or its designated agent.

M. To make a fire in any place other than fireplaces provided by the Board of Education unless authorized by the Board or its designated agent. All such fires shall be completely extinguished before the responsible person leaves the area.

N. To enter or remain in any recreation area during the period from one hour after sunset to one hour before sunrise unless authorized by the Board of Education or its designated agent.

O. To have animals on any such property which disturb the normal operation of the school or facility or endanger the health or safety of the public.

P. To ride or walk horses on any such public property.

Q. To operate any motor-powered vehicle such as snowmobiles, motorcycles and minibikes except when and where authorized by the Board of Education or its designated agent.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 115, OFFENSES ON PUBLIC PROPERTY / ARTICLE II, School Property [Adopted 2-28-1983] / § 115-4. Penalties for offenses. [Amended 1-8-1990]

§ 115-4. Penalties for offenses. [Amended 1-8-1990]

A violation of any provision of this Article shall be an infraction as provided for in Connecticut General Statutes Sections 51-164m and 51-164n. Pursuant to Connecticut General Statutes

Section 51-164p, any violation of any provision of this Article shall be punishable by a fine of not more than $90 for each offense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS

Chapter 120, PEDDLERS AND HAWKERS

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 5-24-1993.[EN(24)] Amendments noted where applicable.]

GENERAL REFERENCES

Peddling on public property -- See Ch. 115.
Sale of tobacco to minors -- See Ch. 144.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS / § 120-1. Definitions.

§ 120-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATIVE PROVISIONS -- Those requirements relating to the application, investigation, license form, license fee and recordkeeping associated with the Ordinance Regulating Hawkers and Peddlers as adopted by the Board of Selectmen separately by resolution.

PERSON -- Includes natural persons and entities such as communities, companies, corporations (both public and private), partnerships, societies and associations (both incorporated and unincorporated).

VENDING or VEND -- Going from town to town, or from place to place within the Town of Simsbury, for the purpose of selling or bartering or offering for sale or barter (including soliciting orders, subscriptions or contracts therefor) or carrying or exposing for sale or barter any goods, wares, merchandise or article of value, either on foot or from any animal or vehicle, and shall include such activities conducted on any public street or state highway in Simsbury or on any land abutting such streets or highways or by going from dwelling unit to dwelling unit in Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS / § 120-2. Purpose.

§ 120-2. Purpose.

The purpose of this chapter is to promote the health, safety and welfare of the inhabitants of Simsbury and especially to prevent fraudulent, unscrupulous and dishonest business practices and to promote safe and sanitary activities by persons who, due to the transient nature of their activities, are not amenable to the same rules and regulations governing those engaging in such activities in or from a fixed place of business in Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS / § 120-3. License required.

§ 120-3. License required.

No person may vend or cause another to vend within the Town of Simsbury without first having obtained a license issued pursuant to this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS / § 120-4. Exemptions.

§ 120-4. Exemptions.

This chapter shall not apply to the following:

A. A person representing a charitable, civic, public service, religious or educational organization located in the Town of Simsbury who is engaged in vending on behalf of such an organization and when all of the proceeds of such vending are to be used for the benefit of such organization.

B. A person invited by the owner or occupant of premises to vend thereon, as long as such use is permitted under current zoning regulations.

C. A person engaged in delivering a previously ordered article of value, including but not limited to a person delivering parcels, dairy products, newspapers and prepackaged food

items.

D. A person vending exclusively to stores, institutions, businesses, industrial or commercial establishments and government agencies.

E. A person exempt from such regulation by statute or applicable judicial decision.

F. A person vending in conjunction with a special event conducted in Simsbury, provided that a public gathering permit for the event has been issued by the town and further provided that said person is an authorized participant in the special event.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS / § 120-5. Application for license.

§ 120-5. Application for license.

Any person desiring a license under this chapter shall file under oath an application therefor with the Town Clerk on forms provided by said Clerk which shall contain such information as required by the administrative provisions.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS / § 120-6. Investigation of applicant.

§ 120-6. Investigation of applicant.

Upon receipt of an application containing, or deemed to contain, all of the data required by the administrative provisions, the Town Clerk shall submit the application and all accompanying data to the Chief of Police, who shall thereupon cause to be conducted such investigation of data contained in the application as required by the administrative provisions.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS / § 120-7. Issuance of license; display; expiration; fees.

§ 120-7. Issuance of license; display; expiration; fees.

A. Following an investigation of the applicant and a recommendation for approval by the Chief of Police, a license containing such information as provided in the administrative provisions

may be issued by the Town Clerk pursuant to this chapter. The Town Clerk shall notify the applicant that a license will be issued upon the applicant's reporting to the Town Clerk's office to receive and pay for the license.

B. The license shall be conspicuously displayed by the licensee at all times during the conduct of his vending activities and shall describe the things approved for vending and the manner of vending approved.

C. Such license shall expire on the 31st day of December subsequent to the date on which it was issued unless sooner revoked pursuant to this chapter.

D. The fee for the license shall be determined from time to time by the Board of Selectmen by resolution and shall be listed in the current administrative provisions. The license fee is not refundable under any circumstances.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS / § 120-8. Suspension and revocation of licenses.

§ 120-8. Suspension and revocation of licenses.

A. The Town Clerk, upon a verified complaint of any of the following, may suspend a license issued under the provisions of this chapter for a period not to exceed 30 days pending a revocation hearing as provided in this section:

(1) Fraud, misrepresentation or false statement contained in the license application or any other form required by this chapter.

(2) Fraud, misrepresentation or false statement engaged in by the license holder in the course of carrying on the business of vending.

(3) Any violation of this chapter.

(4) Conviction of any crime involving moral turpitude.

B. Notice of any suspension shall be in writing and shall be issued by the Town Clerk, who shall state therein the reasons for the suspension and shall further give notice of the date and time of the revocation hearing scheduled before the First Selectman. A notice of hearing for revocation of license shall set forth specifically the ground(s) of the complaint. The Town Clerk shall mail the suspension and revocation hearing notice by certified mail to the last known address of the license holder at least seven days before said scheduled revocation hearing.

C. A license issued under the provisions of this chapter shall be revoked by the First Selectman after notice hearing and upon a finding of any of the circumstances listed in Subsection A. Any revocation shall be in writing and shall state the reasons therefor. The revocation order shall be sent by certified mail to the last known address of the licensee.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS / § 120-9. Conduct of licensee.

§ 120-9. Conduct of licensee.

Each licensee, while engaged in the activities in Simsbury for which the license was issued, shall:

A. Refrain from shouting, blowing a horn, ringing a bell or using any sound device for the purpose of attracting attention in a manner which creates a public nuisance.

B. Refrain from conducting the licensed activities before 7:00 a.m. on any day or after 9:00 p.m. on any day.

C. Refrain from entering any dwelling unit unless expressly invited to do so by an occupant thereof.

D. Leave any premises immediately upon being requested to do so by an occupant thereof.

E. Deliver as agreed or represented and within a reasonable time all things of value and perform in like manner all services contracted for which he has been paid in whole or in part, except as provided in Subsection F hereof.

F. Refund promptly any payments made to him if he shall find it is not reasonably possible for him to comply with Subsection E hereof, unless said refunds shall be refused by the other party.

G. Give a written and signed receipt for all payments in excess of $100 received by him, stating the amount of said payment, a description of the thing of value in connection with which the payment was made, the total of all charges made or to be made in connection with the transaction and when and in what amounts any additional payments are to be made.

H. Give to the other party a copy, signed by the licensee, of any order contract or other documents which said party has signed. Compliance with this subsection shall constitute compliance with Subsection G to the extent that the document meets the requirements of Subsection G.

I. Refrain from transferring his license to anyone or allowing anyone else to use his license.

J. If conducting vending activities on the streets or sidewalks of Simsbury, not maintain the vehicle or activity in the same place for a period of time exceeding one hour and not conduct food or drink vending activities during the period from one hour before to one hour after school is in session within 1,500 feet of any school. A licensee shall not, by virtue of being a licensee, have an exclusive right to any location on public streets or public property, shall not be permitted any stationary location thereon and shall not be permitted to operate in a congested area or any area where such operation is reasonably likely to impede the movement of people and vehicles or is likely to cause a hazard to public safety.

K. Refrain from using signage except such as is affixed to the licensee or licensee's vehicle.

L. Refrain from conducting vending activity using vehicles of 18 wheels or more on streets containing culs-de-sac or that are marked as prohibiting through traffic.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 120, PEDDLERS AND HAWKERS / § 120-10. Penalties for offenses.

§ 120-10. Penalties for offenses.

Any person who vends without complying with the provisions of this chapter shall, upon conviction, be fined such amount as may from time to time be established by Connecticut General Statutes, Section 21-38.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 123, PREMISES, BLIGHTED AND UNSAFE

Chapter 123, PREMISES, BLIGHTED AND UNSAFE

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 10-11-2006. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 70.
Demolition of buildings -- See Ch. 72.
Numbering of property -- See Ch. 112.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 123, PREMISES, BLIGHTED AND UNSAFE / § 123-1. Findings.

§ 123-1. Findings.

This chapter is enacted pursuant to the authority granted to the Town of Simsbury under Connecticut General Statutes Section 7-148(c)(7)(H)(xv). The Board of Selectmen finds that blighted or unsafe buildings and other structures may pose a threat to the health, safety and general welfare of their occupants and other members of the public, and may reduce the value and unreasonably interfere with the use and enjoyment of properties in the vicinity of such premises. The Board of Selectmen also finds that buildings and structures within the Town of Simsbury should not be allowed to become blighted or unsafe or to remain in such a condition.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 123, PREMISES, BLIGHTED AND UNSAFE / § 123-2. Prohibitions.

§ 123-2. Prohibitions.

No owner or other person having lawful possession or control of a building or other structure within the Town of Simsbury shall permit the building or structure to become blighted or unsafe, as defined in § 123-3 below, or to remain in a blighted or unsafe condition.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 123, PREMISES, BLIGHTED AND UNSAFE / § 123-3. Definitions.

§ 123-3. Definitions.

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

BLIGHTED PREMISES -- Any building or structure, or any part of a structure that is a separate unit, any parcel of land, any lot of land, or any building under construction for which a building permit has been issued for more than 24 months without receiving a certificate of occupancy and in which at least one of the following conditions exists:

A. The Blight Prevention Officer determines that existing conditions pose a serious threat to the

health and safety of persons in the Town.

B. The premises is not being maintained and contributes to housing decay, as evidenced by the existence of one or more of the following conditions:

(1) Missing or boarded windows or doors;

(2) Collapsing or missing walls, roof or floor;

(3) Exterior walls which contain holes, breaks, loose or rotting materials or which are not properly surface coated to prevent deterioration;

(4) Foundation walls which contain open cracks and breaks;

(5) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay;

(6) Chimneys and similar appurtenances which are in a state of disrepair;

(7) Insect screens which contain tears or ragged edges;

(8) Vermin infestation;

(9) Garbage, trash, abandoned vehicles, watercraft or trailers of any kind on the premises (unless the premises is a junkyard licensed by the State of Connecticut);

(10) Overgrown grass or weeds at least one foot in height; or

(11) Graffiti.

C. Illegal activities are conducted at the premises, as documented in Police Department records.

D. It is a fire hazard as determined by the Fire Marshal or as documented in Fire District records.

E. It is a factor creating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighborhood complaints, police reports, or the cancellation of insurance on proximate properties.

BLIGHT PREVENTION OFFICER -- Such individual as is designated by the First Selectman to act as the Blight Prevention Officer.

BUILDING or STRUCTURE -- An edifice of any kind or any piece of work artificially built or composed of parts joined together in some form which is built or constructed on any real property. The words "building" and "structure" shall be construed as if followed by the words "or part thereof." Accessory buildings or structures, canopy, awnings, marquees, and each and every type of portable equipment shall be considered "buildings" or "structures" within the meaning of

this definition.

BUILDING CITATION HEARING OFFICER -- Any individual(s) appointed by the First Selectman to conduct hearings authorized by the Simsbury Code of Ordinances.

LEGAL OCCUPANCY -- Occupancy in accordance with state building, state fire, local zoning, local housing and all other pertinent codes.

NEIGHBORHOOD -- An area of the Town comprised of all premises or parcels of land any part of which is within a radius of 1,000 feet of any part of another parcel or lot within the Town.

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 appears in the Simsbury land records.

PROXIMATE PROPERTY -- Any premises or parcel of land or part thereof within 1,000 feet of a blighted premises.

VACANT -- A continuous period of 60 days or longer during which a building or structure or part thereof is not legally occupied by human beings.

VACANT PARCEL -- A parcel of land with no structure(s) thereon.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 123, PREMISES, BLIGHTED AND UNSAFE / § 123-4. Enforcement; unpaid fines.

§ 123-4. Enforcement; unpaid fines.

A. The Blight Prevention Officer is granted the authority necessary to enforce the provisions of this chapter. Such authority shall include, but not be limited to, entering premises known to be, or suspected of being, blighted or unsafe for the purpose of conducting inspections, citing violations, determining enforcement actions, assessment of fines, filing liens, designating a building or structure as blighted or unsafe, ordering the demolition of unsafe buildings or structures, and initiating legal actions.

B. Any unpaid fine imposed shall constitute a lien upon the real estate in accordance with Connecticut General Statutes Section 7-148aa. Each such lien shall be continued, recorded and released as provided for in Section 7-148aa.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 123, PREMISES, BLIGHTED AND

UNSAFE / § 123-5. Inspections; designation as unsafe or blighted.

§ 123-5. Inspections; designation as unsafe or blighted.

A. The Blight Prevention Officer or his or her designee shall inspect any buildings or structures that appear to be blighted or unsafe based upon reports of the Director of Health or of any other persons who have reason to know of such conditions, or upon such other evidence as the Blight Prevention Officer deems relevant.

B. Any building or structure that has been determined by the Blight Prevention Officer to be blighted or unsafe shall be so designated by the Blight Prevention Officer.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 123, PREMISES, BLIGHTED AND UNSAFE / § 123-6. Notice; extension of repair period; failure to comply; hearing.

§ 123-6. Notice; extension of repair period; failure to comply; hearing.

A. Issuance of notice; contents.

(1) Upon designating a building or structure as blighted or unsafe, the Blight Prevention Officer shall issue to the owner a written notice of blighted or unsafe premises and shall order the owner to correct the blighted or unsafe condition within 60 days of the date of the notice. The notice shall be sent to the owner by certified mail and shall include:

(a) The facts upon which the designation is based;

(b) The date by which the blighted or unsafe conditions must be corrected;

(c) The fines, penalties, costs, fees and other enforcement actions that may be imposed by citation if the conditions are not corrected; and

(d) The owner's right to contest the order before one or more citation hearing officers appointed by the Board of Selectmen (the "Hearing Officer").

(2) In the event that the relevant building or structure or portion of a building or structure is known by the Blight Prevention Officer to be occupied by or under the legal control or possession of a person or persons other than the owner, the Blight Prevention Officer may direct a similar notice and order to any such person or persons whom the Blight Prevention Officer may reasonably believe to be fully or partially responsible for creating or maintaining the blighted or unsafe condition. Each person receiving such a notice and order shall be deemed to be jointly and severally liable for correcting the

blighted or unsafe conditions.

B. Prior to the expiration of the sixty-day repair period specified in the notice of blighted or unsafe building or structure, the owner or person receiving a notice and order pursuant to Subsection A may apply to the Blight Prevention Officer for an extension of the repair period. The Blight Prevention Officer may grant one or more extensions of the repair period, none of which may be longer than 60 days, if he or she determines that the owner or other person is diligently working to remedy the blighted or unsafe condition and that under the facts and circumstances an extension is reasonable.

C. If the blighted or unsafe building or structure is not repaired to the satisfaction of the Blight Prevention Officer, or demolished, by the conclusion of the sixty-day repair period and any extensions thereof granted by the Blight Prevention Officer, the Blight Prevention Officer shall issue a citation and impose a fine of not more than $100 for each day that the building or structure remains unrepaired and stating that the owner or other person who received notice under Subsection A shall have 15 days from the receipt of the citation to make an uncontested payment of such fines. Each day that the property is in violation of this chapter shall constitute a separate offense. If the citation has been sent by regular mail, the day of receipt shall be deemed to be three business days after the mailing of the citation.

D. Failure to pay fine.

(1) Upon the expiration of the fifteen-day period for the uncontested payment of fines under Subsection C, the Blight Prevention Officer shall send notice to the person cited under Subsection C. Such notice shall inform the person cited:

(a) Of the allegations against him or her and the amount of fines, penalties, costs or fees due;

(b) That he or she may contest his or her liability before the Hearing Officer by delivery, in person or mail, of written notice within 10 days of the date thereof;

(c) That if he or she does not demand a hearing, an assessment and judgment shall be entered against him or her; and

(d) That such judgment may issue without further notice.

(2) All notices and hearings related to such citations shall be given and held, respectively, in accordance with the citation hearing procedures set forth in state law.

E. Any property owner or other person who receives a citation pursuant to this chapter has the right to request a hearing before the Hearing Officer by delivering, by hand delivery or mail, written notice of such request within 10 days of the date of the notice of blighted or unsafe premises. If the property owner or other responsible person requests a hearing, the Blight

Prevention Officer shall set written notice, by certified mail, of the date, time and place for the hearing. Such hearing shall be held 15 to 30 days from the date of the mailing of the notice of such hearing.

F. The Hearing Officer shall conduct the hearing in the form and with the methods of proof as he or she deems fair and reasonable, in accordance with the hearing procedures for citations specified in state law. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

G. The Hearing Officer shall issue a written decision following the conclusion of the hearing. If he or she determines that the subject property owner or other person having lawful possession or control is not liable, the Hearing Officer shall dismiss the matter and enter the determination, in writing, accordingly. If the Hearing Officer determines that the subject property or other person having lawful possession or control owner is liable, he or she shall enter the determination, in writing, accordingly, and assess the relevant fines, penalties, costs or fees that are provided for in this chapter.

H. Any fine which is unpaid 30 days after it is imposed shall constitute a lien upon the real estate agent against which the fine was imposed from the original date of imposition.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 123, PREMISES, BLIGHTED AND UNSAFE / § 123-7. Correction of violation by Town. [Amended 11-13-2013]

§ 123-7. Correction of violation by Town. [Amended 11-13-2013]

A. Pursuant to Connecticut General Statutes § 7-148ff, in the event any owner, agent, tenant or person in control of real property shall fail to abate or correct any violation specified in any notice, after the issuance of an enforcement citation for such failure, which citation has become final through the failure of such owner, agent, tenant, or person in control of real property to appeal from the issuance of such citation, or by such appeal being sustained, the Town of Simsbury, acting through its Blight Prevention Officer, may cause or take such action as is necessary to correct such violation. Such Blight Prevention Officer, or his or her agent, may enter the property during reasonable hours for the purpose of remediating blighted conditions, provided such officer or agent shall not enter any dwelling, house or other structure. The cost to take such action shall be subject to a lien against the real property of the owner pursuant to Connecticut General Statutes § 49-73b and shall be a civil claim by the Town against such owner, agent, tenant, or person responsible for such property, and the Town Attorney may commence an action on behalf of the Town of Simsbury to recover all costs, expenses and fees, including attorney's fees, incurred by the Town relating to the

violation.

B. The Blight Prevention Officer shall give notice of the determination that the right of entry is authorized. Notice shall be sent by certified mail, return receipt requested, to the last known address of the property owner. Said notice shall give the property owner no less than 10 days from the date of the notice to remedy the blighted condition prior to the exercise of the right of entry.

C. As set forth in Connecticut General Statutes § 7-148ff, there is a board established consisting of the Blight Prevention Officer, the Finance Director and the Tax Assessor to determine when the exercise of the right of entry for a particular property is authorized under this section.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 128, SEDIMENT AND EROSION CONTROL

Chapter 128, SEDIMENT AND EROSION CONTROL

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 7-11-1979. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention -- See Ch. 94.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 128, SEDIMENT AND EROSION CONTROL / § 128-1. Legislative findings.

§ 128-1. Legislative findings.

It has been clearly demonstrated that the soil and vegetation of the Town of Simsbury are valuable natural resources, the preservation of which is essential for control and protection of surface and underground waters. To protect the soil, vegetation, watercourses and aquifers of the Town of Simsbury is essential to the public health, safety and welfare.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 128, SEDIMENT AND EROSION CONTROL / § 128-2. Purpose.

§ 128-2. Purpose.

It is the policy of the Town of Simsbury to prevent within the town soil erosion and sedimentation on any land which is used in a manner which exposes earth materials to erosion, and to provide, as soon as possible, for the restoration of the exposed areas to their prior condition.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 128, SEDIMENT AND EROSION CONTROL / § 128-3. Definitions.

§ 128-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EROSION -- Loss of soil materials by action of gravity, wind or moving water.

EXCAVATION -- Digging, burrowing, removing and/or relocation of soil materials.

GRADING -- Shaping or changing the contours of the land surface.

SEDIMENT -- Soil materials that are in suspension, are being transported or have been moved from their site of origin by water or wind.

SEDIMENTATION -- The deposition or accumulation of sediment.

SOIL MATERIALS -- Unconsolidated mineral and organic material on the immediate surface of the earth.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 128, SEDIMENT AND EROSION CONTROL / § 128-4. Sediment and erosion control plans required.

§ 128-4. Sediment and erosion control plans required.

A. A sediment and erosion control plan shall be required for any land which is used so that soil materials are exposed and which plan:

   (1) Requires approval of the Planning or Zoning Commission, or

   (2) May alter natural or existing watercourses or natural or existing drainage areas.

B. The Conservation Commission or its designated agent shall determine which applicable land uses as set forth herein shall require such sediment and erosion control plan and shall review and approve all such plans prior to final planning or zoning approval, issuance of building permit or commencement of Simsbury Department of Public Works projects.

C. The following are exempt activities:

(1) Activities incidental to use, enjoyment and maintenance of residential property, provided that a certificate of occupancy for the structure on that lot has been issued.

(2) Agricultural activities, unless the Conservation Commission or its designated agent determines that sedimentation will occur.

(3) Emergency activities conducted by public utilities for protection and welfare of the general public.

(4) Activities by State or Simsbury Highway Departments as part of routine or emergency maintenance procedures.

D. Sedimentation and erosion control plans shall include but not be limited to:

(1) Location of areas to be stripped of vegetation and other exposed or unprotected areas.

(2) A schedule of operations to include starting and completion dates for major development phases, such as land clearing and grading, street, sidewalk and storm sewer installation, etc.

(3) An estimate of the soil loss from the construction site.

(4) Seeding, sodding or revegetation plans and specifications for all unprotected or unvegetated areas.

(5) Location and design of structural sediment control measures, such as diversions, waterways, grade stabilization structures, debris basins, etc.

(6) Timing of planned sediment control measures.

(7) General information relating to the implementation and maintenance of the sediment control measures.

(8) Grading plan showing existing and proposed contours at two-foot intervals.

E. The Town of Simsbury recommends use of the Hartford County Soil and Water Conservation District personnel for information and planning assistance in sediment and erosion control plans. In addition, the use of standards and specifications as prepared by the United States Department of Agriculture Soil Conservation Service in the Sediment and Erosion Control

Handbook is encouraged (available from Soil Conservation Service, 340 Broad Street, Windsor, CT, or on file in the Town Conservation Director's office).

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 128, SEDIMENT AND EROSION CONTROL / § 128-5. Approval or denial of plans.

§ 128-5. Approval or denial of plans.

A. The Commission or its designated agent may approve the plan as filed or upon such terms, conditions, limitations or modifications as are deemed necessary to fulfill the purpose of this chapter.

B. Action shall be taken on all proposed plans within 30 days from receipt of a completed proposed plan, and the applicant shall be notified by certified mail of the decision within 15 days of the date of the decision.

C. If a plan is denied or granted with conditions or limitations and the applicant disputes such conditions or limitations, he may modify, amend or correct his proposal or request a hearing before the Commission, which shall hear said matter at its next regularly scheduled meeting following not fewer than 10 days' request by the applicant.

D. No plan may be assigned or transferred without the written consent of the Commission or its designated agent.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 128, SEDIMENT AND EROSION CONTROL / § 128-6. Inspections.

§ 128-6. Inspections.

The Conservation Director or any designated agent of the Conservation Commission shall maintain general surveillance of all property in town to ensure that no violations of this chapter occur. Activities which have been granted approval or for which approval has been sought shall be open to inspection at all reasonable times. The Conservation Director shall be authorized to seek such necessary court orders as will allow him to inspect land where he has probable cause to believe an activity is in progress which may violate the terms of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 128, SEDIMENT AND EROSION CONTROL / § 128-7. Enforcement.

§ 128-7. Enforcement.

A. Any person who shall commit, take part in or assist in any violation of this chapter may be served with a written order either by personal service or certified mail stating the nature of such violation and providing a specified time within which corrective measures shall be taken by the violator. Within 10 days of the issuance of such order, the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and within 10 days of the completion of the hearing notify the person either by personal service or certified mail that the original order remains in effect, that a revised order is in effect or that the order has been withdrawn. The original order shall be effective upon issuance and shall remain in effect until the Commission affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar any action pursuant to Subsection B of this section.

B. Notwithstanding the above, the Commission may petition the Superior Court to enjoin any violation of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 128, SEDIMENT AND EROSION CONTROL / § 128-8. Penalties for offenses. [Amended 1-8-1990]

§ 128-8. Penalties for offenses. [Amended 1-8-1990]

A violation of any provision of this chapter shall be an infraction as provided for in Connecticut General Statutes Sections 51-164m and 51-164n. Pursuant to Connecticut General Statutes Section 51-164p, any such violation shall be punishable by a fine of not more than $90 for each offense. Each day that such offense is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS

Chapter 130, SEWERS

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 10-25-1982; amended

in its entirety 9-30-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 70.
Highway excavations -- See Ch. 137, Art. II.
Water -- See Ch. 156.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE I, Intent and Definitions

ARTICLE I, Intent and Definitions

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE I, Intent and Definitions / § 130-1. Intent.

§ 130-1. Intent.

In order to ensure proper removal and disposal of sewage wastes and sewage waters within the Town of Simsbury; to ensure the proper operation and maintenance of public sewers, sewage treatment plants and other sewage works within said Town; and to provide for the keeping of adequate records of sewers and appurtenances and connections thereto, the following rules and regulations governing the construction, use, repair, alteration, and discontinuance or abandonment of sewers and appurtenances and connections thereto, including pipes discharging directly or indirectly into said sewers and the substances to be discharged directly or indirectly into and through the sewers and appurtenances of the public sewer system of the Town of Simsbury, as provided in Chapter 103, Section 7-246 et seq. of the General Statutes of the State of Connecticut, Revision of 1958, these rules and regulations of the Town of Simsbury are hereby enacted.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE I, Intent and Definitions / § 130-2. Definitions; word usage.

§ 130-2. Definitions; word usage.

A. Unless the context specifically indicates otherwise, the meanings of terms used in these rules

and regulations shall be as follows:

BOD (denoting "biochemical oxygen demand") -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter.

BUILDING DRAIN -- That part of the lowest horizontal piping of a drainage system that receives only sanitary waste discharged from pipes inside the walls of the building and conveys it to the building sewer, beginning 10 feet outside the inner face of the building wall.

BUILDING SEWER -- The extension from the building drain to the public sewer or other place of disposal.

CATEGORICAL STANDARD -- National Categorical Pretreatment Standards or pretreatment standards.

CHLORINE DEMAND -- The amount of chlorine which must be added to waters or wastes to produce a residual chlorine content in such waters or wastes.

COMMISSIONER -- The Commissioner of Environmental Protection for the State of Connecticut.

COOLING WATER -- Includes clean wastewater from air-conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. In general, cooling water will include only water which is sufficiently clean and unpolluted to admit of being discharged without treatment or purification (except for removal of excessive heat) into any natural open stream or watercourse without offense.

DRAIN LAYER -- A person who holds an appropriate license issued by the State of Connecticut covering the installation of building sewers as defined above.

GARBAGE -- Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES -- The liquid wastes from industrial processes, trade or business, as distinct from sanitary sewage.

NATURAL OUTLET -- Any watercourse, pond, ditch, lake or other body of surface or groundwater.

NPDES -- National Pollutant Discharge Elimination System, as administered by the United States Environmental Protection Agency to set pollutant limits for point source discharges.

PASS-THROUGH -- A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from

other sources, is a cause of a violation of any requirement of Simsbury's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON -- Any individual, firm, company, association, society, corporation, group or any other legal entity; or their legal representatives, agents, or assigns.

pH -- A term that quantifies the intensity of acid or base solutions. A pH of 7 is considered neutral, with acidity increasing as the pH decreases.

POLLUTANT -- Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

POTW -- Publicly owned treatment works. This includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature, and any conveyances which convey wastewater to a treatment plant.

PRETREATMENT -- The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants (unless dilution is allowed by an applicable pretreatment standard).

PRIVATE SEWER SYSTEM -- Pipelines or conduits, pumping stations, force mains, and all other constructions, devices, appurtenances, and facilities used for collecting or conducting waterborne sewage, industrial waste, or other wastes to a point of disposal or treatment that is owned by a nongovernmental entity and which services or is proposed to service more than one structure.

PROPERLY SHREDDED GARBAGE -- The wastes from the preparation, cooking and dispensing of food which have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER -- A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

REASONABLE LENGTH OF TIME -- Ninety days, weather permitting.

SANITARY SEWAGE -- A combination of the water-carried wastes from residences, business

buildings, institutions and industrial establishments.

SANITARY SEWER -- A sewer which carries sewage and into which storm, surface and ground waters are not intentionally admitted.

SEWAGE WORKS -- All facilities for collecting, pumping, treating and disposing of sewage.

SEWER -- A pipe or conduit for carrying sewage.

SEWER SERVICE AREA -- That area shown on the map entitled "Simsbury Sewer Service Area," dated November 2008, or current version as may be from time to time amended.

SLUG -- 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 15 minutes, more than five times the average flow or concentration that is generally experienced for such an interval of time during the course of 24 hours of normal operation.

STORM SEWER or STORM DRAIN -- A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes, other than unpolluted cooling water.

SUBSOIL DRAINAGE -- Includes water from the soil percolating into subsoil drains and through foundation walls or basement floors, or from underground pipes or similar sources.

SUITABLE FACILITIES -- Public sewer or septic tank.

SUPERINTENDENT -- Refers to the authorized agent or representative of the Water Pollution Control Authority who is responsible for the operation and management of the sewer collection system and the associated water pollution control facility.

SUSPENDED SOLIDS -- 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.

WASTEWATER -- Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT -- Any arrangement of devices and structures used for treating sewage.

WATERCOURSE -- A channel in which a flow of water occurs either continuously or intermittently.

WATER POLLUTION CONTROL AUTHORITY -- As defined in Chapter 103 of the Connecticut General Statutes (1958), as amended.

WATER POLLUTION CONTROL PLAN -- The document that describes where sewers are to be located and not located within the Town of Simsbury. Included in the Water Pollution Control Plan is the Sewer Service Area Map.

B. The word "shall" is mandatory; "may" is permissive.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE II, Use of Public Sewers Required

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ARTICLE II, Use of Public Sewers Required

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE II, Use of Public Sewers Required / § 130-3. Deposit of wastes restricted.

§ 130-3. Deposit of wastes restricted.

It shall be unlawful for any person to place, deposit or permit to be deposited upon public or private property within the Town of Simsbury, or in any area under the jurisdiction of said Town, any human excrement or any other objectionable waste.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE II, Use of Public Sewers Required / § 130-4. Discharge of wastes restricted.

§ 130-4. Discharge of wastes restricted.

It shall be unlawful to discharge into any natural outlet within the Town of Simsbury, or 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 these rules and regulations.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE II, Use of Public Sewers Required / § 130-5. Connection to public sewers required.

§ 130-5. Connection to public sewers required.

The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Sewer Service Area of the Town of Simsbury and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary sewer of the Town may be required, at the option of the Town of Simsbury and at the owner's(s') expense, to install a building sewer to connect their building drain to the public sewer in accordance with the provisions of this chapter within 90 days after date of official notice to do so.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE II, Use of Public Sewers Required / § 130-6. Private sewage disposal systems.

§ 130-6. Private sewage disposal systems.

A. All homes, businesses, buildings, institutions and industrial establishments not abutting on a street in which there is a sanitary sewer shall have a suitable private sewage disposal system, the installation and operation of which shall be subject to the inspection and approval of the Director of Health in accordance with the applicable provisions of the Building Code of the State of Connecticut.

B. Except as herein provided, it shall be unlawful to construct or maintain any septic tank or other facilities intended or used for the disposal of sewage if sewers are available.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE III, Subdivision of Land

ARTICLE III, Subdivision of Land

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE III, Subdivision of Land / § 130-7. Developer to install facilities.

§ 130-7. Developer to install facilities.

Whenever a developer subdivides a tract of land into residential building lots or industrial or commercial sites, he shall provide and install suitable facilities and/or a sewage disposal system in accordance with the regulations of the Town Planning Commission and the standards and specifications of the Water Pollution Control Authority.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections

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ARTICLE IV, Building Sewers and Connections

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-8. Permit required.

§ 130-8. Permit required.

A. No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Water Pollution Control Authority or an authorized agent thereof.

B. 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 § 130-33 of Article VI 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 on public or private land.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-9. Fees; application for permit.

§ 130-9. Fees; application for permit.

The Water Pollution Control Authority shall establish a Schedule of Fees. The owner or his agent shall make permit application on a special form furnished by the Water Pollution Control

Authority. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Water Pollution Control Authority.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-10. Installation and connection costs and expenses.

§ 130-10. Installation and connection costs and expenses.

Water Pollution Control Authority fees shall not include installation and connection costs. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. No sewer permit will be issued unless the person applying for the permit has deposited a check, payable to the Town of Simsbury, in the amount determined by the Water Pollution Control Authority.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-10.1. Specifications for construction.

§ 130-10.1. Specifications for construction.

The Water Pollution Control Authority shall, from time to time, establish standard requirements or specifications to regulate the sizes, materials, methods, and workmanship to be used in the 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 pipes and fittings, the methods of laying and jointing, the materials used, the manner of connecting to preexisting sanitary sewers, and the general considerations as to location and other pertinent features. Any such requirements or specifications may from time to time be amended and are hereby made a part of this article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-10.2. Conformance to Town building and plumbing codes required.

§ 130-10.2. 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 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-11. Use of old building sewers.

§ 130-11. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on evaluation by the Water Pollution Control Authority or its agent, to meet all requirements of these rules and regulations. The cost of such evaluation shall be borne by the property owner.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-12. (Reserved)

§ 130-12. (Reserved)

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-13. State standards.

§ 130-13. State standards.

The requirements of the State Building Code shall be observed with respect to piping and fixtures inside or immediately adjacent to buildings and within the areas of jurisdiction of said code, subject only to the general requirements of these rules and regulations. Building sewers shall conform to the requirements of these rules and regulations as to permits, materials and workmanship.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-14. Separate building sewers required.

§ 130-14. Separate building sewers required.

A separate and independent building sewer shall be provided for every building; provided, however, that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building, and the whole considered as one building sewer.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-15. Connection elevation.

§ 130-15. Connection elevation.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the public sewer.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-15.1. Maintenance of house connection.

§ 130-15.1. Maintenance of house connection.

In the event of a complaint regarding a sanitary sewer stoppage, the Water Pollution Control Authority 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 be so informed and the property owner shall then, at the property owner's expense, employ a licensed plumber, reputable cleaner, or licensed or permitted drain layer to clear any stoppage in the house connection. If the licensed plumber, reputable cleaner or licensed or permitted drain layer finds that the stoppage cannot be cleared by power-rodding or snaking, then the property owner shall notify the Water Pollution Control Authority or authorized agent. If excavation is required to remove the blockage in the house connection, a permit must be obtained from the Water Pollution Control Authority to perform such work. All expense required to remove a blockage from a house connection is the

responsibility of the property owner.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-16. Notification of changes in volume or character of pollutants; approval required.

§ 130-16. Notification of changes in volume or character of pollutants; approval required.

Any person proposing a new discharge into the public sewer system that involves substantial change in the volume or character of pollutants being discharged into the public sewer system shall notify the Superintendent at least 45 days prior to the date on which the proposed change or connection is sought to be implemented. No person shall implement any such proposed change or connection unless and until the same has been approved by the Superintendent in a writing signed by the Superintendent.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-17. Excavations.

§ 130-17. Excavations.

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director of Public Works.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-18. Abandonment or discontinuance.

§ 130-18. Abandonment or discontinuance.

When any building or other structure previously served by a connection to any public sewer is demolished, destroyed, abandoned or altered so that any sewer or portion of an abandoned plumbing system which is directly or indirectly connected to any public sewer is no longer used and is no longer connected to the sewer system which discharged, directly or indirectly, into a public sewer, such sewer or system shall be promptly closed and sealed off, so that no water or

waste not otherwise permitted to enter the public sewer shall be so discharged thereinto. The Water Pollution Control Authority or its agent shall be notified of such abandonment or discontinuance and of the closing and sealing of such sewer and shall be afforded an opportunity to inspect such work performed. All of said work shall be done by the person or party who demolishes the building or structure or who alters the sewerage 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 in a satisfactory manner, all without expense to the Town.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-19. Construction in proximity to water supply wells.

§ 130-19. Construction in proximity to water supply wells.

No building sewer shall be constructed within 25 feet of a water supply well. If a building sewer is constructed within 25 to 75 feet of a water supply well, it shall be constructed in accordance with all applicable guidelines promulgated by the Commissioner.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-20. Prohibited discharges.

§ 130-20. Prohibited discharges.

A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

B. 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 Town Engineer or an authorized agent thereof. In any case where the only available option is to discharge to the sanitary sewer, application for approval must be made to the Water Pollution Control Authority prior to connecting said discharge.

C. Cooling water or similar wastewaters in large volumes or discharged in large quantities at one time shall not be discharged into any sanitary sewer without specific permission from the Water Pollution Control Authority. 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 of clean wastewater.

D. No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the POTW.

(3) Solid or viscous substances in such quantities or of such size as to be capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to grease, garbage with particles greater than 1/2 inch in any dimension, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, spent grains, spent hops, wastepaper and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(4) 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.

(5) Any noxious or malodorous gas or substance capable of creating a public nuisance. Any sewage containing odor-producing substances exceeding limits that may be established by the state or federal government.

(6) Any water containing disinfectants, formaldehyde, toxic or poisonous substances in quantities sufficient to delay or interfere with sewage treatment and sludge digestion processes, including sedimentation, biological, and chemical processes used by the Town at its sewage treatment plant.

(7) Wastewater causing readings on an explosion meter at the point of discharge into the collection system of more than 5% of any single reading over 10% of the lower explosive limit of the meter.

(8) Overflow from holding tanks or other receptacles storing organic wastes.

(9) Any substance that will contribute to or cause the water pollution control facility to violate its NPDES permit or exceed the receiving water quality standards. Any pollutant or wastewater that will cause interference or pass-through.

(10) Any wastewater that impacts color that cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-21. Acceptability of certain wastes.

§ 130-21. Acceptability of certain wastes.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Water Pollution Control Authority that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Water Pollution Control Authority will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

A. Any liquid or vapor having a temperature higher than 150° F (65° C.).

B. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0°C. and 65°C.).

C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Water Pollution Control Authority or its agent.

D. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

E. Any waters or wastes containing infectious contagious biological or medical wastes, 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 has a sewage concentration of pollutants in excess of the following limits:

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 has a sewage concentration of pollutants in excess of the following limits:

Pollutant	**Concentration in Parts/Million (mg/l)**
Arsenic as As	0.05
Barium as Ba	5.0
BOD^5	300
Boron as B	5.0
Cadmium as Cd	0.1
Chromium (total)	1.0
Chromium (Cr + 6)	0.1
Copper as Cu	1.0
Cyanides as CN (amenable)	0.1
Fluoride as F	20
Lead	0.1
Manganese as Mn	5.0
Magnesium as Mg	100
Mercury	0.01
Nickel	1.0
Oil and grease (total)	100
Oil and grease (floatable)	20

Pollutant	Concentration in Parts/Million (mg/l)
Total suspended solids	300
Zinc as Zn	1.0

NOTE: All metals are to be measured as total metals.

F. Any waters or wastes containing phenols or other taste- or odor-producing substances in such concentrations exceeding limits which may be established by the Water Pollution Control Authority as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Water Pollution Control Authority in compliance with applicable state or federal regulations.

H. Any waters or wastes having a pH in excess of 9.5 or wastes having a pH lower than 5.5 or having other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

I. Materials which exert or cause any of the following:

(1) 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).

(2) Excessive discoloration (such as but not limited to dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process 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.

K. Backwash water.

(1) Backwash water from in-ground outdoor pools and all indoor pools is prohibited. Backwash water from these pools will be accepted when no more than 100 gallons per minute (gpm) of that water is discharged and a sand trap installation exists for the pool backwash.

(2) Pool water drainage must be overland or to storm drainage, unless prohibitive conditions exist, in which case drainage must be through the backwash system.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-22. Pretreatment or equalization of certain wastes.

§ 130-22. Pretreatment or equalization of certain wastes.

A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 130-21 and which in the judgment of the Water Pollution Control Authority 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 Water Pollution Control Authority may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require additional payment to cover the added cost of handling and treating the waste.

B. If the Water Pollution Control Authority 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 Water Pollution Control Authority and subject to the requirements of all applicable codes, ordinances and laws.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building

Sewers and Connections / § 130-23. Grease, oil and sand interceptors.

§ 130-23. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Water Pollution Control Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Water Pollution Control Authority and shall be located so as to be readily and easily accessible for cleaning and inspection. In the maintaining of these separators, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Water Pollution Control Authority or its agents. Any removal and hauling of the collected materials shall be performed by a waste disposal firm which possesses a valid permit from the Commissioner.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-24. Maintenance of pretreatment or flow-equalizing facilities.

§ 130-24. Maintenance of pretreatment or flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-25. Manholes.

§ 130-25. Manholes.

When required by the Water Pollution Control Authority, the owner or owners of a public or private sewer system serviced by a building sewer shall install a suitable control manhole, together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manholes, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Water Pollution Control Authority. The manholes shall be installed by the owner at his expense

and shall be maintained by him so as to be safe and accessible at all times.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-26. Standards for measurement, tests and analyses.

§ 130-26. Standards for measurement, tests and analyses.

All measurement, tests and analyses of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest edition of Standard Methods for the Examination of Waters 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 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 premises 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 is determined from periodic grab samples.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-27. Agreements with industries.

§ 130-27. Agreements with industries.

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Water Pollution Control Authority 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 as determined by the Water Pollution Control Authority, provided that such agreements do not contravene any requirements of existing state or federal laws and are compatible with any user charge and industrial cost recovery system in effect.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE IV, Building Sewers and Connections / § 130-28. Deposit of wastes from private systems at treatment plant.

§ 130-28. Deposit of wastes from private systems at treatment plant.

The waste from any privy, septic tank or cesspool may be deposited and processed at the Simsbury wastewater treatment plant, provided that such waste is from property in Simsbury, Avon, or Granby or such other towns as may be designated by the Water Pollution Control Authority and is not considered harmful. The plant operator's permission must be given before such waste can be discharged into the treatment plant. A test of such waste and any treatment to make such waste compatible shall be made at the contractor's expense if the plant operator considers the waste harmful to the plant facilities and/or operation. The contractor shall assume all liability to property and persons. A fee shall be charged for such deposit as determined by the Water Pollution Control Authority.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE V, Use of Public Sewers

ARTICLE V, Use of Public Sewers

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE V, Use of Public Sewers / § 130-29. State permit required.

§ 130-29. State permit required.

A. In accordance with Chapter 446k, Section 22a-430 of the Connecticut General Statutes as amended, a permit from the Commissioner of Environmental Protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:

   (1) Industrial wastewater of any quantity.

   (2) Domestic sewage in excess of 5,000 gallons per day through any individual building sewer to a public sewer.

B. A potential discharger must submit a permit application to the Department of Environmental Protection not later than 90 days prior to the anticipated date of initiation of the proposed

discharge.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE V, Use of Public Sewers / § 130-30. Monitoring of discharges.

§ 130-30. Monitoring of discharges.

All industries discharging into a public sewer shall perform such monitoring of their discharge as required by the Commissioner in any state discharge permit issued pursuant to Chapter 446k, Section 22a-430 of the Connecticut General Statutes, as amended, including but not limited to installation, use and maintenance of monitoring equipment, keeping records and reporting the results to the Commissioner. Such records shall be made available upon request of the Commissioner or the Superintendent.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE V, Use of Public Sewers / § 130-31. Prevention of accidental discharges.

§ 130-31. Prevention of accidental discharges.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. The Commissioner may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.

A. Within five days following an accidental discharge, the user shall submit to the Superintendent and the Commissioner 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 water pollution control facility, 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 chapter or other applicable law.

B. 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VI, Installation

ARTICLE VI, Installation

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VI, Installation / § 130-32. License required.

§ 130-32. License required.

No person shall install, construct, repair, alter or remove any sewer or building sewer connected to or with or discharging directly to or into any public sewer, regardless of whether said work is located in a public street or in public or private land, unless he holds an appropriate license issued by the State of Connecticut. Any such person shall furnish the surety bond and insurance required by §§ 130-41 and 130-42 hereof.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VI, Installation / § 130-33. Qualified persons or agencies.

§ 130-33. Qualified persons or agencies.

The following may, as indicated, construct, repair, alter or remove sewers, subject to supervision and approval by the Water Pollution Control Authority:

A. Regular forces of a contractor employed by the Town, operating under orders of the Water Pollution Control Authority and in the performance of work for said Town.

B. Regular forces of the Town and/or the State Highway Department operating under and subject to permit for the particular job to be issued by said Water Pollution Control Authority or its agent and while engaged in the regular work and operations of said Town or State Highway Department.

C. 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 a particular job issued by the Water Pollution Control Authority.

D. Any person, firm, or corporation which shall have been licensed under this article by the Town to perform work of the type described herein during the period provided in such license and when operating under and subject to the conditions of a permit for a particular job issued by the Water Pollution Control Authority.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VI, Installation / § 130-34. Exemptions for plumbers.

§ 130-34. Exemptions for plumbers.

The limitations as to persons who may construct, alter or repair building drains and building sewers as provided in § 130-32 shall not restrict the usual work of plumbers or others when operating in accordance with State Plumbing and Building Codes and when they are working on pipes within or not more than 10 feet outside the walls of a building or similar structure, provided that no plumber or other person shall make any connection to a public sewer of said Town without a permit therefor, even if said sewer is located under or immediately adjacent to any building or similar structure, and provided that all fixtures within said building or structure and all use made of them shall conform to the requirements of these rules and regulations as to what may and may not be permitted to be discharged into public sewers.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VI, Installation / § 130-35. Owner performance.

§ 130-35. Owner performance.

Nothing herein contained shall prohibit the owner of a building or structure from personally installing the building sewer on his own property (excluding therefrom any land laid out or dedicated as a public way) under the conditions herein specified:

A. Approval of plans and final approval by the Water Pollution Control Authority or its agent shall be obtained.

B. A permit shall be secured as herein provided before the work is performed.

C. Permit fees shall be paid and application made for inspections.

D. All work shall be performed by the owner himself in accordance with the provisions of these rules and regulations.

E. Compliance with applicable state statutes and rules and regulations pursuant thereto.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VII, Permits

ARTICLE VII, Permits

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VII, Permits / § 130-36. When required.

§ 130-36. When required.

No person, other than working for and under the direction of the Town, shall make any excavation for or construct, install, lay, repair, alter or remove any sewer, building drain, building sewer connection or appurtenance thereof or connect to such sewer within the Town which is in any way connected to or discharges directly or indirectly to or into any public sewer of said Town, or is intended at some future time to be so connected or so discharged, until said shall have applied for and secured from the Water Pollution Control Authority or its agent a permit for doing such work. Such permits may be issued only to those qualified to perform such work as provided in § 130-32 of these rules and regulations. The fee for such permits shall be established by the Water Pollution Control Authority.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VII, Permits / § 130-37. Application for permit

§ 130-37. Application for permit

Every application for a permit shall be made in writing on forms to be provided by the Water Pollution Control Authority for that purpose and shall be signed by the drain layer or other qualified person or party or an authorized agent thereof. The Water Pollution Control Authority or its agent shall require, as a prerequisite to the issuance of any permit, that it be furnished satisfactory evidence:

A. That any and all necessary permits, etc., to open public streets, public or private grounds or property have been or will be issued;

B. That the agent of the applicant is properly authorized to sign the application in question;

C. That the devices used or provisions made to prevent the entry into public sewers of any substances forbidden entry by these rules and regulations will be provided, maintained and operated as required by Articles IV and V hereof; and

D. That the applicant has provide any and all other information or proof pertinent to the particular job in question such that that the Water Pollution Control Authority, or its agent, may determine that the particular job in question, and the proposed use of and/or discharge into the public sewers, will be in conformity with these regulations in all material respects and will not be detrimental to, or pose a significant risk to, the public health and/or safety.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VII, Permits / § 130-38. Fees; transferability and display of permit.

§ 130-38. Fees; transferability and display of permit.

Any person who applies for a permit to connect into a sewer or sewer line shall pay the prescribed fee for each such permit. Permits shall not be transferable or assignable by the permittee. Permits shall be kept on the premises where and at all times when 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 these rules and regulations.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VII, Permits / § 130-39. Suspension or termination of permit.

§ 130-39. Suspension or termination of permit.

Should the Water Pollution Control Authority find that any licensed or permitted drain layer has failed to conform to the requirements of this article and to the conditions of any license or permit issued hereunder, or that such drain layer has not been faithful in the performance of work or furnishing materials under his permit, the Superintendent may suspend such permit until the next meeting of the Water Pollution Control 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 Water Pollution Control Authority may, after said opportunity to be heard has been provided, revoke said permit or may extend the suspension of such permit for such period or limit the activities of such drain layer in such manner as may appear to be in the public interest. 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VII, Permits / § 130-40. Conduct of permittee.

§ 130-40. Conduct of permittee.

Each drain layer licensed in accordance with § 130-32 hereof shall be responsible for the proper performance of all work performed under the 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 drain layer under any permit issued in any manner to divest said drain layer of full control and responsibility for all parts of said work.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VII, Permits / § 130-41. Liability insurance.

§ 130-41. Liability insurance.

Each drain layer shall save the Town of Simsbury, its agents and servants harmless from all loss or claims of loss, damage or injury arising from the operations of said drain layer under any permits issued to him by reason of his negligence in performing the work in which he has been issued a permit. He shall furnish the Town a public liability policy in an amount to be determined by the Water Pollution Control Authority in which the Town is a named insured, protecting it against such loss or claims of loss.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VII, Permits / § 130-42. Surety bond.

§ 130-42. Surety bond.

Every person making application for a permit shall file with the Town a satisfactory bond of a surety company authorized to transact such business in the State of Connecticut in a manner satisfactory to the Water Pollution Control Authority. The bond shall be in an amount to be determined by the Water Pollution Control Authority, conditioned upon the applicant's substantially and properly performing all work to be done under the permits issued to him in a workmanlike manner and upon his using proper materials; upon the applicant's restoring that portion of any street or public places which he has excavated in accordance with the rules contained in the permit issued him and maintaining the same for a period of one year; and upon the applicant's reimbursing the Town for any expense for repairs to such street or public place made necessary by reason of the excavation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VIII, Enforcement

ARTICLE VIII, Enforcement

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VIII, Enforcement / § 130-43. Orders and notices.

§ 130-43. Orders and notices.

If any person shall construct, install, alter or repair any sewer, building drain, building sewer or connection to any public sewer of the Town in violation of the requirements of these rules and regulations, or, having obtained a permit as provided in these rules and regulations, shall construct, install, alter or repair any sewer, building drain, building sewer or connection thereto without having given the Water Pollution Control Authority or its agent adequate notice, time, opportunity and assistance, during regular working hours, to inspect such sewer, connection and the work and materials used thereon, said Water Pollution Control Authority or its agent shall order or direct the person who constructed, installed, altered or repaired such sewer, etc., and/or the owner of any property in which such 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 sewer, etc., and afford said Water Pollution Control Authority or its agent adequate opportunity to examine and inspect such sewer, etc., and to secure such records thereof

as may be proper. If such sewer, etc., and the appurtenances thereof shall be found not to be in full accord with the requirements of these rules and regulations and the standards established under its provisions, then said Water Pollution Control Authority or its agent shall order and direct such person, owner or lessee to make such changes in or additions to or remove portions of appurtenances of such sewer, etc., as may be necessary to ensure that such sewer, etc., will conform to the requirements of these rules and regulations 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.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VIII, Enforcement / § 130-44. Disconnection by Authority.

§ 130-44. Disconnection by Authority.

If any person, after proper order or direction from the Water Pollution Control Authority or its agent, fails to take the remedial steps or perform the acts required by these rules and regulations or fails thereafter to use, operate and maintain any connection with the public sewers of the Town or appurtenances thereof as required by these rules and regulations, the Water Pollution Control Authority or its agent and/or facilities, as it may choose, may disconnect the sewer, etc., which was wrongfully connected, altered, repaired or used or through which improper wastes were discharged into the public sewer system of the Town. All expenses incurred in disconnecting the sewer are to be charged to the owner and paid before reconnecting said sewer. A new application must be filed with the Authority for reconnecting the discontinued sewer.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VIII, Enforcement / § 130-45. Protection from damage.

§ 130-45. Protection from damage.

Any person who willfully breaks, damages, destroys or injures any structure, appurtenance or equipment which is a part of the municipal sewage works shall be subject to the penalties imposed under Section 53a-116 of the Connecticut General Statutes (Revision of 1958), as amended.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VIII,

Enforcement / § 130-46. Powers and authority of inspectors.

§ 130-46. Powers and authority of inspectors.

A. The Water Pollution Control Authority, its agent and other duly authorized representatives of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observations, measurement, sampling and testing in accordance with the provisions of these rules and regulations. The Water Pollution Control Authority, its agent and other duly authorized representatives of the Town shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond such inquiry as is necessary or appropriate to make a proper determination as to the kind, quality, quantity, source and constituent elements and/or attributes of a discharge or proposed discharge to the sewers or waterways or facilities for waste treatment.

B. The Water Pollution Control Authority, its agent and other duly authorized representatives of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works, if any, on said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 130, SEWERS / ARTICLE VIII, Enforcement / § 130-47. Penalties for offenses.

§ 130-47. Penalties for offenses.

A. Any person who shall violate any provisions of these rules and regulations, except § 130-45, shall be served by the Water Pollution Control Authority with a written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. Such written notice shall include information about the right to petition as noted in Subsection D below. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. A violation of any provision of these rules and regulations shall be an infraction as provided for in Connecticut General Statutes Sections 51-164m and 51-164n. Pursuant to Connecticut General Statutes Section 51-164p, any such violation shall be punishable by a fine of not more than $90 for each offense. Each day that such offense is committed or permitted to

continue shall constitute a separate offense and shall be punishable as such hereunder.

C. Any person committing a violation of any of the provisions of these rules and regulations shall be liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

D. The person to whom any written notice is served by the Water Pollution Control Authority may petition for a hearing before the Water Pollution Control Authority by filing within three days (excluding Saturdays, Sundays and legal holidays) after the day the written notice was served or given. Said petition shall be filed in the office of the Water Pollution Control Authority. Upon receipt of such petition, the Water Pollution Control Authority shall set a time and place for such hearing and shall inform the petitioner thereof in writing.

(1) The hearing shall be commenced not later than five days after the day on which the written request was filed and shall be concluded within five days thereafter, provided that upon application of the petitioner, the said Authority may postpone the date of the hearing for a reasonable time beyond the five-day period.

(2) At the hearing, the petitioner shall be given an opportunity to be heard and to show any order or decision set forth in the written notice of the Water Pollution Control Authority should be modified or withdrawn.

(3) After the hearing, the Water Pollution Control Authority shall sustain, modify or withdraw its order or decision and shall inform the petitioner, in writing, of its decision within three days after the conclusion of the hearing. If a petition for hearing is not filed in the office of the Water Pollution Control Authority within three days (excluding Saturdays, Sundays and legal holidays) after written notice as provided in Subsection A hereof has been issued, or if after the hearing the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE

Chapter 133, SOLID WASTE

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 9-30-1992. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I,

Storage, Collection and Disposal of Solid Waste

ARTICLE I, Storage, Collection and Disposal of Solid Waste

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-1. Declaration of policy.

§ 133-1. Declaration of policy.

The accumulation, collection, removal and disposal of refuse shall be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

A. This municipality is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefor and to license refuse collectors.

B. This municipality is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where refuse generated within its boundaries shall be disposed of.

C. This municipality has executed the municipal service agreement requiring it to cause all acceptable solid waste generated within its boundaries to be delivered to the Mid-Connecticut Project.

D. The public health, safety and welfare of this municipality will be best served by requiring the delivery of acceptable solid waste to the Mid-Connecticut Project for processing into products which have an economic value.

E. The enactment of this article is in furtherance of this municipality's approved regional Solid Waste Management Plan.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-2. Definitions.

§ 133-2. Definitions.

The following terms shall have the following meanings:

ACCEPTABLE SOLID WASTE -- Unwanted or discarded materials of the kind normally

collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collection, and commercial, governmental and light industrial waste of which a municipality is required by state law to make provision for the safe and sanitary disposal, but not including in any case items designated for recycling, special handling waste or oversized bulky waste.

COLLECTOR -- Any person who holds himself out for hire to collect refuse from residential, business, commercial or other establishments.

DIRECTOR -- The Director of Public Works of the Town of Simsbury.

DISPOSAL CHARGE -- That amount of money to be charged for solid waste or refuse disposal in accordance with this article.

HAZARDOUS WASTE -- 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, including those regulated under 42 U.S.C. §§ 6921 through 6925 and regulations thereunder adopted by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

MID-CONNECTICUT PROJECT -- The solid waste disposal and energy recovery and steam and electric facility ("facility") available to this municipality pursuant to a Municipal Solid Waste Management Services Contract with the Connecticut Resources Recovery Authority (CRRA) located at 300 Maxim Road, Hartford, Connecticut; the transfer stations approved for transfer of solid waste to the Mid-Connecticut Project; and the CRRA landfills provided for or designated by the CRRA.

MUNICIPAL SERVICE AGREEMENT -- The Municipal Solid Waste Management Services Agreement between the CRRA and this municipality dated as of May 15, 1984.

OVERSIZED BULKY WASTE or OBW -- White goods (major household appliances) and other unwanted or discarded materials which:

A. Are the kinds not normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collection;

B. In the judgment of CRRA, reasonably exercised, cannot be processed in the facility because of size or noncombustibility;

C. Would not constitute special handling waste under these definitions;

D. May be disposed of in a bulky waste landfill holding a permit issued by the Connecticut Department of Environmental Protection under Section 19-524-8 of its regulations or any successor provision; and

E. Are not too large to be deposited and stored at the Simsbury Bulky Waste and Recycling Center or transported to a landfill.

SOLID WASTE ORDINANCE -- This Solid Waste Ordinance, as it may be amended from time to time, which consists of Chapter 133 of the Code, entitled "Solid Waste."

SPECIAL HANDLING WASTE

A. Hazardous waste.

B. Dirt, concrete and other nonburnable construction material and demolition debris.

C. Large items of machinery and equipment, such as motor vehicles and major components thereof (e.g., transmission, rear ends, springs, fenders), agricultural equipment, trailers and marine vessels and other items of waste exceeding six feet in any one of its dimensions or being in whole or in part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight inches could be contained within such solid mass portion, including, in the context of deliveries to the facility, OBW.

D. Explosives, ordnance materials, oil, sludges, flammable substances, hazardous chemicals, tires and other materials the acceptance of which, in the judgment of the CRRA, reasonably exercised, is likely to cause damage to or adversely affect the operation of the facility or, in the judgment of the Director of Public Works of this municipality, reasonably exercised, is likely to cause damage to or adversely affect the operation of the facility, constitute a threat to health or safety or violate or cause the violation of any applicable federal, state or local law, regulation or judicial or administrative decision or order.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-3. Designation of disposal area.

§ 133-3. Designation of disposal area.

Pursuant to Connecticut General Statutes Section 22a-220a, the Board of Selectmen hereby designates the Mid-Connecticut Project as the area where acceptable solid waste generated within the boundaries of Simsbury by residential, business, commercial or other establishments shall ultimately be disposed of. On and after the effective date of this chapter, each collector collecting

any acceptable solid waste generated within the boundaries of this municipality shall deliver all such waste to the Mid-Connecticut Project located at 300 Maxim Road, Hartford, Connecticut.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-4. Disposal charges.

§ 133-4. Disposal charges.

Any person delivering solid waste or refuse shall pay any disposal charge called for by this chapter or by the municipal service agreement.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-5. Containers.

§ 133-5. Containers.

The owner of each premises in this municipality where acceptable solid waste or any other refuse is created or generated shall provide, at a suitable place upon such premises, sufficient containers for receiving and holding such acceptable solid waste during the intervals between collections. Such containers shall be maintained in good condition free of holes and fissures and shall be equipped with covers.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-6. Licensing and registration requirements.

§ 133-6. Licensing and registration requirements.

No person other than those licensed by this municipality to perform such work and in accordance with the provisions of these regulations shall operate as a collector within this municipality. No refuse generated or collected from outside this municipality shall be disposed of under a license or registration issued pursuant to this article.

A. Licensing and registration authority designated. The Director shall be the licensing and registration authority for collectors and vehicles and the containers used by them. The Director shall grant a license within a reasonable time following the filing of a proper

application and payment of the prescribed unless he finds one or more of the following conditions to prevail:

(1) The applicant has been irresponsible in the conduct of refuse collection and hauling operations as evidenced by previous suspensions and/or revocations of licenses issued by this municipality or any other licensing authority in the State of Connecticut within three years prior to the application.

(2) The applicant is in default in its obligations as a collector or has otherwise violated the provisions of this article.

(3) The applicant lacks suitable insurance and equipment available for registration hereunder with which to collect and transport acceptable solid waste in a safe and nuisance-free manner and in compliance with this article.

B. License required. Each collector shall annually on or before July 1 apply for a license from the Director on such form as the Director shall prescribe to engage in the business of collection and transportation of acceptable solid waste and recyclables in this municipality.

C. Registration of vehicles. Each licensed collector shall obtain a separate registration for each vehicle operated within this municipality. The Director shall issue a registration to a licensee for each vehicle upon his inspection of such and finding the same to be appropriately registered by the Department of Motor Vehicles; comply with minimum standards for safety and health, meaning that any container or vehicle, if applicable, must be in good condition, free of any holes and fissures, equipped with a securely-fitting cover; be of such design and operating capacity so as to be compatible with the operation of the facility in an efficient manner; and otherwise meet the requirements of this article. Registrations shall not be transferable from vehicle to vehicle; provided, however, that the Director may allow such temporary transfer of registrations in hardship situations, such as a temporary breakdown of an individually licensed vehicle or due to permanent sale and replacement of a vehicle.

D. Registration term, fee and renewal. All registrations shall be issued for a term not to exceed one year and shall be renewable on or before the first day of July of each year. The registration fee shall be $25 for each vehicle, provided that there shall be a minimum registration fee of $100 each year for each collector regardless of the number of vehicles registered by such collector.

E. Display of registration. The evidence of registration issued by the Director shall be conspicuously displayed on the left front of the body of each vehicle so licensed, or as may be specifically directed by the Director.

F. Identification of vehicles and containers. Each licensee shall prominently display at all times on each registered vehicle and container the licensee's name, address and telephone number.

In the case of a vehicle, such display must be on the door of such vehicle.

G. Notification required upon sale or other transfer of business. When any licensee shall sell or otherwise transfer all or part of its business of refuse collection to another collector already licensed in this municipality, such licensee shall forthwith give written notice to the Director at least seven days before the effective date of the sale or transfer unless, for good cause shown, such notice is impractical, in which case notice will be required within seven days after, stating the name of the buyer or transferee and the effective date of the sale or transfer.

H. Licenses nontransferable. Licenses are not transferable. When any licensee shall sell or transfer all or part of his route to any collector not licensed in this municipality, he shall first notify the Director, in writing, of his intent to sell, and the transferee shall, at the same time, make application for a license to operate in this municipality.

I. Routes serviced. As a prerequisite to the issuance or renewal of any license, the collector must, during the month of June, furnish to the Director the geographical routes within this municipality that such collector services and the number of households served on each street, in a form acceptable to the Director.

J. Each licensed collector who offers a solid waste collection service to residential properties within the Town of Simsbury must also offer an acceptable concurrent curbside recycling service to all residential customers.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-7. Revocation or suspension of license or registration.

§ 133-7. Revocation or suspension of license or registration.

A. A license to engage in the business of a collector in this municipality and to use the facility provided by this municipality in connection therewith is a privilege, not a right. Failure to comply with the provisions of this chapter shall be grounds for revocation or suspension of any license or registration issued under the provisions of this chapter in addition to any other penalty imposable by law.

B. Notice required. A revocation or suspension shall become effective five calendar days after issuance of a written notice by the Director.

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 such collector's license or registration, he may, within the five calendar days of issuance of said notice, file a written

request for review with the First Selectman at which review the collector may present evidence to attempt to demonstrate that he has not violated this article or that the penalty for the violation should be mitigated for good cause. Failure to file such timely request for review shall make the Director's action final and binding upon such collector.

D. Refusal of permission to use the facility. Notwithstanding anything to the contrary herein, the Director shall have the emergency power to refuse permission to a collector to use the facility when, in the Director's reasonable opinion, such collector has violated this chapter or any other applicable rule or regulation in such a manner as to cause an unreasonable risk to the health, safety and welfare of the citizens of this municipality and/or those personnel working at the facility, which decision shall be reviewable in the manner described in Subsection C hereof, provided that the collector will be given the opportunity for review by the First Selectman within two business days of the Director's action upon a written request for such review by the collector.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-8. Administration; insurance requirements.

§ 133-8. Administration; insurance requirements.

A. The Director shall administer the licensing of any collector engaged in the collecting and transporting of refuse and recyclables in this municipality.

B. The Director shall, when considering an application for a collector license, including renewal, ascertain whether the applicant has adequate insurance to protect the municipality, its citizens and employees. Each collector shall carry the following types of insurance in at least the limits specified below:

Coverages	Limits of Liability
Worker's compensation	Statutory
Employer's liability	$500,000
Combined single limit	

Coverages	Limits of Liability
Bodily injury and property damage (except automobile)	$1,000,000
Automobile bodily injury and property damage	$1,000,000
Excess umbrella liability	$1,000,000

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-9. Refuse collector's responsibilities and obligations.

§ 133-9. Refuse collector's responsibilities and obligations.

A. Place of delivery. Each collector shall deliver all acceptable solid waste collected within the territorial limits of this municipality to the CRRA facility and pay the disposal charge to the facility. In no case shall a collector deliver any hazardous waste, oversized bulky waste or special handling waste to the facility.

B. Failure to pay. A failure to pay charges of the CRRA facility shall be grounds for revocation or suspension of a license and registration.

C. Prohibition on delivery. No licensee shall deliver any acceptable solid waste generated within this municipality to any place other than the facility, unless the facility is incapable of accepting acceptable solid waste at the time of delivery, in which event such acceptable solid waste shall be delivered to the place designated by the Director. No collector may, under the license issued hereunder, deliver to the facility any refuse, including, without limitation, acceptable solid waste generated and/or collected outside the territorial limits of this municipality.

D. Construction and maintenance of vehicles and containers. All vehicles registered to collect and transport refuse shall be of a construction which will prevent liquid leaking out of the unit and shall be maintained free of obnoxious odors and accumulated refuse. All vehicles or container systems shall be equipped to meet CRRA requirements.

E. Time of operation. Collectors may deposit acceptable solid waste at the facility only at times and on days as designated in the CRRA's regulations.

F. Spilled refuse. Collectors shall clean up immediately any refuse that may have been spilled when carrying or transferring refuse or when disposing of such refuse at the facility.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-10. Only acceptable solid waste to be delivered to facility.

§ 133-10. Only acceptable solid waste to be delivered to facility.

No person shall deliver any refuse other than acceptable solid waste to the facility.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE I, Storage, Collection and Disposal of Solid Waste / § 133-11. Penalties for offenses.

§ 133-11. Penalties for offenses.

A. Pursuant to Connecticut General Statutes Section 22a-220a(f), any collector who dumps more than one cubic foot in volume of refuse at one time in an area not designated for such disposal by this article shall, for a first violation, be liable for a civil penalty of $1,000 for each violation and $5,000 for a subsequent violation.

B. Any collector who otherwise violates this article, and any other person or entity who violates this article, shall be liable for a civil penalty of $100 for each violation.

C. The imposition of the monetary penalties set forth herein shall not preclude the Town from seeking any other remedy, including but not limited to money damages and injunctive relief, as may be allowed by law.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials

ARTICLE II, Storage, Collection and Disposal of Recyclable Materials

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-12. Declaration of policy. [Amended 8-12-2013]

§ 133-12. Declaration of policy. [Amended 8-12-2013]

The accumulation, collection, removal, processing and sale of certain recyclable materials designated as such by the Connecticut Commissioner of Energy and Environmental Protection shall be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

A. The Town of Simsbury ("the Town") is authorized by law to regulate the disposition of recyclable materials generated within its boundaries.

B. The Town is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where certain recyclable materials generated from residential properties within its boundaries shall be taken for processing and sale.

C. The Town adopted an ordinance requiring all residential acceptable recyclable materials generated within its boundaries to be processed in accordance with that ordinance.

D. The public health, safety and welfare of the Town will be best served by requiring that:

   (1) Each person who generates solid waste from residential property within the Town separate from other solid waste the items designated for recycling by the Connecticut Commissioner of Environmental Protection pursuant to Subsection (a) of Section 22a-24l b of the Connecticut General Statutes; and

   (2) Every other person who generates solid waste within the Town make provisions for the separation from other solid waste of the items so designated for recycling.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-13. Definitions. [Amended 8-12-2013]

§ 133-13. Definitions. [Amended 8-12-2013]

The following terms shall have the following meanings:

ACCEPTABLE RECYCLABLE MATERIALS -- As set forth in the Town-approved Recycling Program, as per the municipal service agreement.

COLLECTOR -- Any person who holds himself out to collect refuse or solid waste from residential, commercial or other establishments and is registered by the Town of Simsbury for this purpose.

DIRECTOR -- The Director of Public Works of the Town.

ITEMS DESIGNATED FOR RECYCLING

A. Those items of solid waste designated from time to time for recycling by the Connecticut Commissioner of Energy and Environmental Protection pursuant to Subsection (a) of Section 22a-241b of the Connecticut General Statutes, and plastic food and beverage containers, glass food and beverage containers and metal food and beverage containers, and such items as are required to be recycled by the Regulations of Connecticut State Agencies. By regulation published in the Connecticut Law Journal on March 28, 1989, as Section 22a-241b-2 of the Regulations of Connecticut State Agencies, the Commissioner of Environmental Protection designated, as of that time, the following items required to be recycled:

   (1) Corrugated cardboard.

   (2) Glass food and beverage containers.

   (3) Leaves.

   (4) Metal food and beverage containers.

   (5) Newspapers.

   (6) Office paper.

   (7) Scrap metal.

   (8) Storage batteries.

   (9) Waste oil.

B. The term "items designated for recycling" herein shall include, without further action by the Town, any and all legally adopted additions made by the Commissioner of Environmental Protection to any designation of items for recycling made pursuant to said Section 22a-24lb of the General Statutes.

MATERIALS RECOVERY FACILITY -- Any recyclable facility registered by the State of Connecticut or any other state to receive items designated for recycling.

PERSON -- Any individual, partnership, firm, association, corporation or other entity.

RESIDENTIAL DWELLING UNIT -- A residential property building or a part of such a building designated for occupancy, and so occupied, by one or part of one family.

RESIDENTIAL PROPERTY -- Real estate containing one or more dwelling units but shall not include hospitals, motels or hotels.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-14. Recycling required. [Amended 8-12-2013]

§ 133-14. Recycling required. [Amended 8-12-2013]

Each person who generates solid waste from residential property within the boundaries of the Town shall separate from other solid waste the items designated for recycling, and every other person who generates solid waste within the boundaries of this municipality shall make provision for the separation from other solid waste of the items designated for recycling.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-15. Collection of certain items designated for recycling. [Amended 8-12-2013]

§ 133-15. Collection of certain items designated for recycling. [Amended 8-12-2013]

The property owner shall provide for curbside collection from residential property of certain of the items designated for recycling generated from residential property located within its boundaries as follows:

A. Glass food and beverage containers.

B. Metal food and beverage containers.

C. Plastic food and beverage containers.

D. Newspapers and acceptable paper products.

E. Corrugated cardboard.

F. Other items designated for recycling and accepted by the Collector.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-16. Placement of recyclables for curbside collection. [Amended 8-12-2013]

§ 133-16. Placement of recyclables for curbside collection. [Amended 8-12-2013]

A. Recyclable items to be collected pursuant to this section shall be placed in the recycling container as prescribed by the Collector. No non-recyclable materials shall be placed in any recycling container.

   (1) Glass, metal and plastic food and beverage containers, rinsed, may be mixed together within the container.

   (2) Newspapers (not including magazines) must be bundled and set on top of other recyclable items, if any, in the container. Newspapers may be bundled in brown paper (kraft) grocery bags or tied with string or twine.

   (3) Corrugated cardboard shall be flattened and may be bound with string.

   (4) No nonrecyclable materials, including, without limitation, plastic bags, shall be placed in any recycling container.

   (5) No single container of recyclable materials shall weigh more than 50 pounds when filled.

B. On the applicable scheduled collection day, owners or occupants of residential dwelling units shall place their recycling containers for collection at curbside in the manner designated by their Collector.

C. In lieu of the residential property owners engaging the services of a curbside Collector, they may also dispose of the above-listed designated recyclables at the Simsbury Bulky Waste and Recycling Center.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-17. Other items designated for recycling from residential property. [Amended 8-12-2013]

§ 133-17. Other items designated for recycling from residential property. [Amended

8-12-2013]

To the extent that the Collector does not provide for regular collection of the following items for recycling, persons who generate any such items designated for recycling from residential property within the boundaries of this municipality may bring such items (leaves, tires, office paper, scrap metal, electronics, storage batteries and waste oil), separated from each other and from other solid waste, to the Simsbury Bulky Waste and Recycling Center during its posted hours of operation; provided, however, that any such person who brings such items to the Recycling Center shall pay such applicable fee as is set forth in this article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-18. Designation of disposal area; donation or sale of recyclables. [Amended 8-12-2013]

§ 133-18. Designation of disposal area; donation or sale of recyclables. [Amended 8-12-2013]

A. Pursuant to Section 22a-220a of the Connecticut General Statutes, the Board of Selectmen hereby designates the Simsbury Bulky Waste and Recycling Center as the place where items designated for recycling generated from residential property within its boundaries shall be taken by Town residents and/or entities located in Simsbury if not collected by a Collector pursuant to § 133-19 below of this article.

B. Notwithstanding any other provisions of this article to the contrary, nothing contained in this article shall be deemed to prohibit any person from giving or selling items designated for recycling (including, without limitation, deposit beverage containers) generated by them directly to another person for lawful sale or processing of recyclables, whether for profit, not for profit or charitable purposes, provided that any such items designated for recycling shall not have previously been:

   (1) Set out for collection pursuant to § 133-16 of this article; or

   (2) Delivered to the Recycling Center.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-19. Collectors. [Amended 8-12-2013]

§ 133-19. Collectors. [Amended 8-12-2013]

A. Collectors as defined in this article shall only operate in the Town under a registration for the collection of recyclables with the Town. The Town shall offer the same terms and conditions to all Collectors. Each such registration shall be for a period no longer than one year, unless extended by mutual consent of the parties for an additional one-year term, and shall terminate on June 30 of the calendar year. The Town shall retain the right to terminate each such registration with 30 days' notice at its sole discretion with reasonable cause and notice. The terms and conditions of the Collector's registration shall be approved by the Board of Selectmen and executed by the First Selectman.

B. All Collectors operating within the boundaries of this municipality registered by the Town of Simsbury as set forth in Subsection A, above shall:

(1) Be prohibited from knowingly mixing other solid waste with items designated for recycling.

(2) Take all items designated for recycling generated and collected from residential property within the boundaries of this municipality, separated from other solid waste, for processing or sale, to a materials recovery facility of the Collector's choice.

(3) Notify the Director of:

(a) The identity of any person from whom such Collector collects solid waste that the Collector has reason to believe has discarded items designated for recycling in violation of this article or Section 22a-241b of the Connecticut General Statutes; and

(b) The grounds for such belief.

(4) Upon the request of the Town, provide a warning notice, by such reasonable means and within such reasonable time as directed by the Director, to any person suspected by the Collector or the Town of violating the separation requirements with respect to items designated for recycling.

(5) Upon the request of this municipality, assist this municipality in identifying any person responsible for creating loads of solid waste containing significant quantities of items designated for recycling mixed with other solid waste.

C. Items designated for recycling generated by nonresidential properties are not required to be delivered by Collectors to a materials recovery facility, but may be marketed or disposed of privately as long as the recipient of the recyclables is a legal disposal facility.

D. All Collectors of recyclables servicing single-family residences, multifamily and commercial

generators, and all multifamily and commercial generators not using the services of a Collector, shall report to the Town on a monthly basis all quantities of recyclables produced and location such items are hauled to disposed of, in an itemized breakdown form acceptable to the Director.

E. In compliance with Section 22a-208e of the Connecticut General Statutes, owners or operators of resource recovery facilities and recycling facilities must furnish the Town a copy of all information pertaining to the municipality on a quarterly basis, including recycled quantities, in an itemized breakdown form acceptable to the Director.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-20. Disposal charges. [Amended 8-12-2013]

§ 133-20. Disposal charges. [Amended 8-12-2013]

Any person delivering items of recyclable material to a materials recovery facility pursuant to § 133-19 of this article shall pay any disposal charge called for by this article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-21. Ownership of items designated for recycling; prohibition against scavenging. [Amended 8-12-2013]

§ 133-21. Ownership of items designated for recycling; prohibition against scavenging. [Amended 8-12-2013]

Upon the placement of items designated for recycling generated from residential property into a recycling container provided by the Collector, such items designated for recycling shall become the property of the permitted hauler once collected from curbside municipality, and it shall be prohibited for any person, other than the person who placed such items in the container and authorized agents of the municipality acting in the course of their employment, to collect, pick up or remove from the containers, or cause to be collected, picked up or removed front the containers any such items designated for recycling. It shall be also prohibited for any person, other than authorized agents of this municipality acting in the course of their employment, to collect, pick up or remove from the recycling center any items designated for recycling that have been delivered to the recycling center.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-22. Mixing of recyclables with other solid waste prohibited. [Amended 8-12-2013]

§ 133-22. Mixing of recyclables with other solid waste prohibited. [Amended 8-12-2013]

It shall be prohibited for any Collector knowingly to mix any items designated for recycling with other solid waste generated within the boundaries of this municipality. It shall be prohibited for any Collector knowingly to deliver to a Materials Recovery Facility any items designated for recycling mixed with other solid waste.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-23. Simsbury Bulky Waste and Recycling Center.

§ 133-23. Simsbury Bulky Waste and Recycling Center.

A. The Center, located on property owned by the Town of Simsbury on the easterly side of Wolcott Road, shall be designated as the "Town of Simsbury Bulky Waste and Recycling Center," hereinafter referred to as the "Center."

B. The Center shall be used for the disposal of bulky wastes, grass clippings, brush and tree trimmings, white goods, scrap metal and scrap tires, designated recyclable materials and other items deemed appropriate for disposal at the Center.

C. Use of the Center shall be limited to:

   (1) Residents of the Town of Simsbury;

   (2) Business, commercial, industrial and institutional entities located in the Town of Simsbury, and

   (3) Persons or entities engaged in the handling of disposal materials, but only to the extent that the materials to be disposed of were generated within the Town of Simsbury.

D. The Department of Public Works is hereby empowered to issue user permits in accordance with this article. No disposal of matter shall be made at the Center unless the person or entity so disposing has been issued a valid user permit.

E. Each resident and owner or manager of business, commercial, industrial or institutional entities and multifamily dwelling units located in Simsbury shall be responsible for disposing in a legally permitted manner any matter that cannot be disposed of at the center.

F. The Town of Simsbury reserves the right to refuse access to the Center to any resident, entity or commercial collector when it appears that the proposed user is violating this article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-24. Access to drop-off recycling facility.

§ 133-24. Access to drop-off recycling facility.

A. Acceptable materials.

(1) The following recyclables and items designated for recycling, as outlined in § 133-15, separated according to item, may be brought to the Center located on Wolcott Road in Simsbury, in quantities not greater than normally generated by family households:

(a) Office paper.

(b) Waste oil.

(c) Batteries.

(d) Leaves.

(e) Scrap metal and white goods.

(2) Quantities generated by commercial entities greater than those normally generated by family households will not be accepted. This service is intended to serve the residential and small office generator.

B. Oversized bulky waste accepted shall be items such as demolition materials, yard waste, grass, wood, masonry, rock, furniture and carpets. No tree stumps, mixed solid waste, paint cans or hazardous waste shall be permitted.

C. Small items that fit in a trash barrel, as well as paper and cardboard boxes that are wet or contaminated, shall not be accepted. They should be disposed of with garbage.

D. Plastic bags shall be emptied at proper disposal areas based on contents and empty bags returned to the resident to be disposed of with garbage. No plastic bags containing anything

being disposed of may be left at the Center.

E. Water-base paint cans shall be disposed of with garbage, left open to thoroughly dry out prior to disposal. All other paint and related products shall be held in storage for disposal at a hazardous waste collection site.

F. A compost area is established at the Center for drop off of leaves by individual residents. Once each fall, the Town of Simsbury shall collect curbside leaves in accordance with requirements and a schedule established by the Department of Public Works.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-25. Provisions governing the use of Bulky Waste and Recycling Center.

§ 133-25. Provisions governing the use of Bulky Waste and Recycling Center.

A. Effective November 1, 1988, the Center shall be open on Wednesday and Saturday from 8:00 a.m. to 3:00 p.m. and three Sundays in the spring and the fall. The Sunday openings shall be established by the Director of Public Works and properly publicized to private and commercial users. With a recommendation from the Director of Public Works, a number of days may be added or deleted at the discretion of the First Selectman.

B. A commercial permit shall be required for all trucks registered to a business, commercial, industrial or institutional entity that hauls material originating in Simsbury. The permit may be obtained annually from the Department of Public Works, Simsbury Town Offices, during normal business hours. Registration of the vehicle shall be presented to obtain a permit.

C. Personal vehicles registered to a resident of the Town of Simsbury shall require permits for use of the Center. Permits may be obtained from the Department of Public Works, Simsbury Town Offices, during normal business hours, or at the Center, upon proper proof of residency and presentation of vehicle registration.

D. Each permittee shall display its vehicle permit decal on the driver's side of its windshield or window.

E. Upon entering the Center, each permittee shall stop at the attendant's booth for inspection and instructions prior to depositing any items or materials at the Center and make payment of any fees that may be due.

F. Any vehicle seeking access to the Center shall have its contents secured in such a manner as to ensure that no materials shall blow from or fall off the vehicle while it is transporting items

to the Center.

G. Disposal of trash and recyclables other than by the approved methods may be subject to a penalty as defined in § 133-27.

H. The only activity that shall be conducted within the Center is the disposal of matter identified in this article, as the same may be amended from time to time, or the conduct of official business by or with Center personnel. No person shall enter or remain on the premises of the Center for the purposes of conducting, or shall conduct, any other activity upon the premises of the Center, except that all persons may enter upon the premises of the Center for petitioning and free speech or other activities within the area designated by the Board of Selectmen at their meeting of May 18, 1992.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-26. Fees. [Amended 4-26-1999]

§ 133-26. Fees. [Amended 4-26-1999]

Fees shall be charged for vehicle classes and materials to be disposed of, as may be established from time to time by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE II, Storage, Collection and Disposal of Recyclable Materials / § 133-27. Penalties for offenses. [Amended 8-12-2013]

§ 133-27. Penalties for offenses. [Amended 8-12-2013]

A. Pursuant to Connecticut General Statutes Section 22a-22Oa(f), any Collector who knowingly mixes other solid waste with items designated for recycling in violation of § 133-13 of this article shall, for a first violation, be liable for a civil penalty of $1,000 and $5,000 for a subsequent violation.

B. Pursuant to Section 2 of Connecticut Public Act No. 90-249, any commercial establishment that fails to make provision for the separation from other solid waste of the items designated for recycling in violation of § 133-14 of this article shall be liable for a civil penalty of $500 for each violation.

C. Any collector or commercial establishment that otherwise violates this article and any other person who violates this article shall be liable for a penalty of $100 for each violation.

D. The imposition of the monetary penalties set forth herein shall not preclude the municipality from seeking any other remedy, including but not limited to money damages and injunctive relief, as may be allowed by law.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE III, Effective Date

ARTICLE III, Effective Date

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 133, SOLID WASTE / ARTICLE III, Effective Date / § 133-28. Effective date.

§ 133-28. Effective date.

This chapter shall become effective on October 29, 1992.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS

Chapter 137, STREETS AND SIDEWALKS

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury: Art. I, 5-14-1990; Art. II, 1-8-1990; Art. III, 1-28-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Bicycles on sidewalks -- See Ch. 67.
Open burning in streets -- See Ch. 75.
Littering -- See Ch. 106.
Offenses on public property -- See Ch. 115.
Vehicles and traffic -- See Ch. 149.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE I, Sidewalk Maintenance [Adopted 5-14-1990EN]

ARTICLE I, Sidewalk Maintenance [Adopted 5-14-1990EN(25)]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE I, Sidewalk Maintenance [Adopted 5-14-1990EN] / § 137-1. Snow and ice removal. [Amended 2-28-1994]

§ 137-1. Snow and ice removal. [Amended 2-28-1994]

A. Winter maintenance required. The owner, agent of the owner or the occupant of any building or land bordering upon any street, square or public place within the town where there is a sidewalk shall cause to be removed therefrom any and all snow, sleet and ice within a period of 24 hours after the cessation of the snow, sleet or rainfall; and, whenever any such sidewalk or any part thereof shall be covered with ice, the owner, agent of the owner or the occupant of the building or land adjacent thereto shall, within the space of two hours after sunrise, cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or other suitable substance.

B. Property owners' exemption for town-maintained walks. The provisions of this section shall not apply to owners, agents or occupants of buildings or land bordering sidewalks for which the Town of Simsbury has, by agreement, assumed the responsibility for removal of snow and ice or for covering the same with sand or other suitable substance to make them safe and convenient.

C. No person, firm or corporation shall plow any snow or ice from any private property across any town street or highway, nor shall any person, firm or corporation place or cause to be placed any snow or ice from any private property upon a town street or highway.

D. Enforcement provisions. It shall be the duty of the police force, under the direction of the Chief of Police, to see that the foregoing provisions relating to snow and ice are strictly complied with; and it shall be the duty of the Chief of Police to report promptly all cases of neglect to the offending party, whose duty it shall be forthwith to cause all walks so reported as being neglected to be properly cleaned or protected.

E. Fine for noncompliance. Persons who shall violate any of the provisions of this section or refuse or neglect to comply with the same after notification shall be guilty of a misdemeanor and shall be fined the sum of $90 for each offense and shall also be liable for the costs

incurred by the town to remove snow and/or ice and sand the walk. All costs shall be a lien on the property until paid, as per the provisions of Connecticut General Statutes Section 7-148(c)(6)(C).

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE I, Sidewalk Maintenance [Adopted 5-14-1990EN] / § 137-2. Repair or replacement requirements.

§ 137-2. Repair or replacement requirements.

The Board of Selectmen, when in its opinion a sidewalk is in need of repair or replacement, is hereby authorized, by giving notice by certified mail to the owner at his last known address, to order the owner of the land fronting on any street or highway to repair or replace the sidewalk in front of said property and within such time as the Board of Selectmen may prescribe. Said notice shall contain a description of the needed repairs. When the owner of such land shall neglect or refuse to repair or replace any such sidewalk within the time and in the manner ordered by the Board of Selectmen as above provided, the Board of Selectmen may proceed to have said repairs or replacement made at the expense of the property owner. The expense of said replacement or repair shall be addressed as a benefit against the owner of the property adjoining such sidewalk and shall be a lien upon such property in accordance with the provisions of Connecticut General Statutes Sections 7-139 and 7-140, as the same may be amended from time to time.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE I, Sidewalk Maintenance [Adopted 5-14-1990EN] / § 137-3. Town repair or replacement; assessment policy.

§ 137-3. Town repair or replacement; assessment policy.

When continuous sidewalks fronting properties with different owners need replacement or resurfacing, the Board of Selectmen may undertake such work and assess the benefits against the owners of said properties. Notification of property owners, hearings and determination of assessments shall be in accordance with the provisions of Connecticut General Statutes Sections 7-139 through 7-142, as the same may be amended from time to time.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS /

ARTICLE I, Sidewalk Maintenance [Adopted 5-14-1990EN] / § 137-4. Statutory liability provisions adopted.

§ 137-4. Statutory liability provisions adopted.

The provisions of Connecticut General Statutes Section 7-163a, as the same may be amended from time to time, are hereby adopted.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE II, Highway Excavations [Adopted 1-8-1990]

ARTICLE II, Highway Excavations [Adopted 1-8-1990]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE II, Highway Excavations [Adopted 1-8-1990] / § 137-5. Permit required.

§ 137-5. Permit required.

No person, firm or corporation, including public utility companies, shall excavate within or under any portion of any town highway without first obtaining a permit therefor from the chief executive officer of the Town of Simsbury or his designee. The chief executive officer may, from time to time, designate another official of the town to act as his designee for the purposes provided in this Article. Permits shall be obtained and all construction and restoration shall be in accordance with the requirements of the Highway Right-of-Way Permit Program, as the same may be amended from time to time, a copy of which is available from the Simsbury Public Works Department.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE II, Highway Excavations [Adopted 1-8-1990] / § 137-6. Bond and insurance required.

§ 137-6. Bond and insurance required.

The chief executive officer or his designee shall require a bond, either in cash or with surety, in

form and amount satisfactory to and approved by him, to guarantee to the Town of Simsbury the performance by the permittee of his obligation to complete the permitted activities and to restore or reconstruct the disturbed portion of the highway or the drainage system. A certificate of insurance shall be submitted for contractors' liability for the coverage types and amounts required by the Simsbury Public Works Department.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE II, Highway Excavations [Adopted 1-8-1990] / § 137-7. Grant of permit.

§ 137-7. Grant of permit.

The chief executive officer or his designee shall grant such permit upon the posting of a bond and a certificate of insurance as hereinbefore provided.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE II, Highway Excavations [Adopted 1-8-1990] / § 137-8. Penalties for offenses.

§ 137-8. Penalties for offenses.

Any person who violates any provision of this Article shall be fined not more than $90.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE III, Scenic Roads [Adopted 1-28-1991EN]

ARTICLE III, Scenic Roads [Adopted 1-28-1991[EN(26)]]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE III, Scenic Roads [Adopted 1-28-1991EN] / § 137-9. Purpose.

§ 137-9. Purpose.

The scenic and rural roads of the Town of Simsbury are irreplaceable resources. It is the purpose

of this Article to balance the need to provide for convenient and safe public transportation routes with the need to preserve these scenic and rural roads. Therefore, be it ordained by the Town of Simsbury that, pursuant to the authority granted by Connecticut General Statutes, Section 7-149a, the Town of Simsbury shall provide for the designation of certain town highways or portions thereof within its borders as scenic roads.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE III, Scenic Roads [Adopted 1-28-1991EN] / § 137-10. Authority.

§ 137-10. Authority.

The Planning Commission is hereby authorized to designate a public highway or any portion of any public highway ("road") as a Scenic Road ("scenic road"), in accordance with the procedures in this Article. The authority granted by this Article is limited to public highways and rights-of-way and shall not include authority over property or features outside of the public highway right-of-way.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE III, Scenic Roads [Adopted 1-28-1991EN] / § 137-11. Designation criteria.

§ 137-11. Designation criteria.

A. No road or portion of road shall be designated as a scenic road if it has intensive commercial development and intensive vehicular traffic. Prior to designating a road as a scenic road, the Planning Commission shall first specifically find that at least one of the following criteria is met:

   (1) The highway is unpaved.

   (2) The highway is bordered by mature trees or stone walls.

   (3) The traveled portion of the highway is no more than 20 feet in width.

   (4) The highway offers scenic views.

   (5) The highway blends naturally into the surrounding terrain.

   (6) The highway parallels or crosses over brooks, streams, lakes or ponds.

B. Aside from these criteria, the Planning Commission may give consideration to the following, including, without limitation, vistas or buildings, structures or places of historical significance, recreational use, proximity to open space, agricultural or forest lands and notable geologic or other natural features which would benefit from a road's designation as a scenic road.

C. No road may be designated as a Scenic Read by the Planning Commission pursuant to this Article unless the owners of the majority of the lot frontage abutting the portion of the road proposed for such designation agree to its designation as a scenic road by filing a written statement of approval with the Town Clerk of the Town of Simsbury, which statement of approval shall meet the requirements of § 137-12 of this Article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE III, Scenic Roads [Adopted 1-28-1991EN] / § 137-12. Application procedure.

§ 137-12. Application procedure.

A. Request for designation. The Planning Commission may consider a road for designation as a scenic road and shall consider such redesignation upon receipt of a request for designation or may itself initiate such a request, as herein described. No road shall be designated as a scenic road by the Planning Commission unless a request for designation has been filed with the Commission on a form prescribed by it, containing the following:

(1) The name of the road proposed to be designated as a scenic road and a general description of the road or portion of it to be designated, which includes the total frontage of the road section proposed, and the names and addresses of all abutters. The above information shall be shown on a plan at a scale of one inch equals 100 feet, showing the limits of the proposed designation section of the road (the town's one-inch-equals-one-hundred-feet topographic maps may be used).

(2) A written description identifying those characteristics of the road which qualify it for scenic road status, including as a minimum, but not limited to, reference to the criteria set forth in § 137-11 of this Article.

(3) A copy of a statement of approval signed by the owners of a majority of lot frontage abutting the proposed scenic road, stating that they consent to its designation as a scenic road. The statement of approval shall include their names and addresses and the measured lot frontage of each along the proposed scenic road. The statement of approval shall be in a form prescribed by the Planning Commission, and the original of it shall be

filed with the Town Clerk at the same time as the copy is filed with the Planning Commission as part of the request for designation.

B. Hearing and decision. Before designating a road as a scenic road, the Planning Commission shall hold a public hearing in accordance with § 137-14.

C. Rescission. The Planning Commission may rescind the designation of a road as a scenic road in accordance with the procedures set forth in § 137-14, provided that the owners of a majority of the lot frontage abutting the scenic road concur with such rescission and have filed with the Town Clerk a written statement of approval of rescission, which shall include their names and addresses and the measured lot frontage of each along the scenic road. A copy of said written statement of approval of rescission shall be filed with the Planning Commission at the same time as it is filed with the Town Clerk. No designation of a road as a scenic road may be rescinded, and no statement of approval of rescission may be filed, for at least two years after the effective date of the designation of scenic road.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE III, Scenic Roads [Adopted 1-28-1991EN] / § 137-13. Maintenance, alteration and reconstruction.

§ 137-13. Maintenance, alteration and reconstruction.

A. Preservation objective. The town shall maintain its scenic roads in good and sufficient repair and in passable condition, pursuant to its regular schedule for maintenance of town roads. Routine maintenance, alteration and reconstruction of a scenic road shall be carried out so as to preserve to the highest degree possible its scenic and rural characteristics, compatible with safe road operations. In the case of a natural disaster in which a scenic road becomes impassable or unsafe for public travel, emergency repairs may be made only to the extent needed to restore the scenic road to its preemergency condition.

B. Routine road maintenance. Routine road maintenance shall include the removal of dead trees; the trimming of tree branches that encroach on the traveled portion of the scenic road below the height needed to allow school buses, road maintenance vehicles and emergency vehicles to pass; the trimming or removal of brush and the removal of boulders or other obstacles that encroach on the traveled portion of the scenic road or block safe sight distance; the necessary trimming for utility lines; the trimming of brush to enhance and protect scenic views, stone walls, mature trees and other characteristics of the scenic road set forth in the decision designating it as a scenic road; the correction of drainage problems, provided that such measures would not otherwise be considered alterations or improvements; the regraveling of

scenic roads having gravel surfaces; and the resurfacing, restoration and repair of existing paved roadway surfaces. The Town Engineer shall monitor routine road maintenance for compliance with this Article.

C. Definition. As used herein, the term "alteration to a scenic road" shall mean all repairs or improvements other than routine road maintenance, as described in Subsection B above, or repairs made necessary by a natural disaster, as described in Subsection A above, and shall include any widening or straightening of the right-of-way, any widening, straightening or change of grade of the traveled portion of the scenic road, the paving of a scenic road having a gravel surface, the removal of stone walls, the removal of diseased or damaged trees, as well as of mature trees, the regrading of roadside slopes and all other similar improvements. As used herein, the term "reconstruction of a scenic road" shall mean the complete removal of the road surface and/or subsurface for the purposes of reconstructing the scenic road in its entirety, including recycling methods, and any extension of the width of the scenic road. Any alteration of a scenic road or reconstruction of a scenic road shall be made in accordance with the following procedures.

D. Procedures.

(1) Public agency proposals for alteration of a scenic road or reconstruction of a scenic road shall be submitted to the Planning Commission. The Planning Commission shall approve, modify and approve or disapprove any proposal after a public hearing conducted in accordance with the requirements of § 137-14. Upon the filing of such a proposal with the Planning Commission, the Planning Commission shall ask the Town Planner and the Town Engineer each to submit a report of his views on the proposal and shall consider each report in the process of making its decision. If the decision of the Planning Commission is anything other than approval of the proposal as submitted by the public agency, the public agency may, within 15 days after the decision has been published in a newspaper having general circulation in the town, file an appeal, in writing, with the Board of Selectmen. The Board shall thereafter review the record before the Planning Commission, including the public agency proposal, the Commission decision and the reasons for that decision as stated in the records of the Planning Commission, and, within 30 days after filing of the appeal with it, shall render its decision either affirming, modifying and affirming or overruling and setting aside the decision of the Planning Commission.

(2) Proposals for the alteration of a scenic road or reconstruction of a scenic road as part of an application for a subdivision that will have a public hearing shall be submitted to the Planning Commission for approval, and the Commission shall approve, modify and approve or disapprove any proposal after a public hearing conducted in accordance with the requirements of § 137-14. The process and timing shall be concurrent with, and be

conducted simultaneously with, the subdivision application. The Planning Commission may require the applicant to submit engineering or other technical reports documenting a need for the alteration or reconstruction and evaluating potential alternative solutions. The Planning Commission shall evaluate both the subdivision highway standards and the scenic values.

(3) Proposals for alteration of a scenic road or reconstruction on a scenic road made by a private applicant, other than those for a subdivision having a public hearing, shall be submitted to the Planning Commission for approval, and the Commission shall approve, modify and approve or disapprove any proposal after a public hearing conducted in accordance with the requirements of § 137-14. If it deems it necessary, the Planning Commission may require the applicant to submit engineering or other technical reports documenting a need for the alteration or reconstruction and evaluating potential alternative solutions. The Planning Commission shall evaluate both the subdivision highway standards and the scenic values in considering such proposals for alterations or reconstructions.

E. Standards for alteration or reconstruction.

(1) No alteration of a scenic road or reconstruction of a scenic road (see Subsection C above) shall be made unless the Planning Commission determines that such alteration or reconstruction is necessary to maintain the scenic road in good and sufficient repair and in safe condition for public travel.

(2) In determining whether to allow the proposed alteration of a scenic road or reconstruction of a scenic road, the Planning Commission shall take into account the specific safety features of the proposed change, the overall impact of the proposed change on the scenic road and the public response to the proposed change. Any decision by the Planning Commission to permit an alteration of a scenic road or reconstruction of a scenic road shall reflect the least possible damage to the character of the scenic road. If an alteration of a scenic road or reconstruction of a scenic road is approved, then the Planning Commission shall specify the following requirements as they relate to scenic values:

(a) Curves. Curves shall not be eliminated unless they are found to be a hazard.

(b) Grades. Hills and valleys shall not be destroyed by cuts and fills unless absolutely essential for road safety.

(c) Widths. A scenic road should only be widened if the Planning Commission finds that the amount of traffic, safe road operations and maintenance needs require such widening. For some rural roads, the amount of traffic that can be handled can be

greatly increased by wide bypasses and turn-outs, constructed at intervals where they do the least damage to scenic and other values.

(d) Side slopes. The existing steepness of side slope is preferable to the reduction of gradient by extensive removal of soil and rock. This is especially true where the slope is fully stabilized and where it is rich with existing ground cover, shrubs and trees.

(e) Vistas. Vistas of distinct landscapes shall be preserved by suitable vegetation management techniques.

(f) Vegetation. Vegetation on the side of the scenic road shall be managed in such a way as to preserve wild flowers, shrubs of ornamental and wildlife values, trees, overarching isolated trees and trees forming a canopy of a closed forest.

(g) Stone walls. If stone walls or portions thereof must be removed, they shall be rebuilt along the affected portion of the scenic road.

(3) The Planning Commission shall assure itself that suitable vegetation management techniques are employed to preserve any tree canopy, shrubs and other vegetation, consistent with the need for clearance for utility lines.

(4) The Planning Commission shall not grant an application for alteration of a scenic road or reconstruction of a scenic road to accommodate a proposed subdivision or other development of land to which the scenic road would provide access unless the Planning Commission determines that such alteration or reconstruction will not have a material adverse effect on the characteristics of the scenic road which formed the basis for its designation as a scenic road.

F. Reconstruction criteria. No scenic road may be reconstructed beyond that permitted in accordance with this § 137-13 of this Article, unless the Planning Commission finds that there is no reasonable alternative to the improvement or alteration of the scenic road other than such reconstruction. Such finding shall be based upon approved road construction and safety standards and a finding that the alteration or reconstruction is necessary to maintain the scenic road in good and sufficient repair and in a safe condition for travel in accordance with the provisions of this section. Before any alteration or reconstruction may be made to a scenic road pursuant to this section, all other requirements and procedures of § 137-14 of this Article must also be complied with.

G. Rights of landowners.

(1) Nothing in this Article shall be deemed to prohibit a person owning or occupying land abutting the scenic road from maintaining and repairing the land which abuts the scenic

road so designated if the maintenance is on land not within the right-of-way, paved or unpaved, of the scenic road or from having access to his or her property by driveway or subdivision road by encroachment within the rights-of-way, provided that such encroachment is constructed so as to safeguard the basis for a scenic road as recorded by the Planning Commission.

(2) Nothing herein shall prohibit a landowner from permanently removing a portion of a stone wall in order to construct or improve a driveway or, in the case of a subdivision, to connect a subdivision road with a designated scenic road, but these activities must be consistent with these guidelines and are subject to Planning Commission approval.

H. Nonapplicability. This Article shall not apply to the construction of new subdivision roads or to private roads. This Article shall not apply to public safety equipment and signage.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE III, Scenic Roads [Adopted 1-28-1991EN] / § 137-14. Administration.

§ 137-14. Administration.

A. Public hearings. A request for designation, a request for rescission of designation, a proposal for alteration of a scenic road and a proposal for reconstruction of a scenic road shall be filed with the Planning Commission. The Planning Commission shall commence a public hearing within 65 days after receipt of such request or proposal or an application prepared in accordance with this Article, and said hearing shall be completed within 30 days after such hearing commences. The applicant or the Commission may consent to one or more extensions of any period specified in this section, provided that the total extension of any such period shall not be for longer than the original period as specified in this section, or the applicant may withdraw such application. For the purposes of this section, the day of receipt of a request or proposal shall be the day of the next regularly scheduled meeting of the Planning Commission immediately following the day of submission to the Planning Commission or the Planning Department or 35 days after such submission, whichever is sooner. Notice of the time and place of such public hearing shall be published in a newspaper having a substantial circulation in the town at least twice, at intervals of not less than two days, the first not more than 15 days or less than 10 days, and the last not less than two days before the day of such hearing. Notice of such public hearing shall be sent by certified mail to the owners of the lots fronting on the road designated as a scenic road. Notice of the hearing shall be sent to the Director of Public Works and to all utility companies which service the area. At such hearing, any person may appear in person and may be represented by agent or

by an attorney.

B. Decision. The Planning Commission shall render its decision on any request or proposal made under Subsection A within 65 days after closing the hearing. The applicant may consent to one or more extensions of this period, provided that the total extension shall not be for longer than 65 days. Within 15 days after the date the Commission rendered its decision, the decision shall be published in a newspaper having general circulation in the town, and notice of such decision shall be sent by certified mail to the owners of the lots fronting on that road designated as a scenic road. Such notice shall include a statement of a decision, together with the date of such action and the reasons for the decision as stated in the records of the Planning Commission. Notice of the decision and the reasons for the decision shall be forwarded to the Director of Public Works and to all utility companies which service the area affected by the application within 15 days after acting.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 137, STREETS AND SIDEWALKS / ARTICLE III, Scenic Roads [Adopted 1-28-1991EN] / § 137-15. Appeals.

§ 137-15. Appeals.

Any person aggrieved by a designation of a highway or portion of a highway by the Planning Commission as a scenic road pursuant to this Article may appeal such designation in the manner and utilizing the same standards of review provided for appeals from the decisions of Planning Commissions under Connecticut General Statutes, Section 8-8, as the same may be amended from time to time.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND

Chapter 139, TANKS, UNDERGROUND

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 5-27-1992.[EN(27)] Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE I, Residential Buildings of Three Living Units or Fewer

ARTICLE I, Residential Buildings of Three Living Units or Fewer

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE I, Residential Buildings of Three Living Units or Fewer / § 139-1. Purpose.

§ 139-1. Purpose.

The purpose of this Article is to protect the public health, safety and welfare of the townspeople and to preserve the quality and quantity of the town's groundwater supply. This is accomplished by regulating the modification, installation, maintenance and removal of petroleum liquid storage tanks used in connection with a residential building. This Article affects residential buildings of three living units or fewer.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE I, Residential Buildings of Three Living Units or Fewer / § 139-2. Maps.

§ 139-2. Maps.

Aquifer and aquifer recharge areas are identified on a map entitled "Town of Simsbury Aquifer Protection Zones," as amended by the Zoning Commission, dated March 19, 1990. The map may be amended according to the procedures outlined in Article 10, Section J, of the Town of Simsbury Zoning Regulations.[EN(28)] Areas served by private wells are identified on a map entitled "Town of Simsbury Aquifer Protection Zones and Areas Served By Private Wells," dated May 27, 1992, which has been prepared as part of this Article.[EN(29)]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE I, Residential Buildings of Three Living Units or Fewer / § 139-3. Definitions.

§ 139-3. Definitions.

A. The terms used in this Article and not otherwise defined shall have the meanings ascribed to

them in Section 22a-449(d)-1(a) of the Regulations of Connecticut State Agencies, as the same may be amended from time to time.

B. As used in this Article, the following terms shall have the meanings indicated:

ABANDONED -- Rendered permanently unfit for use.

ABOVEGROUND -- When referring to an interior or exterior facility or facility component, means that greater than 90% of the volumetric capacity of the facility or component is above the surface of the ground or located in a basement or crawl space.

EXISTING FACILITY -- A facility the construction or installation of which began prior to the effective date of these regulations.

FACILITY -- A system of interconnected tanks, pipes, pumps, vaults, fixed containers and appurtenant structures, singly or in any combination, which are used or designed to be used for the storage, transmission or dispensing of oil or petroleum liquids, including any monitoring devices. As used in these regulations, the term "facility" refers only to residential underground facilities.

LIFE EXPECTANCY -- The time period within which a failure is not expected to occur as determined in accordance with the Regulations of Connecticut State Agencies, as amended by adding Section 22a-449(d)-1.

LIQUID -- Any liquid, including but not limited to oil and petroleum liquids.

LISTED -- Included in a list published by a testing laboratory which:

(1) Is approved by the Commissioner of Environmental Protection in consultation with the Bureau of the State Fire Marshal;

(2) Maintains periodic inspection of production of listed equipment or materials; and

(3) States in its listing either that the equipment, material or procedure meets appropriate standards or has been tested and found suitable for use in a specified manner.

NEW FACILITY -- A facility the construction or installation of which begins on or after the effective date of these regulations, including but not limited to facilities which replace existing facilities and facilities which are moved from one location to another.

NFPA 30 -- National Fire Protection Association Publication Number 30, entitled "Flammable and Combustible Liquids Code," as enforced by the State Fire Marshal pursuant to Section 29-320 of the Connecticut General Statutes, as amended.

OIL OR PETROLEUM LIQUID OR PRODUCT -- Oil or petroleum of any kind normally in

liquid form, including but not limited to waste oils and distillation products such as fuel oil, kerosene, naphtha, gasoline and benzene.

OWNER -- The person or municipality in possession of or having legal ownership of a facility.

PRIVATE WELL -- Under these regulations, considered to mean a well supplying one to 20 homes which are in close proximity to the well but may not be in the aquifer area as defined in these regulations.

RESIDENTIAL BUILDING -- Any house, apartment, trailer, mobile home or other structure occupied by individuals as a dwelling.

UNDERGROUND -- When referring to a facility or facility component, means that 10% or more of the volumetric capacity of the facility or component is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection.

WELL -- An artificial excavation or opening in the ground by which groundwater can be obtained or through which it flows under natural pressure or is artificially withdrawn.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE I, Residential Buildings of Three Living Units or Fewer / § 139-4. Registration; general regulations.

§ 139-4. Registration; general regulations.

On or after the effective date of this Article (hereinafter the "effective date"), property owners shall register with the town all propane tanks used in connection with heating (not cooking) and petroleum liquid storage tanks or the absence of such tanks in a manner prescribed by the town by September 1, 1991.

A. Propane tanks used in connection with heating (not cooking).

   (1) Residential property owners shall register all propane tanks on forms provided by the town.

   (2) No propane tank shall be installed or replaced until all applicable building and fire permits have been issued.

B. Petroleum liquid storage tanks.

   (1) Burial and placement. [Amended 10-14-1992]

      (a) Direct burial of petroleum, diesel fuel and gasoline storage tanks and associated

piping shall be prohibited in:

[1] All new residential construction in Simsbury.

[2] All existing residential homes in Simsbury which currently do not have an underground tank located on the property.

(b) In an aquifer protection or private well area(s), replacement tanks must be placed in the basement or in an acceptable aboveground location unless a waiver is given by the Board of Selectmen.

(c) In a nonaquifer area or nonprivate well area, underground replacement tanks will be allowed without a waiver from the Board of Selectmen, provided that all the following conditions are met:

[1] The replacement tank meets all the requirements listed on the waiver applications.

[2] The size of the replacement tank does not exceed that of the existing tank.

[3] All required building permits for tank removal and installation are obtained prior to the start of work.

(2) All existing buried tanks and buried piping used in connection with a residential building shall be removed or abandoned according to applicable building and fire codes and in accordance with NFPA 30 and Schedule I hereof,[EN(30)] as the same may be amended from time to time, per the following schedule:

(a) Fiberglass or cathodically protected steel tanks located in a designated Aquifer Protection Zone or in an area served by private well water shall be removed or abandoned prior to expiration of the manufacturer's corrosion warranty period.

(b) If an underground steel tank is located in a designated Aquifer Protection Zone or in an area served by private well water and is 20 years old or older on the effective date, the tank and its associated piping shall be removed or abandoned within two years after the effective date or the effective date of the amendment hereto applying this Article to the particular tank or by October 1, 1993, whichever is later.

(c) If an underground steel tank is located in a designated Aquifer Protection Zone or in an area served by private well water and is at least 15 years old but less than 20 years old on the effective date, the tank and its associated piping shall be removed or abandoned within three years after the effective date or the effective date of the amendment hereto applying this Article to the particular tank or by October 1, 1994,

whichever is later.

(d) If an underground steel tank is located in a designated Aquifer Protection Zone or in an area served by private well water and is less than 15 years old, the tank and its associated piping shall be removed or abandoned not later than 18 years from the date of installation.

(e) All underground tanks will be assumed to be a minimum of 20 years old on the effective date unless information is provided to the Building Inspector by the owner of the tank to prove the actual date of installation.

(f) An owner of a tank which is not fiberglass or cathodically protected that has a guaranteed life span longer than 18 years may apply for a waiver of the requirements of § 139-4B(2) pursuant to § 139-6 of this Article. Supporting documentation establishing the longer guaranteed life span shall be submitted with the registration form required by § 139-4.

(3) Oil-contaminated soil shall be remediated according to Connecticut Department of Environmental Protection (CTDEP) procedures when tanks are removed.

(4) All replacement petroleum liquid storage tanks shall be registered with and have an installation permit from the Building Department of the Town of Simsbury. The tanks shall be installed according to manufacturer's specifications and include appropriate protection for all pipe connections and piping. Installation shall be in conformance with the National Fire Protection Association (NFPA) 30 and 31, 1987 Edition, as the same may be amended from time to time.

(5) Within two years of the effective date of this Article or the effective date of the amendment hereto applying this Article to the particular tank, or by October 1, 1993, whichever is later, underground tanks less than 10 years of age greater than 1,000 gallons in capacity that are not double-wall fiberglass, double-wall steel or equipped with other secondary containment must have an approved leak-detection monitoring device and an approved monitoring procedure and schedule.

(6) The owner of a cathodically protected tank shall submit every three years after the installation date a test report performed by a qualified individual showing that the components are working properly. If the cathodic protection is no longer working properly, the system must be repaired to satisfactory working conditions within three months, and the Building Official must so certify to the town.

(7) With all new residential construction in an aquifer area or in an area served by private well water, exterior and interior petroleum liquid tanks shall have an impervious containment berm/dike with an impervious base surrounding the tank(s) or other

equivalent secondary containment approved by the Town Building Department for this particular construction project. Containment dikes shall be constructed in accordance with the provisions of Schedule II of this Article.[EN(31)]

(8) By and after October 1, 1994, the following petroleum liquid tanks located in the affected areas shall adhere to the requirements as listed in Schedule II of this Article, as the same may be amended from time to time:

(a) Existing aboveground tanks located in a basement with a dirt floor.

(b) Existing aboveground tanks located in a crawl space with a dirt floor.

(c) Existing and new aboveground exterior tanks.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE I, Residential Buildings of Three Living Units or Fewer / § 139-5. Enforcement; penalties for offenses.

§ 139-5. Enforcement; penalties for offenses.

A. The Building Official is designated as the enforcement official. This official shall have the responsibility of monitoring procedures and equipment relating to propane tanks and petroleum liquid storage tanks and shall coordinate monitoring and enforcement procedures with the Fire Marshal. All applicable state and federal building and fire codes must be complied with.

B. Residential property owners are required to register with the Building Official all tanks or the absence of a tank on forms provided by the town.

C. If any residential property owner fails to submit the registration form by September 1, 1991, a certified letter shall be sent to the property owner indicating that the property owner may be in violation of this Article and requesting that the form be returned to the town within 30 days. If the form is not received within that time, a fine of $10 per day, not to exceed $500, may be imposed.

D. A letter will be sent to each property owner to advise him/her that a tank must be removed within the appropriate time. If the tank is not replaced according to the above provisions, a certified letter shall be sent to the property owner indicating that he/she may be in violation of this Article. If the tank is not removed within 90 days after receipt of such notice, a fine of $90 per day may be imposed, not to exceed a total of $5,000.

E. A letter will be sent to each property owner who has an aboveground tank to advise him/her that the tank must have acceptable containment within the appropriate time. If the tank is not contained, a certified letter shall be sent to the property owner indicating that he/she may be in violation of this Article. If the tank is not contained within 90 days after receipt of such notice, a fine of $90 per day may be imposed, not to exceed a total of $5,000.

F. Each day of violation of Subsections C, D and E shall constitute a separate offense. With respect to Subsections D and E, if upon the expiration of such number of days of noncompliance as would authorize the imposition of the maximum cumulative total of fines under each subsection the property owner has not complied with the relevant subsection by removing or containing the tank, as the case may be, the Building Official may, in addition to seeking imposition of said fine, pursue such other civil and criminal remedies as may from time to time be available to him to effect such removal or containment.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE I, Residential Buildings of Three Living Units or Fewer / § 139-6. Waiver.

§ 139-6. Waiver.

A. The tank owner may apply to the Board of Selectmen for a waiver of the requirements of this Article for a tank that has a longer guaranteed life span than is assumed in § 139-4B(2)(a) through (e). The owner shall submit supporting documentation from the manufacturer establishing the longer guaranteed life span.

B. The waiver application shall be on a form prescribed by the Board and contain information as to why the tank is not a threat to the environment.

C. The waiver application will be reviewed by the Conservation Commission prior to a decision by the Board of Selectmen.

D. Waivers shall be limited to a time that reflects the tank's guaranteed life span, the potential for release of its contents and the difficulty of placing the tank above ground.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE I, Residential Buildings of Three Living Units or Fewer / § 139-7. Indemnification of town.

§ 139-7. Indemnification of town.

In no event shall the town's regulation of petroleum liquid storage tanks pursuant to this Article constitute a recommendation, approval, endorsement or warranty of a petroleum liquid storage tank. The town shall not thereby be deemed to have acquired any special expertise with respect to any of the foregoing nor to have acquired or incurred any special duty, liability or standard of care concerning any of the foregoing. Accordingly, the town shall not be responsible for or liable to any person or entity for any injury to person, property or the environment caused directly or indirectly by the leaking of a petroleum liquid storage tank or by anything else claimed to have been caused or facilitated by the acts or omissions of the town in regulating petroleum liquid storage tanks or undertaking to do so.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE II, Multifamily Residential Complexes; Commercial, Industrial and Institutional Uses

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ARTICLE II, Multifamily Residential Complexes; Commercial, Industrial and Institutional Uses

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CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE II, Multifamily Residential Complexes; Commercial, Industrial and Institutional Uses / § 139-8. Purpose.

§ 139-8. Purpose.

The purpose of this Article is to protect the public health, safety and welfare of the townspeople and to preserve the quality and quantity of the town's groundwater supply. This is accomplished by regulating existing land uses which may cause contamination of groundwater. This Article concerns multifamily residential complexes of more than three units and commercial, industrial and institutional petroleum liquid storage tanks.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE II, Multifamily Residential Complexes; Commercial, Industrial and

Institutional Uses / § 139-9. Maps.

§ 139-9. Maps.

A. Aquifer and aquifer recharge areas are identified on a map entitled "Town of Simsbury Aquifer Protection Zones," as amended by the Zoning Commission, dated March 19, 1990.[EN(32)] The map may be amended according to the procedures outlined in Article 10, Section J, of the Town of Simsbury Zoning Regulations.

B. Areas served by private wells are identified on a map entitled "Town of Simsbury Aquifer Protection Zones and Areas Served by Private Wells," dated May 27, 1992, which has been prepared as part of this Article.[EN(33)]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE II, Multifamily Residential Complexes; Commercial, Industrial and Institutional Uses / § 139-10. Definitions.

§ 139-10. Definitions.

A. The terms used in this Article and not otherwise defined shall have the meanings ascribed to them in Section 22a-449(d)-1(a) of the Regulations of the Connecticut State Agencies, as the same may be amended from time to time.

B. As used in this Article, the following terms shall have the meanings indicated:

ABANDONED -- Rendered permanently unfit for use.

ABOVEGROUND -- When referring to an interior or exterior facility or facility component, means that greater than 90% of the volumetric capacity of the facility or component is above the surface of the ground or located in a basement or crawl space.

AGRICULTURAL OPERATIONS -- Those operations located on land defined as a farm under the Zoning Regulations[EN(34)] whose annual gross sales from agricultural products during the preceding calendar year were $1,000 or more.

EXISTING FACILITY -- A facility the construction or installation of which began prior to the effective date of these regulations.

FACILITY -- A system of interconnected tanks, pipes, pumps, vaults, fixed containers and appurtenant structures, singly or in any combination, which are used or designed to be used for the storage, transmission or dispensing of oil or petroleum liquids, including any monitoring

devices.

FARM -- A tract of land containing five acres or more, used in part or wholly for agricultural purposes, excluding fur ranching, pig farming, slaughterhouses and fertilizer manufacture. A "farm" may include premises used for the keeping of livestock and other domestic animals when permitted by these regulations.

HAZARDOUS MATERIAL -- Any material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed and any material which is defined as hazardous within the meaning of any federal, state or local law, regulation or ordinance, including but not limited to chemicals which are subject to reporting requirements under Title III of the Super Fund Amendments and Reauthorization Act of 1986 (SARA).

HAZARDOUS WASTE -- Any waste material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed, including hazardous waste identified in accordance with RCRA (Resource Conservation Recovery Act).

LIFE EXPECTANCY -- The time period within which a failure is not expected to occur as determined in accordance with the Regulations of Connecticut State Agencies, as amended by adding Section 22a-449(d)-1.

LIQUID -- Any chemical liquid, including but not limited to oil and petroleum liquids.

LISTED -- Included in a list published by a testing laboratory which:

(1) Is approved by the Commissioner of Environmental Protection in consultation with the Bureau of the State Fire Marshal;

(2) Maintains periodic inspection of production of listed equipment or materials; and

(3) States in its listing either that the equipment, material or procedure meets appropriate standards or has been tested and found suitable for use in a specified manner.

NEW FACILITY -- A facility the construction or installation of which begins on or after the effective date of these regulations, including but not limited to facilities which replace existing facilities and facilities which are moved from one location to another.

NFPA 30 -- National Fire Protection Association Publication Number 30, entitled "Flammable and Combustible Liquids Code," as enforced by the State Fire Marshal pursuant to Section 29-320 of the Connecticut General Statutes, as amended.

OIL OR PETROLEUM LIQUID OR PRODUCT -- Oil or petroleum of any kind normally in

liquid form, including but not limited to waste oils and distillation products such as fuel oil, kerosene, naphtha, gasoline and benzene.

OWNER -- The person, entity, corporation or municipality in possession of or having legal ownership of a facility (but shall not include private residences which are regulated under Article I of this chapter, Residential Buildings of Three Living Units or Fewer.

PRIVATE WELL -- Under these regulations is considered to mean a well supplying one to 20 homes which are in close proximity to the well but may not be in the aquifer area as defined in these regulations.

RESIDENTIAL BUILDING -- Any house, apartment, trailer, mobile home or other structure occupied by individuals as a dwelling.

UNDERGROUND -- When referring to a facility or facility component, means that 10% or more of the volumetric capacity of the facility or component is below the surface of the ground and that portion which is below the surface of the ground is not fully visible for inspection.

WELL -- An artificial excavation or opening in the ground by which groundwater can be obtained or through which it flows under natural pressure or is artificially withdrawn.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE II, Multifamily Residential Complexes; Commercial, Industrial and Institutional Uses / § 139-11. Registration; general regulations.

§ 139-11. Registration; general regulations.

A. Registration. All property owners shall register with the town all propane tanks over 100 pounds in capacity and all petroleum liquid storage tanks or the absence of such tanks on forms provided by the Town by September 1, 1992.

B. The provisions of Subsection B(1) through (3) that follow shall apply only to underground containment tanks which are located in the Aquifer Protection Zone or in an area served by private wells.

   (1) New tanks under 2,100 gallons.

      (a) All new underground hazardous material and petroleum liquid storage tanks and replacement tanks of less than 2,100 gallons not currently covered by Connecticut Department of Environmental Protection Regulations (hereinafter "CTDEP") or United States Environmental Protection Agency Regulations (hereinafter "USEPA")

or Article I of this chapter, Residential Buildings of Three Living Units or Fewer, shall conform to the following minimum standards:

[1] Be a Connecticut Department of Environmental Protection - accepted listed steel tank externally coated with a factory-applied corrosion-resistant coating approved by the manufacturer for the proposed use and equipped with cathodic protection and permanent cathodic protection monitoring devices and contact plates under all fill and gauge openings.

[2] Be a Connecticut Department of Environmental Protection - accepted listed fiberglass-reinforced plastic (FRP) tank which is equipped with contact plates under all fill and gauge openings and is chemically compatible with the contained oil or petroleum liquid as determined by the tank or container manufacturer's warranty.

[3] Be a Connecticut Department of Environmental Protection - accepted listed steel-fiberglass-reinforced plastic composite tank.

(b) To prevent spilling and overfilling associated with product transfer to the underground storage tank, spill prevention equipment shall be installed that will prevent release of the product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin).

(c) The installation of such tank, facilities and systems shall be done strictly in accordance with the manufacturer's specifications and include appropriate protection for all pipe connections and piping. The Building Official may require a failure-determination test before the tank is covered.

(2) Other new tanks.

(a) All other new underground tanks, facilities, piping and their components not currently covered by CTDEP Regulations shall:

[1] Be protected against corrosion by use of noncorrosive materials or steel components with factory-applied, corrosion-resistant coating and cathodic protection and permanent cathodic protection monitoring devices;

[2] Be designed, constructed and installed so as to allow failure determination of all underground piping without the need for substantial excavation; and

[3] Be chemically compatible with the contained material as determined by the manufacturer's warranty and current approved CTDEP standards.

(b) To prevent spilling and overfilling associated with product transfer to the

underground storage tank, spill prevention equipment shall be installed that will prevent release of the product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin).

(c) The installation of such tank, facilities and systems shall be done strictly in accordance with the manufacturer's specifications and include appropriate protection for all pipe connections and piping. The Building Official may require a failure-determination test before the tank is covered.

(3) Replacement of existing tanks.

(a) After June 25, 1992, all existing underground petroleum liquid tanks of a capacity less than 2,100 gallons which are not CTDEP-accepted listed fiberglass or cathodically protected shall be removed or abandoned according to applicable building and fire codes and in accordance with NFPA 30 and Schedule I hereof,[EN(35)] as the same may be amended from time to time, per the following schedule:

[1] Fiberglass or cathodically protected steel tanks located in a designated Aquifer Protection Zone or in an area served by private well water shall be removed or abandoned prior to expiration of the manufacturer's corrosion warranty period.

[2] If an underground steel tank is located in the designated Aquifer Protection Zone or in an area served by private well water and is at least 20 years old or older on the effective date, the tank and its associated piping shall be removed or abandoned within two years after the effective date or by October 1, 1994, whichever is later.

[3] If an underground steel tank is located in the designated Aquifer Protection Zone or in an area served by private well water and is at least 15 years old but less than 20 years old on the effective date, the tank and its associated piping shall be removed or abandoned within three years after the effective date or by October 1, 1995, whichever is later.

[4] If an underground steel tank is located in a designated Aquifer Protection Zone or in an area served by private well water and is less than 15 years old, the tank and its associated piping shall be removed or abandoned not later than 18 years from the date of installation.

[5] All underground tanks will be assumed to be a minimum of 20 years old on the effective date unless information is provided to the Building Inspector by the owner of the tank to prove the actual date of installation.

[6] An owner of a tank which is not fiberglass or cathodically protected that has a guaranteed life span longer than 18 years may apply for a waiver of the requirements of § 139-11B(3) pursuant to § 139-12 of this Article. Supporting documentation establishing the longer guaranteed life span shall be submitted with the registration form required by § 139-11.

(b) Liquid propane containment tanks are exempt from the replacement schedule under this section.

(4) If a tank is found to be leaking, the owner shall immediately notify the CTDEP and shall remove the tank according to CTDEP requirements. When tanks are removed, contaminated soil shall be remediated according to CTDEP procedures.

C. Other requirements.

(1) In the affected areas, within three years of the effective date of this Article, a containment berm/dike with an impervious base surrounding the tank shall be constructed if there is an:

(a) Existing aboveground petroleum liquid tank located in a basement with a dirt floor;

(b) Existing petroleum liquid tank located above ground in a crawl space with a dirt floor; or

(c) Existing and new aboveground exterior petroleum liquid tank.

(2) Said containment dikes shall conform to a Guide for Construction of Secondary Oil Containment Structures dated November 1991, as the same may be amended from time to time, and available from the Building Department. For outside storage, the tank and dike shall be protected from rainwater accumulation by a permanent roof or approved equivalent installation.

(3) No such tank shall be used, or continue to be used, after October 1, 1994, unless the owner shall have complied with the Building Department's permit, installation and inspection procedure to ensure that the completed berm/dike conforms to the aforesaid requirements.

(4) Exterior liquid propane containment tanks are exempt from the requirements of this section.

(5) All new and replacement petroleum liquid storage tanks shall be registered with and have an installation permit from the Building Department of the Town of Simsbury. The tank shall be installed according to manufacturer's specifications and include appropriate protection for all pipe connections and piping and shall conform to the requirements of

this Article. Installation shall be in conformance with the National Fire Protection Association (NFPA) 30 and 31, 1987 Edition, as the same may be amended from time to time.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE II, Multifamily Residential Complexes; Commercial, Industrial and Institutional Uses / § 139-12. Waiver.

§ 139-12. Waiver.

A. Any tank owner may apply to the Board of Selectmen for a waiver of the provisions of this Article if a tank has a longer guaranteed life span than is assumed in § 139-11B(3)(a)[1] through [5]. The owner shall submit supporting documentation from the manufacturer establishing the longer guaranteed life span.

B. The waiver application shall be on a form prescribed by the Board and contain information as to why the tank is not a threat to the environment.

C. The waiver application shall be reviewed by the Conservation Commission prior to a decision by the Board of Selectmen.

D. Waivers shall be limited to a time that reflects the tank's guaranteed life span and the potential for release of its contents.

E. If a property owner has two or more underground petroleum liquid tanks which need to be removed, the owner may apply to the Board of Selectmen for permission to schedule the removal over a longer time frame. Such time frame shall be reviewed by the Conservation Commission prior to a decision by the Board of Selectmen. This removal schedule shall not apply to tanks which are leaking.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE II, Multifamily Residential Complexes; Commercial, Industrial and Institutional Uses / § 139-13. Enforcement; penalties for offenses.

§ 139-13. Enforcement; penalties for offenses.

A. The Building Official is designated as the enforcement official. This official shall have the responsibility to monitor procedures and equipment relating to propane tanks and petroleum

liquid storage tanks and shall coordinate monitoring and enforcement procedures with the Fire Marshal. All applicable state and federal building and fire codes shall be complied with.

B. Property owners are required to register all tanks or the absence of a tank with the Building Official on forms provided by the town.

C. If any property owner fails to submit the required completed form by the appropriate date, a certified letter shall be sent to the property owner indicating that the property owner may be in violation of this Article and requesting that the form be returned to the town within 30 days. If the form is not received within that time, a fine of $50 a day may be imposed, not to exceed $3,000.

D. A letter will be sent to each property owner to advise the owner that certain provisions must be completed within a designated time frame. If the provisions are not met in the appropriate time frame, a certified letter shall be sent to the property owner(s) indicating to them that they are in violation of this Article. If the work is not completed within 60 days, a fine of $90 a day may be imposed, not to exceed a total of $5,000.

E. Each day of violation of Subsections C, D and E shall constitute a separate offense. With respect to Subsections D and E, if upon the expiration of such number of days of noncompliance as would authorize the imposition of the maximum cumulative total of fines under each subsection the property owner has not complied with the relevant subsection by removing or containing the tank, as the case may be, the Building Official may, in addition to seeking imposition of said fine, pursue such other civil and criminal remedies as may from time to time be available to him to effect such removal or containment.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / ARTICLE II, Multifamily Residential Complexes; Commercial, Industrial and Institutional Uses / § 139-14. Indemnification of town.

§ 139-14. Indemnification of town.

In no event shall the town's regulation of petroleum liquid storage tanks pursuant to this Article constitute a recommendation, approval, endorsement or warranty of a petroleum liquid storage tank. The town shall not thereby be deemed to have acquired any special expertise with respect to any of the foregoing nor to have acquired or incurred any special duty, liability or standard of care concerning any of the foregoing. Accordingly, the town shall not be responsible for or liable to any person or entity for any injury to person, property or the environment caused directly or indirectly by the leaking of a petroleum liquid storage tank or by anything else claimed to have been caused or facilitated by the acts or omissions of the town in regulating petroleum liquid

storage tanks or undertaking to do so.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / Schedule I - Tank Removal

Schedule I - Tank Removal

Underground Oil Tank Removal Procedure

1. All removal and abandonment procedures for underground oil tanks shall be in accordance with the following state codes, as the same may be amended from time to time: Connecticut General Statutes Section 29-317. To the extent that anything in this schedule is inconsistent with said codes, the requirements of said codes shall govern.

2. Before an underground petroleum liquid storage tank is removed, an application for a permit therefor shall have been filed with, and a permit therefor shall have been issued by, the Building Department. In order to remove such a tank, the person removing it does not have to be licensed for that purpose.

3. Prior to the issuance of such a permit for removal, the Building Department or its approved agent shall cause appropriate inspection to be made to ascertain that the tank has been pumped free of oil and that all pipe connections have been capped. No tank with evidence of contamination shall be removed without prior approval of the Connecticut Department of Environmental Protection. If there is evidence that there is a leak in the tank, the Connecticut Department of Environmental Protection shall be notified immediately. (Its telephone number at the date of the adoption of this schedule is 566-4633).

4. A tank shall be disposed of in a manner consistent with the requirements for such disposal previously approved by the Fire Marshal, which requirements shall be made available to the public by the Fire Marshal and shall not be inconsistent with the

provisions of this chapter or applicable state codes. No tank shall be transported until it has been examined by the Fire Marshal, and no such tank shall be transported unless it has been secured so that it does not leak during transporting and unless it has been freed from gas on the premises and can be transported safely, in accordance with Appendix C, NFPA 30.

5. Tank cleaning shall only be done by a contractor who is licensed to transport either waste oil or waste water soluble oil. If abandoned in accordance with NFPA 30-A, the tank shall be so cleaned that the tank is rendered inert and shall be filled with either sand or concrete slurry.

6. No such underground storage tank shall, under any circumstances, be accepted for disposal by the Simsbury Bulky Waste and Recycling Order.

7. After the tank has been disposed of, documentation that that has occurred properly shall be submitted to the Fire Marshal and the Building Department. The homeowner shall retain a copy of such documentation and may provide a copy of such documentation to any transferee of the property at the time the property is transferred.

8. Before a new petroleum liquid storage tank is installed, an application for a permit therefor shall have been filed with, and a permit therefor shall have been issued by, the Building Department, and a registration form shall have been completed and filed at the Building Department with respect thereto. Permit application forms and registration forms shall be available at the Building Department.

Residential Underground Oil Tank Removal Procedure

1. All removal and abandonment procedures for residential underground oil tanks shall be in accordance with the following state codes, as the same may be amended from time to time: (Connecticut General Statutes Section 29-317). To the extent that anything in this

schedule is inconsistent with said codes, the requirements of said codes shall govern.

2. Before a residential underground petroleum liquid storage tank is removed, an application for a permit therefor shall have been filed with, and a permit therefor shall have been issued by, the Building Department. In order to remove such a tank, the person removing it does not have to be licensed for that purpose.

3. Prior to the issuance of such a permit for removal, the Building Department or its approved agent shall cause an appropriate inspection to be made to ascertain that the tank has been pumped free of oil and that all pipe connections have been capped. No tank with evidence of contamination shall be removed without prior approval of the Connecticut Department of Environmental Protection. If there is evidence that there is a leak in the tank, the Connecticut Department of Environmental Protection shall be notified immediately. (Its telephone number at the date of the adoption of this schedule is 566-4633).

4. A tank shall be disposed of in a manner consistent with the requirements for such disposal previously approved by the Fire Marshal, which requirements shall be made available to the public by the Fire Marshal and shall not be inconsistent with the provisions of this chapter or applicable state codes. No tank shall be transported until it has been examined by the Fire Marshal, and no such tank shall be transported unless it has been secured so that it does not leak during transporting and unless it has been freed from gas on the premises and can be transported safely, in accordance with Appendix C, NFPA 30.

5. Tank cleaning shall only be done by a contractor who is licensed to transport either waste oil or waste water soluble oil. If abandoned in accordance with NFPA 30-A, the tank shall be so cleaned that the tank is rendered inert and shall be filled with either sand or concrete slurry.

6. No such underground storage tank shall, under any circumstances, be accepted for disposal by the Simsbury Bulky Waste and Recycling Center.

7. After the tank has been disposed of, documentation that that has occurred properly shall be submitted to the Fire Marshal and the Building Department. The homeowner shall retain a copy of such documentation and may provide a copy of such documentation to any transferee of the property at the time the property is transferred.

8. Before a new petroleum liquid storage tank is installed, an application for a permit therefor shall have been filed with, and a permit therefor shall have been issued by, the Building Department, and a registration form shall have been completed and filed at the Building Department with respect thereto. Permit application forms and registration forms shall be available at the Building Department.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / Schedule II - Containment Requirements

Schedule II - Containment Requirements

By October 1, 1994, an impervious containment berm/dike with an impervious base surrounding the tank shall be required for the following tanks in the affected area:

(a) Existing aboveground petroleum liquid tanks located in a basement with a dirt floor;

(b) Existing petroleum liquid tanks located aboveground in a crawl space with a dirt floor; and

(c) Existing aboveground exterior petroleum liquid tanks.

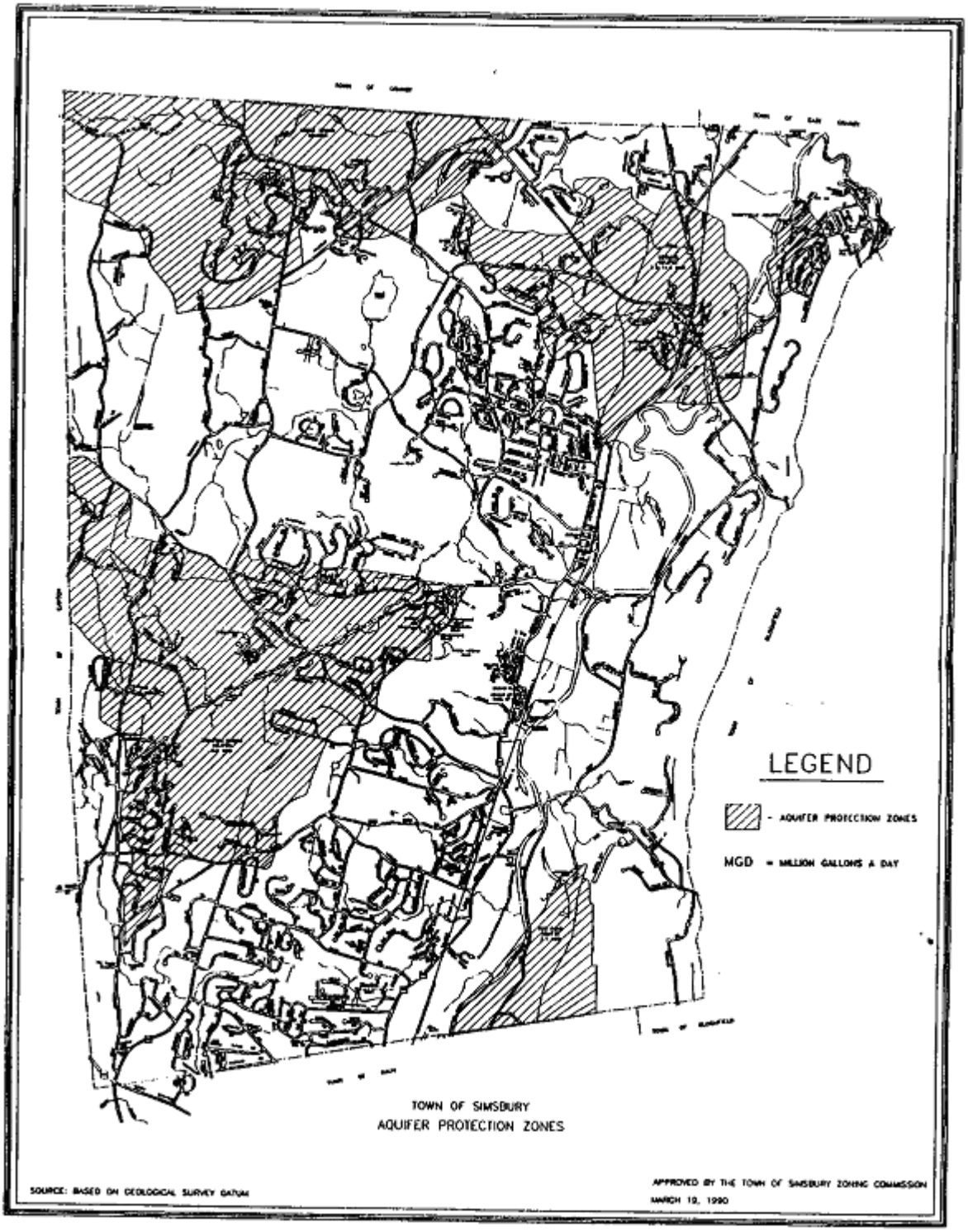
Said containment dikes shall conform to a Guide for Construction of Secondary Oil Containment Structures, dated November 1991, as the same may be amended from time to time and available from the Building Department. For outside storage, the tank and dike shall be protected from

rainwater accumulation by a permanent roof or approved equivalent installation.

No such tank shall be used, or continue to be used, after October 1, 1994, unless the owner shall have complied with the Building Department's permit, installation and inspection procedure to ensure that the completed berm/dike conforms to the aforesaid requirements.

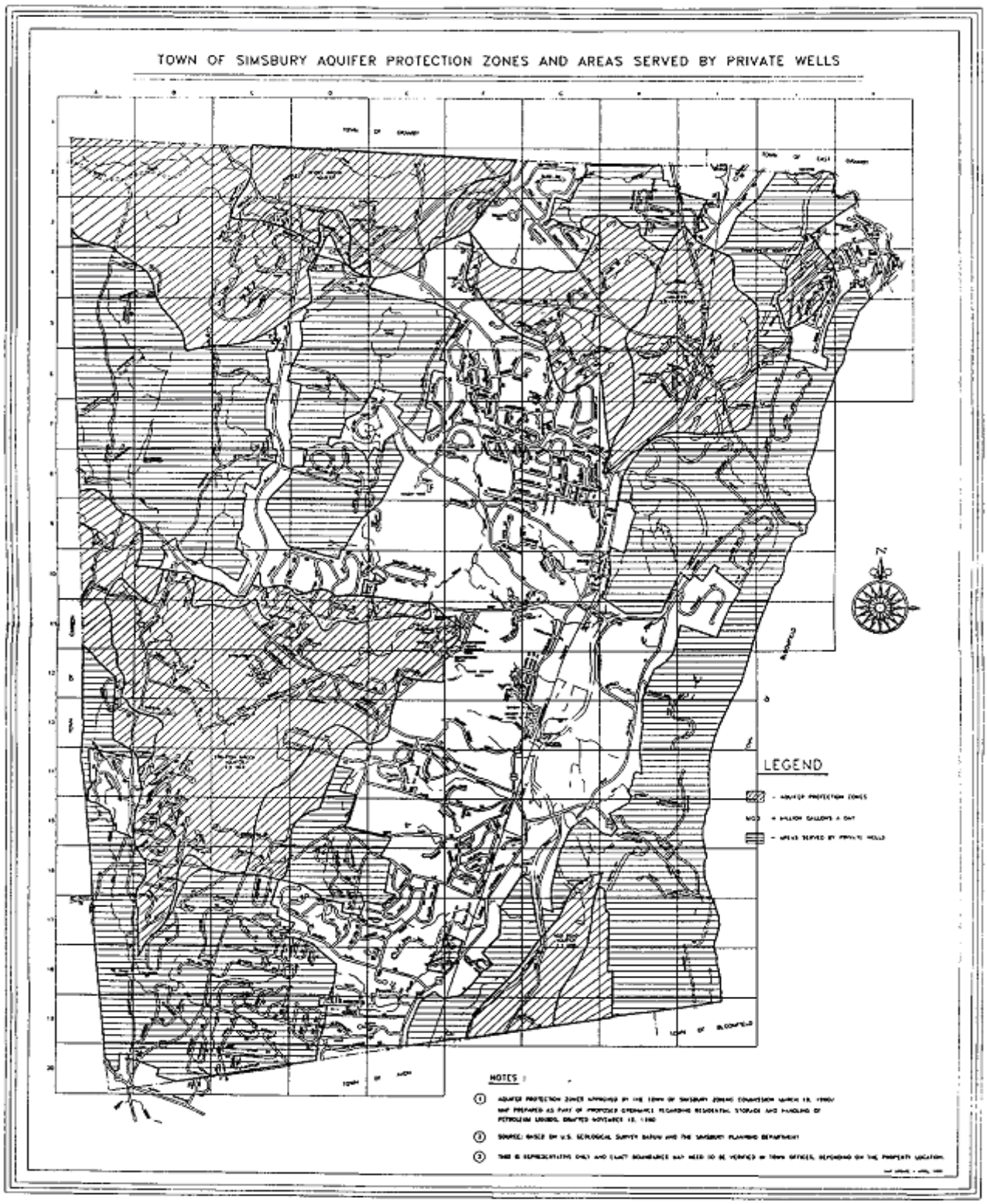
CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / Aquifer Protection Zones

Aquifer Protection Zones


LEGEND
- AQUIFER PROTECTION ZONES
MGD = MILLION GALLONS A DAY
TOWN OF SIMSBURY
AQUIFER PROTECTION ZONES
SOURCE: BASED ON GEOLOGICAL SURVEY DATUM
APPROVED BY THE TOWN OF SIMSBURY ZONING COMMISSION
MARCH 19, 1990

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 139, TANKS, UNDERGROUND / Aquifer Protection Zones and Private Wells

Aquifer Protection Zones and Private Wells


TOWN OF SIMSBURY AQUIFER PROTECTION ZONES AND AREAS SERVED BY PRIVATE WELLS
LEGEND
NOTES :

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION

Chapter 141, TAXATION

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Director of Finance -- See Charter Section 905.
Board of Finance -- See Charter Sections 908 and 909.
Tax bills -- See Charter Section 912.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE I, Alternative Energy Tax Exemption [Adopted 5-11-1977]

ARTICLE I, Alternative Energy Tax Exemption [Adopted 5-11-1977]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE I, Alternative Energy Tax Exemption [Adopted 5-11-1977] / § 141-1. Exemption granted; qualifications.

§ 141-1. Exemption granted; qualifications.

In addition to other tax exemptions provided by law, the Town of Simsbury hereby authorizes a property tax exemption for any building or addition to a building as follows: any building or addition to a building, the construction of which is commenced on or after October 1, 1976, and before October 1, 1991, which is equipped with a solar energy heating or cooling system, to the extent of the amount by which the assessed valuation of such real property equipped with such solar heating or cooling system exceeds the assessed valuation of such real property equipped with the conventional portion of the heating or cooling system, exclusive of any portion of such system related to solar energy, provided that this exemption shall only apply to the first 15 assessment years following construction of such building or addition.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE I, Alternative Energy Tax Exemption [Adopted 5-11-1977] / § 141-2. Definitions.

§ 141-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SOLAR ENERGY HEATING OR COOLING SYSTEM -- Equipment, including windmills and waterwheels, which provides for the collection, transfer, storage and use of incident solar energy for water heating, space heating or cooling, which absent such solar energy system would require a conventional energy resource, such as petroleum products, natural gas or electricity, and which meets standards established by regulation by the Commissioner of Planning and Energy Policy.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE I, Alternative Energy Tax Exemption [Adopted 5-11-1977] / § 141-3. Application for exemption.

§ 141-3. Application for exemption.

Any person who desires to claim the exemption provided in this article shall file with the Assessor, within 30 days following the first assessment date and the annual assessment date thereafter, written application claiming such exemption on a form as prescribed by the Assessor. Failure to file such application each year in said manner and form within the time limit prescribed shall constitute a waiver of the right to such exemption for that assessment year.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE II, Exemption for Ambulance-Type Vehicles [Adopted 4-27-1987]

ARTICLE II, Exemption for Ambulance-Type Vehicles [Adopted 4-27-1987]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE II, Exemption for Ambulance-Type Vehicles [Adopted 4-27-1987] / § 141-4.

Exemption granted; limitations.

§ 141-4. Exemption granted; limitations.

Privately owned ambulance-type vehicles which are used exclusively for the purpose of transporting any medically incapacitated individual are exempt in the amount of 50% of their assessed valuation from personal property taxation in the Town of Simsbury. This exemption shall not apply to any vehicle used to transport any such individual for payment.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE II, Exemption for Ambulance-Type Vehicles [Adopted 4-27-1987] / § 141-4.1. Application. [Added 1-13-1992; amended 11-8-2004]

§ 141-4.1. Application. [Added 1-13-1992; amended 11-8-2004]

For exemptions on the October 1, 2003, Grand List and for each successive Grand List, application for such exemption shall be made on a form prescribed by the Simsbury Tax Assessor.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE III, Tax Abatement for Housing of Low- or Moderate-Income Persons [Adopted 6-24-1991]

ARTICLE III, Tax Abatement for Housing of Low- or Moderate-Income Persons [Adopted 6-24-1991]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE III, Tax Abatement for Housing of Low- or Moderate-Income Persons [Adopted 6-24-1991] / § 141-5. Purpose.

§ 141-5. Purpose.

Pursuant to Connecticut General Statutes Section 8-215, the Town of Simsbury is hereby authorized and empowered to abate, in part or in whole, the real property taxes on "housing

solely for low- or moderate-income persons or families" as that phrase is defined in Connecticut General Statutes Section 8-202 (c) and as the same may be amended from time to time in accordance with the provisions of § 141-6 hereof.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE III, Tax Abatement for Housing of Low- or Moderate-Income Persons [Adopted 6-24-1991] / § 141-6. Contract requirements.

§ 141-6. Contract requirements.

Such abatement shall be made pursuant to a contract between the Town acting by and through its Board of Selectmen, who are hereby authorized and empowered to negotiate and execute such contracts on behalf of the Town, and the owner of any such housing. The contract need not be conditioned upon state reimbursement to the Town for such abatement but shall provide:

A. The terms of such abatement;

B. That such abatement shall terminate at any time when such housing is not solely for low- or moderate-income persons or families as defined in § 141-5 hereof; and

C. That moneys equal to the amount of such abatement shall be used by said owner for one or more of the following purposes.

   (1) To reduce rents below the levels which would be achieved in the absence of such abatement and to improve the quality and design of such housing;

   (2) To effect occupancy of such housing by persons and families of varying income levels within limits determined by the Commissioner of the Connecticut Department of Housing by regulation; or

   (3) To provide necessary related facilities or services in such housing.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE III, Tax Abatement for Housing of Low- or Moderate-Income Persons [Adopted 6-24-1991] / § 141-7. Classification of property.

§ 141-7. Classification of property.

Any property which is the subject of such a contract shall, for as long as the contract continues in

effect, be classified for the purposes of this article III as property used for housing solely for low- or moderate-income persons or families as defined in § 141-5 hereof.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE III, Tax Abatement for Housing of Low- or Moderate-Income Persons [Adopted 6-24-1991] / § 141-8. Determination of property values.

§ 141-8. Determination of property values.

The present true and actual value of the real property, classified as set forth in § 141-7 hereof, on which rents or 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 the housing project. For purposes of this article, such "net rental income" means the gross income of the project, as limited by the schedule of rents or carrying charges, less reasonable operating expenses and property taxes or such other definition of "net rental income" as may be provided in this article or in any other applicable law, regulation or ordinance from time to time.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE III, Tax Abatement for Housing of Low- or Moderate-Income Persons [Adopted 6-24-1991] / § 141-9. State reimbursement or payment.

§ 141-9. State reimbursement or payment.

The Town, acting by and through the Board of Selectmen, is hereby authorized and empowered to enter into agreements with respect to state reimbursement for tax abatements or state payment in lieu of taxes, as provided in Connecticut General Statutes Section 8-216, as the same may be amended from time to time.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE IV, Exemption of Real and Personal Property Acquired by Certain Tax-Exempt Institutions [Adopted 11-22-1993]

ARTICLE IV, Exemption of Real and Personal Property Acquired by Certain

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE IV, Exemption of Real and Personal Property Acquired by Certain Tax-Exempt Institutions [Adopted 11-22-1993] / § 141-10. Authorization to grant exemption.

§ 141-10. Authorization to grant exemption.

Pursuant to Section 12-81b of the Connecticut General Statutes, a municipality may, by ordinance, provide that the property tax exemption applicable to certain tax-exempt corporations shall be effective as of the date of acquisition of such property to which the exemption applies.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE IV, Exemption of Real and Personal Property Acquired by Certain Tax-Exempt Institutions [Adopted 11-22-1993] / § 141-11. Qualifying property and institutions.

§ 141-11. Qualifying property and institutions.

Any real or personal property acquired by a corporation, organized and existing for the purpose of acquiring land and holding the same in perpetuity for the purposes of conservation or environmental protection and protecting the said land from development, which corporation is exempt from taxation under Section 12-81(7) of the Connecticut General Statutes, shall be exempt from taxation as of the date of acquisition of such property; provided, however, that the reimbursement to be provided to the qualifying corporation is limited as set forth in §§ 141-12 and 141-13 herein.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE IV, Exemption of Real and Personal Property Acquired by Certain Tax-Exempt Institutions [Adopted 11-22-1993] / § 141-12. Application for reimbursement.

§ 141-12. Application for reimbursement.

A qualifying corporation may submit an application for reimbursement for up to $5,000 in taxes either paid by the qualifying corporation for a period subsequent to the date of acquisition or paid by the prior owner for a period subsequent to the date of acquisition for which such qualifying

corporation reimbursed such owner upon the transfer of title to the property. In no event shall the request for reimbursement exceed $5,000 in total. Said application for reimbursement must be made to the Assessor of the Town of Simsbury on a form prescribed by him not later than the first day of October next following the date of acquisition by the exempt corporation. If the application requests reimbursement for taxes paid by the prior owner for a period subsequent to the date of acquisition for which such qualifying corporation reimbursed such owner on transfer of title to the property, the applicant shall append to the application all documentation supporting said claim of reimbursement, including copies of checks and/or statements evidencing the amount that the qualifying corporation reimbursed the prior owner on transfer of title.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE IV, Exemption of Real and Personal Property Acquired by Certain Tax-Exempt Institutions [Adopted 11-22-1993] / § 141-13. Reimbursement of taxes paid.

§ 141-13. Reimbursement of taxes paid.

If any amount shall have been paid on account of taxes upon real or personal property which is exempt from taxation hereunder, then upon application timely made as set forth in § 141-12 above, the Treasurer of the Town is authorized and directed to refund to the exempt corporation, without interest, such portion of said amount as represents taxes for the period subsequent to the acquisition date; provided, however, that the total reimbursement shall not exceed $5,000.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE IV, Exemption of Real and Personal Property Acquired by Certain Tax-Exempt Institutions [Adopted 11-22-1993] / § 141-14. Acquisition date.

§ 141-14. Acquisition date.

For purposes of this article, the acquisition date shall be the date of recording on the Simsbury Land Records of the deed transferring title to the real and personal property to the tax-exempt corporation referenced in § 141-11 above.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE IV, Exemption of Real and Personal Property Acquired by Certain Tax-Exempt Institutions [Adopted 11-22-1993] / § 141-15. Effective date.

§ 141-15. Effective date.

This article shall apply to real and personal properties acquired by a qualifying exempt organization on or after December 1, 1992.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE V, Tax Abatement For Volunteer Firefighters and Ambulance Personnel [Adopted 4-23-2001]

ARTICLE V, Tax Abatement For Volunteer Firefighters and Ambulance Personnel [Adopted 4-23-2001]

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§ 141-16. Purpose.

The Town of Simsbury is desirous of showing its appreciation for the faithful and courageous performance of the duties performed by the Simsbury Volunteer Fire Company and the Simsbury Volunteer Ambulance Association personnel in the Town of Simsbury and to encourage others to become firefighters and ambulance personnel. These reasons have provided for the Town to establish a tax abatement program pursuant to Section 12-81 of the Connecticut General Statutes as amended by Public Act No. 99-272, Section 6, for volunteer fire and ambulance personnel on the conditions set forth in this section and §§ 141-17 through 141-121.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE V, Tax Abatement For Volunteer Firefighters and Ambulance Personnel [Adopted 4-23-2001] / § 141-17. Abatement schedule.

§ 141-17. Abatement schedule.

Each volunteer firefighter of the Simsbury Volunteer Fire Company and each volunteer of the

Simsbury Volunteer Ambulance Association (collectively "volunteer") who is eligible pursuant to § 141-18 to receive a tax abatement shall have his or her real estate and/or motor vehicle property taxes owed to the Town of Simsbury for the current fiscal year abated in an amount equal to the lesser of the total amount of his or her real estate and/or motor vehicle property taxes owed to the Town of Simsbury for such fiscal year or an amount as calculated in the following schedule:

Column A Years of Volunteer Service to Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association	Column B Dollar Amount of Taxes Abated
2	$200
4	$400
6	$600
8	$800
10 or more	$1,000

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§ 141-18. Eligibility.

A. To be eligible for the tax abatement pursuant to § 141-17 for any fiscal year, an eligible volunteer shall, on or before April 30 prior to such fiscal year, present to the Tax Collector a written statement certified to by the Chief of the Simsbury Volunteer Fire Company or the President of the Simsbury Volunteer Ambulance Association, which statement shall include the name and address of said volunteer, that said volunteer has served as an active volunteer in good standing for the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association for not less than the two immediately preceding calendar years and

the total number of years of service of said volunteer. "Volunteer in good standing" for members of the Simsbury Volunteer Fire Company shall be defined as a regular firefighter that in the year preceding October 1 has attended at least 65% of all scheduled drills and meetings and 25% of all his or her station's alarms, except silent alarms, in any six-month period. "Volunteer in good standing" for members of the Simsbury Volunteer Ambulance Association shall be defined as a regular ambulance volunteer who has done 288 qualifying hours in the year preceding October 1. "Years of service" shall not be deemed to have been interrupted by medical leave authorized by the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association, leave for military service for the United States of America or leave covered under the Connecticut Workmen's Compensation Act.

B. A person who terminates his or her volunteer service to the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association shall, upon his or her return to volunteer service to the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association, be eligible for the tax abatement provided under § 141-17 only after he or she completes one full calendar year of volunteer service. Such volunteer's total years of service shall then include any previous years of volunteer service to the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association.

C. Any person who terminates his or her volunteer service to the Simsbury Volunteer Fire Company or the Simsbury Volunteer Ambulance Association for five or more years shall lose any credit for any previous years of service.

D. Any volunteer who a) has served for a minimum of 25 years of service as an active volunteer in good standing as defined in this § 141-18 of this Article V; b) terminates his or her volunteer service; and c) is otherwise eligible for the tax abatement program defined in this Article V, shall continue to receive a tax abatement in the amount of $1,000 as set forth in § 141-17 of this Article V per annum as long as they continue to reside and own property in the Town of Simsbury. [Added 6-25-2007]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE V, Tax Abatement For Volunteer Firefighters and Ambulance Personnel [Adopted 4-23-2001] / § 141-19. Application.

§ 141-19. Application.

The tax abatement provided under this article shall be applied first against any real property taxes owing to the Town of Simsbury and then against any motor vehicle taxes owing to the Town of Simsbury. In the event that the tax to which the abatement is applied is paid in installments, then

the abatement shall be applied 50% to each installment. The tax abatement provided under this article shall be applicable for any real property or motor vehicle owned by a volunteer and eligible for such abatement regardless of whether such property is owned individually, jointly or as tenant in common with one or more other persons, provided that said ownership interest is recorded in the name of the volunteer on the Simsbury Grand List. For property acquired by the volunteer during the Grand List Year, the abatement shall be prorated in the same manner and to the same degree as the underlying tax liability. The tax abatement provided under this article only applies to taxes owed to the Town of Simsbury by volunteers in good standing who are Simsbury residents.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE V, Tax Abatement For Volunteer Firefighters and Ambulance Personnel [Adopted 4-23-2001] / § 141-20. Records.

§ 141-20. Records.

The Tax Collector of the Town of Simsbury shall maintain a record of all taxes abated in accordance with this article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE V, Tax Abatement For Volunteer Firefighters and Ambulance Personnel [Adopted 4-23-2001] / § 141-21. Interlocal agreements.

§ 141-21. Interlocal agreements.

The Town of Simsbury may enter into interlocal agreements with other municipalities for the purpose of providing tax relief to volunteer firefighters or ambulance personnel who live in one municipality but who volunteer their services in another municipality.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE V, Tax Abatement For Volunteer Firefighters and Ambulance Personnel [Adopted 4-23-2001] / § 141-22. Effective date.

§ 141-22. Effective date.

This article shall take effect and shall be applicable to taxes owing beginning with taxes on the Grand List of October 1, 2000.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VI, Property Tax Exemption for Qualifying Veterans [Adopted 7-28-2003; amended in its entirety 5-10-2004]

ARTICLE VI, Property Tax Exemption for Qualifying Veterans [Adopted 7-28-2003; amended in its entirety 5-10-2004]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VI, Property Tax Exemption for Qualifying Veterans [Adopted 7-28-2003; amended in its entirety 5-10-2004] / § 141-23. Veteran's property tax exemption.

§ 141-23. Veteran's property tax exemption.

A. Any veteran, entitled to an exemption from property tax in accordance with Subdivision (19) of Section 12-81 of the Connecticut General Statutes, and any veteran's surviving spouse entitled to an exemption from property tax in accordance with Subdivision (22), C.G.S. Section 12-81, shall be entitled to an additional exemption applicable to the assessed value of property up to the amount of 10%, provided such veteran's, or qualifying spouse's, income does not exceed $25,000 above the applicable maximum amount as provided under Section 12-81.

B. 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 that 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 C 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. The Assessor may accept the application required by Section 12-81g(d) of the General Statutes of the State of Connecticut for the exemption provided for C.G.S. Section 12-81g(a) as an application for the exemptions provided for in Subsection A

of this section if it is for the same assessment date.

C. Any person who has submitted an application and been approved in any year for the additional exemption under Subsection A of this section shall, in the year immediately following approval, be presumed to be qualified for such exemption. If any such person has qualifying income in excess of the maximum allowed under said Subsection A, such person shall notify the Assessor on or before the next filing date 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.

D. This section shall apply to the grand list of October 1, 2004 for payment of taxes due July 1, 2005, and to subsequent years.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VII, Delinquent Motor Vehicle Property Tax Fee [Adopted 1-26-2004]

ARTICLE VII, Delinquent Motor Vehicle Property Tax Fee [Adopted 1-26-2004]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VII, Delinquent Motor Vehicle Property Tax Fee [Adopted 1-26-2004] / § 141-24. Fee imposed; amount.

§ 141-24. Fee imposed; amount.

Pursuant to Connecticut General Statutes, Section 12-146, as amended, a fee of $5 shall be charged each person paying any delinquent property tax or any installment thereof on any motor vehicle, which delinquency has been reported to the Commissioner of Motor Vehicles of the State of Connecticut pursuant to the provisions of Section 14-33 of the Connecticut General Statutes, as amended.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VIII, Tax Credit for Elderly and Totally Disabled Homeowners [Adopted 3-12-2007]

ARTICLE VIII, Tax Credit for Elderly and Totally Disabled Homeowners [Adopted 3-12-2007]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VIII, Tax Credit for Elderly and Totally Disabled Homeowners [Adopted 3-12-2007] / § 141-25. Purpose.

§ 141-25. Purpose.

The purpose of this article is to provide real property tax relief for eligible elderly or disabled residents as defined in § 141-28 of this article ("qualified residents") in the form of a tax credit ("tax credit") against, and in reduction of, the real property tax liability which otherwise would be imposed on the property of qualified residents, under the terms and conditions hereinafter specified.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VIII, Tax Credit for Elderly and Totally Disabled Homeowners [Adopted 3-12-2007] / § 141-26. When effective.

§ 141-26. When effective.

The tax credit shall be available against the real property tax liability of qualified residents which otherwise would be imposed by the Town of Simsbury beginning in the 2007 tax year.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VIII, Tax Credit for Elderly and Totally Disabled Homeowners [Adopted 3-12-2007] / § 141-27. Definitions.

§ 141-27. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ORDINANCE BENEFICIARY -- One who has qualified to receive a tax credit pursuant to this

article.

PRINCIPAL RESIDENCE

A. The residence occupied by the applicant or his spouse who is domiciled with him for at least 183 days of the calendar year preceding the date of application for a tax credit hereunder and of the calendar year in which such tax credit is first granted on the basis of that application.

B. Confinement in a hospital or convalescent hospital shall not reduce the number of days of residence in such calendar year, provided the ordinance beneficiary has an abiding intention to return. One does not have an abiding intention to return if one has been so confined for two years ending on the date of application for benefits hereunder, nor if the eligible property has been let to another.

PROGRAM MAXIMUM INCOME -- The income as defined in § 141-29B of this article above which a qualified resident shall not be eligible for any tax credit under this article. The program maximum income shall be the maximum income for married applicants under the elderly homeowners' program as prescribed by Section 12-170aa of the Connecticut General Statutes, as amended, adjusted as prescribed therein, plus $10,000.

TAX YEAR -- For purposes of this article, the year beginning on the first day of the Town's fiscal year, or if the due date of the first installment of tax in any fiscal year is later than the first day of the Town's fiscal year, then beginning with that date, and ending 12 months later.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VIII, Tax Credit for Elderly and Totally Disabled Homeowners [Adopted 3-12-2007] / § 141-28. Eligible persons and property.

§ 141-28. Eligible persons and property.

Qualified residents shall be residents of the Town of Simsbury, with respect to real property owned and occupied by such residents as their principal residence, or unit owners of a cooperative as provided in Section 12-129n(g) of the Connecticut General Statutes, who are 65 years of age and over or whose spouses, living with them, are 65 years of age or over or 60 years of age or over and the surviving spouse of a taxpayer qualified in such municipality under this section at the time of his or her death or with respect to real property on which such residents or their spouses are liable for taxes under Section 12-48, or 2) under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under social security, or have not been engaged in employment covered by social security and accordingly have not qualified for benefits thereunder, but have become qualified for permanent

total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teacher's retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under social security, provided such residents or their spouses under Subdivisions (1) or (2) above have been taxpayers of such municipality for one year immediately preceding their receipt of tax benefits under this section and meet the requirements which may be established by this article with respect to maximum income allowable during the calendar year preceding the year in which application is made for the tax relief provided in this section.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VIII, Tax Credit for Elderly and Totally Disabled Homeowners [Adopted 3-12-2007] / § 141-29. Total tax relief allowed under real property tax credit.

§ 141-29. Total tax relief allowed under real property tax credit.

A. Beginning with the tax year pertaining to the Town fiscal year ending June 30, 2013, a tax credit shall be available to offset the otherwise imposed property tax liability of qualified residents in accordance with the following annual income and credit limits: [Amended 4-23-2012]

(1) Married joint qualifying income (preceding calendar year).

Qualifying Income	Simsbury Credit
Over $0 to $16,100	$1,750
Over $16,100 to $21,700	$1,500
Over $21,700 to $27,100	$1,250
Over $27,100 to $32,300	$1,000
Over $32,300 to $39,500	$800
Over $39,500 to $49,500	$650

(2) Individual qualifying income (preceding year).

Qualifying Income	Simsbury Credit
Over $0 to $16,100	$1,750
Over $16,100 to $21,700	$1,500
Over $21,700 to $27,100	$1,250
Over $27,100 to $32,300	$1,000
Over $32,300 to $39,500	$800
Over $39,500 to $49,500	$650

B. For purposes of these income limits, qualifying income shall be determined in the same manner as "qualifying income" is determined under Section 12-170aa of the Connecticut General Statutes, as amended.

C. These income limits shall be adjusted each year to reflect the annual inflation adjustment in social security income, with each such adjustment of qualifying income determined to the nearest $100, as determined by the Office of Policy and Management or its successor under Section 12-170aa, as amended.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VIII, Tax Credit for Elderly and Totally Disabled Homeowners [Adopted 3-12-2007] / § 141-30. Application for, and granting of, real property tax credit relief.

§ 141-30. Application for, and granting of, real property tax credit relief.

A. Each applicant shall file an application for a tax credit under this article with the Town of Simsbury at any time during the period beginning on the first day of February and ending on the 15th day of May prior to the commencement of the tax year for which the tax credit is sought, except that one who has applied and been granted a tax credit for one tax year shall be presumed to be qualified for the immediately following tax year without making a new application. Application shall be made in the form and manner prescribed and provided by

the Assessor.

B. Upon a determination by the Town Assessor's office ("Assessor") that the applicant has met the requirements of §§ 141-27 and 141-28 above and is a qualified resident, the Assessor shall:

(1) Determine the amount of tax credit available to the qualified resident; and

(2) Cause a certificate of tax credit to be issued in such form and manner as to permit the Tax Collector to reduce the amount of tax levied against the qualified resident and make proper record thereof; and

(3) Upon request, provide a copy to the applicant.

C. Beneficiary later found ineligible; change in income.

(1) Any ordinance beneficiary who is later found ineligible after filing a false affidavit or presenting materially false information on the application for tax credit will be immediately liable to reimburse the Town of Simsbury for all benefits received and be subject to penalties and interest prescribed by law.

(2) If any homeowner has qualified and received tax reduction under this article and subsequently in any calendar year has qualifying income in excess of the program maximum income described in this article, he shall notify the tax assessor on or before the next filing date and shall be denied tax reduction under this article for that tax year and any subsequent year or until he has reapplied and again qualified for benefits under this article.

D. The tax credit shall, as much as is possible, be divided equally among the several installments of tax.

E. All applications and supporting financial documentation shall be kept confidential and not open to public inspection.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VIII, Tax Credit for Elderly and Totally Disabled Homeowners [Adopted 3-12-2007] / § 141-31. Prorating of credit with sale or conveyance of property; limitation on amount of credit.

§ 141-31. Prorating of credit with sale or conveyance of property; limitation on amount of credit.

A. In any case where the real property for which a tax credit has been granted to a qualified resident is sold, assigned, granted, or conveyed in a tax year during which a tax credit is available, the amount of the tax credit shall be prorated by a fraction, the numerator of which shall be the number of full months from the first day of July of the tax year to which the tax credit is applied to the date of conveyance, and the denominator of which shall be 12.

B. Each qualified resident shall be required, within a period not to exceed 30 days following the date of any such sale, assignment, grant or conveyance to notify the Assessor of such transfer. Upon receipt of such notice or, in the absence of such notice, upon a determination by the Assessor that such conveyance has occurred, the Assessor shall determine the prorated tax credit amount. The Tax Collector shall, within 10 days following such determination, mail or otherwise deliver a bill to the transferee of the property stating the amount of additional tax due. Such tax shall be due and payable and collectible in a single installment within 30 days after the date of the bill and subject to the same liens and principles of collections.

C. In no event shall the total amount of the tax credit provided to a person pursuant to this article, when added to the total of the real property tax credit granted to such person under Section 12-170aa of the Connecticut General Statutes, result in a tax benefit to such person greater than 75% of the tax otherwise imposed on the eligible property. In the event that the prescribed tax credit would cause the total benefit to exceed the 75% limit, the tax credit shall be reduced so that the total benefit will not exceed 75%.

D. Except as limited by § 141-31C, the real property tax relief provided under this article shall be in addition to any tax benefits provided by the State of Connecticut.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE VIII, Tax Credit for Elderly and Totally Disabled Homeowners [Adopted 3-12-2007] / § 141-32. Continuation of existing Town benefit.

§ 141-32. Continuation of existing Town benefit.

Qualified residents who applied for and received a tax credit under the Town program adopted for the 1990 grand list, as amended, for the tax year beginning July 1, 2006, shall continue to be qualified without reapplying for the tax year beginning July 1, 2007.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS

Chapter 144, TOBACCO AND DRUGS

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE I, Sale of Equipment to Minors [Adopted 9-12-1979]

ARTICLE I, Sale of Equipment to Minors [Adopted 9-12-1979]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE I, Sale of Equipment to Minors [Adopted 9-12-1979] / § 144-1. Sale restricted.

§ 144-1. Sale restricted.

No person shall sell, give, deliver or otherwise transfer any tobacco-related equipment or drug-related equipment to any minor under the age of 16 years, provided that such person at the time of such sale, gift, delivery or transfer knows or has reason to know that such tobacco-related equipment will or is likely to be used in the consumption or preparation of any tobacco product or that such drug-related equipment will or is likely to be used in the consumption or preparation of any dependency-producing drug the possession of which is a violation of Connecticut General Statutes Section 21a-279(a), (b) and (c). If any such drug-related equipment has printed thereon or is accompanied by instructions explaining the purpose and use of such equipment and if following such instructions would cause a person to commit an act involving the use or possession of a dependency-producing drug in violation of Connecticut General Statutes Section 21a-279(a), (b) and (c), then the trier of fact may infer that such person knew or had reason to know that such drug-related equipment was to be used or was likely to be used in the consumption of a dependency-producing drug.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE I, Sale of Equipment to Minors [Adopted 9-12-1979] / § 144-2. Definitions.

§ 144-2. Definitions.

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

DEPENDENCY-PRODUCING DRUG -- Any controlled drug as defined in Connecticut General Statutes Section 21a-240(8) and any controlled substance as defined in Connecticut General Statutes Section 21a-240(9).

DRUG-RELATED EQUIPMENT -- Any instrument, apparatus or contrivance, including components, parts and accessories thereof, intended or reasonably adapted to be used for one or more of the following purposes:

A. The consumption or the preparation of any dependency-producing drug. Consumption shall include smoking and injection.

B. The enhancement of the effect on the human body of any dependency-producing drug.

C. The concealment of any quantity of any dependency-producing drug.

D. The testing of the strength, effectiveness, purity or weight of any dependency-producing drug.

TOBACCO-RELATED EQUIPMENT -- Any instrument, apparatus or contrivance, including components, parts and accessories thereof, intended or reasonably adapted for use in the consumption or preparation of any tobacco.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE I, Sale of Equipment to Minors [Adopted 9-12-1979] / § 144-3. Exceptions.

§ 144-3. Exceptions.

No person shall be guilty of violating § 144-1 if:

A. The person had reasonable cause to believe that the minor involved was 16 years of age or over because such minor exhibited to such person a driver's license, birth certificate or other official document purporting to establish that such minor was 16 years of age or over.

B. The person was acting in his capacity as an employee or official of any governmental agency or governmental institution or of any public school or other public educational institution or health care facility or institution; or the person was acting in his capacity as a registered pharmacist or veterinarian, or under the direction of a registered pharmacist or veterinarian,

to sell said object for a legitimate medical purpose.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE I, Sale of Equipment to Minors [Adopted 9-12-1979] / § 144-4. Penalties for offenses.

§ 144-4. Penalties for offenses.

Any person who violates § 144-1 of this article shall be fined not less than $25 nor more than $99.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE I, Sale of Equipment to Minors [Adopted 9-12-1979] / § 144-5. Severability; conflict with statutes.

§ 144-5. Severability; conflict with statutes.

All provisions of the Town ordinances in conflict herewith are hereby repealed, and if for any reason any word, clause, paragraph or section of this article shall be held to make the same unconstitutional, this article shall not thereby be invalidated, and the remainder of the article shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes is hereby repealed, it being understood that said statutes shall take precedence over this article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE II, Sale of Tobacco to Minors [Adopted 3-23-1987]

ARTICLE II, Sale of Tobacco to Minors [Adopted 3-23-1987]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE II, Sale of Tobacco to Minors [Adopted 3-23-1987] / § 144-6. Definitions.

§ 144-6. Definitions.

For purposes of this article, the following terms shall have the meanings indicated:

CIGARETTE VENDING MACHINE -- A machine or mechanical device used or intended to be used for the purpose of automatically merchandising packaged cigarettes, the operation of which is governed or controlled by the insertion of coins or tokens.

PERSON -- Any individual, firm, fiduciary, partnership, corporation, trust or association.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE II, Sale of Tobacco to Minors [Adopted 3-23-1987] / § 144-7. Sale prohibited.

§ 144-7. Sale prohibited.

No person shall sell cigarettes or tobacco in any form to any person under 18 years of age.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE II, Sale of Tobacco to Minors [Adopted 3-23-1987] / § 144-8. Sale from vending machines prohibited. [Amended 1-8-1990; 9-10-2001]

§ 144-8. Sale from vending machines prohibited. [Amended 1-8-1990; 9-10-2001]

A. Purpose. The purpose of this section is to prohibit the dispensing of cigarettes, tobacco or smokeless tobacco from cigarette vending machines within the Town of Simsbury.

B. Statement of findings. The Town of Simsbury finds:

(1) Sections 53-344 and 53-344a of the Connecticut General Statutes make it unlawful for any person engaged in the manufacture or sale of cigarettes to sell, barter, give or deliver cigarettes to any individual under the age of 18 years; and

(2) Cigarettes are the most heavily advertised consumer product in the United States and the tobacco industry spends more than $8.24 billion on advertising and promotion of cigarettes; and

(3) Connecticut medical costs related to treating smoking related diseases exceeds $1 billion

every year; and

(4) Tobacco kills more people than AIDS, alcohol, car accidents, murder, suicide, drugs and fire combined; and

(5) More than 3,000,000 young people under the age of 18 consume more than 947 million packs of cigarettes annually in the United States, yielding gross sales to the tobacco industry each year of approximately $1 billion; and

(6) In Connecticut nearly one of every three high school students and 13% of middle school children used tobacco within the last 30 days; and

(7) Every year, 12,000 Connecticut children became daily smokers; and

(8) The average start-smoking age in Connecticut is 11 years old; and

(9) Current laws and regulations have proved ineffective and inadequate in preventing the illegal purchase of cigarettes by children under the age of 18 years, particularly from cigarette vending machines; and

(10) Connecticut General Statutes § 12-289a(h) authorizes a town or municipality to ban or significantly restrict the placement of vending machines for cigarettes, tobacco or smokeless tobacco products.

C. Prohibitions. No person shall dispense, or cause to be dispensed, cigarettes, tobacco or smokeless tobacco products from cigarette vending machines at any location within the Town of Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE II, Sale of Tobacco to Minors [Adopted 3-23-1987] / § 144-9. Enforcement.

§ 144-9. Enforcement.

It shall be the duty of the Director of Health or his designee to enforce the provisions of this article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 144, TOBACCO AND DRUGS / ARTICLE II, Sale of Tobacco to Minors [Adopted 3-23-1987] / § 144-10. Penalties for offenses.

§ 144-10. Penalties for offenses.

The penalty for violation of the provisions of this article shall be a fine not to exceed $100.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 147, VEHICLES, ABANDONED

Chapter 147, VEHICLES, ABANDONED

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 3-25-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Littering -- See Ch. 106.
Vehicles and traffic -- See Ch. 149.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 147, VEHICLES, ABANDONED / § 147-1. Prohibition.

§ 147-1. Prohibition.

Abandoned motor vehicles and discarded motor vehicle parts, as hereinafter defined, are prohibited within the territorial limits of the Town of Simsbury, Connecticut.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 147, VEHICLES, ABANDONED / § 147-2. Definitions.

§ 147-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABANDONED MOTOR VEHICLE -- A motor vehicle located on private property for a period of 30 consecutive calendar days which is:

A. Inoperative; or

B. Unregistered and not in condition for legal use on the public highways and is in a state or

condition as to create an adverse effect upon the public landscape or nearby private or public property or which otherwise creates a public nuisance or a safety or health hazard; or

C. No longer used and is not lawfully stored within an approved garage, building or structure.

DISCARDED MOTOR VEHICLE PARTS -- Parts of a motor vehicle or old iron, metal, glass, paper, cordage or other discarded waste or secondhand material which has been part of or is intended to be a part of any motor vehicle located on private property for a period of 30 consecutive calendar days, provided that any such parts or materials are not lawfully stored within a garage, building or structure.

MOTOR VEHICLE -- Any device, including but not limited to automobiles, trucks, buses, tractors, trailers, recreational vehicles, motor homes, campers, motorcycles and similar vehicles, in, upon or by which any person or property is or may be drawn or transported upon a highway, except for devices moved exclusively by human or muscular power.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 147, VEHICLES, ABANDONED / § 147-3. Exemptions.

§ 147-3. Exemptions.

This chapter shall not apply to abandoned motor vehicles and discarded motor vehicle parts which shall be located in a motor vehicle junkyard licensed in accordance with the General Statutes of the State of Connecticut, as amended, or permitted under any exemptions to any such licensing requirements.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 147, VEHICLES, ABANDONED / § 147-4. Penalties for offenses.

§ 147-4. Penalties for offenses.

The failure to remove an abandoned motor vehicle or discarded motor vehicle parts from such private property within 30 calendar days subsequent to the receipt of a written notice from the Town of Simsbury given in the manner as hereinafter provided shall subject the owner of such property, the person in possession or control of such property and also the owner of such vehicle or parts, if known, to a fine in the amount of $90 for each day, or any portion thereof, that such vehicle or parts shall thereafter remain on such property.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 147, VEHICLES, ABANDONED / § 147-5. Procedure for removal.

§ 147-5. Procedure for removal.

When it is determined that an abandoned motor vehicle or discarded motor vehicle parts are located on private property, the Town of Simsbury shall notify the owner of such property, the person in possession or control of such property, and also the owner of said vehicle or parts, if known, in writing and by registered or certified mail, return receipt requested and postage prepaid, to cause the immediate removal of such vehicle or parts from such property and shall also provide for the publication of such notice in a newspaper having a substantial circulation in the Town of Simsbury. If provided in the manner set forth herein, any such notice shall be deemed to have been properly given, rendered or made on the third calendar day subsequent to it having been deposited for mailing purposes in any postal office regularly maintained by the United States Postal Service and the third day subsequent to its publication. If such owner or person has not caused removal of such vehicle or parts from such private property within 30 calendar days subsequent to the receipt of said notification, the Town of Simsbury may cause removal of such motor vehicle or parts to a licensed junkyard or to an area authorized by the proper authority for impoundment and disposal of such vehicle or parts. The Town of Simsbury shall be entitled to seek collection of its costs incurred in the removal or disposition of any such vehicle or parts from the owner of such private property, the party in possession or control of such property or the owner of such vehicle or parts.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 147, VEHICLES, ABANDONED / § 147-6. Notice to Commissioner of Motor Vehicles.

§ 147-6. Notice to Commissioner of Motor Vehicles.

Prior to the removal of an abandoned motor vehicle as provided for in the foregoing, the Zoning Enforcement Officer of the Town of Simsbury shall notify the Commissioner of the Connecticut Department of Motor Vehicles of the issuance by the Town of Simsbury of such removal notice, such notification to include the location of the vehicle, the identification number thereof, if available, and such other description or identification of the vehicle as may assist in establishing the legal ownership of the vehicle.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 147, VEHICLES, ABANDONED / § 147-7. Enforcement.

§ 147-7. Enforcement.

A. The Zoning Enforcement Officer of the Town of Simsbury shall be responsible for providing all notices required by this chapter.

B. The Chief of Police shall be responsible for the removal and disposition of any such abandoned motor vehicle and discarded motor vehicle parts.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 147, VEHICLES, ABANDONED / § 147-8. Effective date.

§ 147-8. Effective date.

This chapter shall take effect on May 2, 1996.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC

Chapter 149, VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury: Art. I, 4-12-1982; Art. II, 4-12-1982; Art. III, 2-8-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Bicycles -- See Ch. 67.
Parking in fire lanes -- See Ch. 91.
Vehicles on public property -- See Ch. 115.
Peddling from vehicles -- See Ch. 120.
Discarded vehicles -- See Ch. 152.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE I, Parking Violations [Adopted 4-12-1982]

ARTICLE I, Parking Violations [Adopted 4-12-1982]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE I, Parking Violations [Adopted 4-12-1982] / § 149-1. Applicability.

§ 149-1. Applicability.

The following parking rules and regulations shall apply to the streets and roads within the jurisdiction of the Town of Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE I, Parking Violations [Adopted 4-12-1982] / § 149-2. General parking restrictions.

§ 149-2. General parking restrictions.

A. No person shall stop, stand or park a vehicle on the traveled portion or shoulder of said street or road in such a manner as will impede the free flow of traffic. Double parking, parking at the curb improperly, parking in permanently or temporarily designated "No Parking Zones," parking in restricted areas at times when parking is prohibited, parking on any said street or road while snow removal operations are being conducted or any parking impairing the free flow of traffic shall be interpreted as "impeding traffic."

B. No person shall park in excess of the time limit designated on any parking sign; park more than 12 inches from a curb; park in violation of fire, park and Board of Education rules and regulations; park in front of an entrance to a public building; park within 25 feet of an intersection or stop sign; park on a crosswalk; park within 10 feet of a fire hydrant; park on a sidewalk; park on the wrong side of a street and park so as to obstruct a driveway.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE I, Parking Violations [Adopted 4-12-1982] / § 149-3. Notice of violation.

§ 149-3. Notice of violation.

Whenever any vehicle is found parked in violation of this article or any ordinance or rule or regulation of the traffic authority which relates to parking, a police officer or such other person as may be authorized by the Chief of Police to give such notice shall attach to such vehicle a notice to the owner or operator thereof stating that such vehicle has been parked unlawfully.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE I, Parking Violations [Adopted 4-12-1982] / § 149-4. Penalties for offenses. [Amended 12-9-1996]

§ 149-4. Penalties for offenses. [Amended 12-9-1996]

The penalty for any violation of this Article shall be in accordance with the fee schedule set by the Board of Selectmen, provided that the owner or operator of the vehicle in question pays this amount in person or remits this amount by mail to the Simsbury Police Department as a penalty for and in full satisfaction of such violation within seven days of the time notice of the violation is attached to the vehicle or personally given to the owner or operator of the vehicle by a police officer or other authorized person. If such payment is not made within seven days of the attachment or delivery of notice of a violation, the fine shall double. Failure to pay the appropriate fine as provided for in this article shall be an infraction as provided for in Connecticut General Statutes, §§ 51-164m and 51-164n. Pursuant to Connecticut General Statutes, § 51-164p, any such violation shall be punishable by a fine of not more than $90 for each offense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE I, Parking Violations [Adopted 4-12-1982] / § 149-5. Towing and impounding of vehicles.

§ 149-5. Towing and impounding of vehicles.

A. In addition to penalties described herein, a police officer may order any vehicle which is parked so as to impede traffic or to obstruct snow removal operations to be towed from the location in which it is parked to a vehicle pound at the owner's or operator's expense.

B. The Chief of Police shall create a vehicle pound or pounds to which vehicles may be removed by a police officer or under the direction of a police officer. Such pound or pounds shall be storage garages or such other places as may be designated by the Chief of Police. Before any such garage or place shall be designated as a vehicle pound, the operator thereof

shall furnish to the Chief of Police satisfactory evidence of insurance coverage to indemnify and save the town harmless from any claims for damages paid by or made against the town arising from the towing or storage of any impounded vehicle.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE II, Parking Spaces for Handicapped Persons [Adopted 4-12-1982]

ARTICLE II, Parking Spaces for Handicapped Persons [Adopted 4-12-1982]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE II, Parking Spaces for Handicapped Persons [Adopted 4-12-1982] / § 149-6. Applicability.

§ 149-6. Applicability.

This article shall apply to all new and existing parking areas for 10 or more motor vehicles, whether located on residential, nonresidential, commercial, private or public sites.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE II, Parking Spaces for Handicapped Persons [Adopted 4-12-1982] / § 149-7. Designation of spaces; use restricted.

§ 149-7. Designation of spaces; use restricted.

The traffic authority of the town or the owner, operator, lessee or tenant of such premises shall designate specially marked parking spaces for handicapped persons. No motor vehicle shall park in such space except:

A. A motor vehicle registered as a passenger motor vehicle or passenger and commercial motor vehicle and operated by or transporting holders or the holder of a special identification card issued by the Commissioner of Motor Vehicles of the State of Connecticut pursuant to the General Statutes, which card shall be displayed so as to be visible through the left portion of the windshield of such vehicle;

B. A motor vehicle bearing special license plates with numerals followed by the letters "HP" or

veterans' license plates issued by the Commissioner of Motor Vehicles, provided that a handicapped person is the operator of or passenger in such motor vehicle; or

C. A motor vehicle bearing a temporary handicapped parking permit issued by the Chief of Police of the town upon written recommendation of a physician and advice of a physician as to the time period said permit shall be valid and having written on it a date of issuance and an expiration date. Said permit shall be for use by a physically handicapped person in any motor vehicle operated by or used to transport said person within the Town of Simsbury and shall be displayed in the left portion of the windshield of such vehicle.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE II, Parking Spaces for Handicapped Persons [Adopted 4-12-1982] / § 149-8. Number of spaces to be provided; location.

§ 149-8. Number of spaces to be provided; location.

A. On each site having parking spaces for 10 to 25 vehicles, at least one space shall be specially designated and reserved for handicapped parking. Additional spaces for handicapped parking shall be in accordance with the following table:

Total Parking on Site	Required Number of Handicapped Parking Spaces
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6
201 - 300	7
301 - 400	8
401 - 500	9

Total Parking on Site	Required Number of Handicapped Parking Spaces
501 - 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

B. Parking spaces for the handicapped shall be located as close as possible to elevators, ramps, walkways and entrances and so located that the handicapped person is not compelled to wheel or walk behind parked vehicles to reach entrances, ramps, walkways and elevators. Any motor vehicle parked in a manner that blocks, obstructs or otherwise impedes access to such entrances, ramps, walkways and elevators shall be deemed to be in violation of this article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE II, Parking Spaces for Handicapped Persons [Adopted 4-12-1982] / § 149-9. Marking of spaces.

§ 149-9. Marking of spaces.

Each such space designated for handicapped parking shall be not less than 15 feet in width, including three feet of crosshatch. Each such space shall be identified by a vertically mounted, permanent and adequate sign bearing the words HANDICAPPED PARKING - PERMIT REQUIRED and a symbolic representation of a handicapped person in a wheelchair. Signs shall consist of white lettering against a blue background. Such vertically mounted signs shall be erected, installed and maintained by and at the expense of the owner, operator, lessee or tenant of said site and shall further indicate that unauthorized use of said space shall subject the violator to a fine. All access ramps shall be marked, striped or painted yellow.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE II, Parking Spaces for Handicapped Persons [Adopted 4-12-1982] / § 149-10. Modifications and waivers.

§ 149-10. Modifications and waivers.

The requirements of § 149-8A of this Article may be modified by the Public Safety Committee of

the Board of Selectmen if in its opinion such requirements would place an unreasonable burden on the owner of the parking area. Applications for such modifications shall be in writing and shall detail the number of handicapped spaces required under this Article, the number of handicapped spaces for which modification is requested and the reasons for requesting such modifications. The Public Safety Committee may, at its discretion, hold a public hearing on any or all such waiver applications. In granting a waiver application, the Public Safety Committee may impose such conditions as it deems necessary to execute the intent of this Article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE II, Parking Spaces for Handicapped Persons [Adopted 4-12-1982] / § 149-11. Eligibility.

§ 149-11. Eligibility.

Under the provisions of this Article a "handicapped person" shall be a person whose ability to walk is seriously and permanently impaired. Impairment of ability to walk shall be certified by a physician on a form prescribed by the Commissioner of the State Department of Motor Vehicles. A "handicapped person" shall also be defined as a person who qualifies for the temporary handicapped parking permit issued by the Chief of Police of the Town of Simsbury upon written recommendation of a physician.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE II, Parking Spaces for Handicapped Persons [Adopted 4-12-1982] / § 149-12. Penalties for offenses. [Amended 12-9-1996]

§ 149-12. Penalties for offenses. [Amended 12-9-1996]

Whenever any vehicle shall be found parked in violation of this article, any Simsbury police officer may issue a citation for such violation, which citation shall provide for a fine in accordance with the fee schedule set by the Board of Selectmen, payable to the Town of Simsbury and remitted to police headquarters within seven days of the citation date. If any fine is not paid within seven days, such fine shall double. Failure to pay the appropriate fine as provided for in this article shall be an infraction as provided for in Connecticut General Statutes, §§ 51-164m and 51-164n. Pursuant to Connecticut General Statutes, § 51-164p, any such violation shall be punishable by a fine of not more than $90 for each offense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE II, Parking Spaces for Handicapped Persons [Adopted 4-12-1982] / § 149-13. Responsibility of vehicle owner.

§ 149-13. Responsibility of vehicle owner.

The owner of any motor vehicle parked in violation of this article shall be presumed to be the person who committed the parking violation and shall have the burden of proving that said vehicle was, at the time of the violation, in the custody and control of another and was so parked by another.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE III, Commercial Truck Traffic [Adopted 2-8-1993]

ARTICLE III, Commercial Truck Traffic [Adopted 2-8-1993]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE III, Commercial Truck Traffic [Adopted 2-8-1993] / § 149-14. Definitions.

§ 149-14. Definitions.

As used in this article, the following terms shall have the meanings indicated:

STREET -- Any street, highway, avenue, boulevard, road, byway or parking lot owned and maintained by the Town of Simsbury.

TRUCK -- Every commercial vehicle other than public safety, educational, municipal/state, public utility or municipal/state purpose vehicles designed, used or maintained primarily for the transportation of property, including a motor vehicle designed and used for the purpose of drawing a semitrailer, as well as the vehicle drawing a semitrailer and the trailer itself.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE III, Commercial Truck Traffic [Adopted 2-8-1993] / § 149-15.

Commercial trucks over certain weight prohibited.

§ 149-15. Commercial trucks over certain weight prohibited.

A. No person shall operate a truck with a gross vehicle weight (GVW) in excess of 20,000 pounds on any street on which such trucks have been excluded by resolution of the Board of Selectmen except while on a trip with a point of origin from or a destination to a location on said street or on an intersecting street solely served by said street.

B. The Chief of Police shall cause to be erected appropriate signs on any street(s) designated to exclude trucks with a gross vehicle weight in excess of 20,000 pounds, which signs shall clearly spell out that such trucks are prohibited on such street(s) in accordance with this article.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE III, Commercial Truck Traffic [Adopted 2-8-1993] / § 149-16. Criteria used in designating streets where trucks over certain weight are prohibited.

§ 149-16. Criteria used in designating streets where trucks over certain weight are prohibited.

Given that a convenient alternative route exists, the following factors alone will be considered in the designation of streets on which trucks in excess of 20,000 pounds GVW will be prohibited:

A. Whether a significant number of properties, especially residential properties, are constructed in closer proximity to the street line than required by the minimum front setback line;

B. The degree to which the road does not meet engineering standards for safety and capacity, such as width, grade, curvature and structure;

C. If the road is classified as a scenic road as identified in § 137-11 of Chapter 137, Streets and Sidewalks;

D. If the abutting properties contain historic buildings or structures or a district(s) listed on the National Register of Historic Places or the State Register of Historic Places; or

E. Whether the average daily traffic (ADT) is greater than the minimum specified in the subdivision regulations for the classification of road (i.e., greater than 1,000 per day for a collector road or 3,000 per day for an arterial road).

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 149, VEHICLES AND TRAFFIC / ARTICLE III, Commercial Truck Traffic [Adopted 2-8-1993] / § 149-17. Penalties for offenses.

§ 149-17. Penalties for offenses.

Any person violating the terms of this article shall be guilty of an infraction as provided for in Connecticut General Statutes §§ 51-164m and 51-164n. Pursuant to General Statutes, § 51-164p, any violation of this article shall be punishable by a fine of not more than $90 for each offense.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 152, (R E S E R V E D)

Chapter 152, (R E S E R V E D)

[Former Ch. 152, Vehicles, Discarded, adopted 5-1-1972, was superseded 3-25-1996 by an ordinance concerning removal of abandoned vehicles and discarded vehicle parts. See now Ch. 147, Vehicles, Abandoned.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 156, WATER

Chapter 156, WATER

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 70.
Sewers -- See Ch. 130.
Streets and sidewalks -- See Ch. 137.
Underground tanks -- See Ch. 139.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 156, WATER / ARTICLE I, Water Mains [Adopted 6-12-2000EN]

ARTICLE I, Water Mains [Adopted 6-12-2000EN(36)]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 156, WATER / ARTICLE I, Water Mains [Adopted 6-12-2000EN] / § 156-1. Authority.

§ 156-1. Authority.

The Board of Selectmen, Town of Simsbury, is hereby empowered to administer the planning, construction and financing of water mains within the town and, subject to the provisions of this article, the Board may take all necessary or desirable actions in connection with such extensions, including the levying and collection of assessments pursuant to Section 7-137c of the General Statutes of Connecticut, Revision of 1958, as amended from time to time (the General Statutes).

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 156, WATER / ARTICLE I, Water Mains [Adopted 6-12-2000EN] / § 156-2. Reimbursement required; assessment; payment.

§ 156-2. Reimbursement required; assessment; payment.

A. Each owner of property shall, pursuant to the provisions of this article, and in accordance with said Section 7-137c, reimburse the town for the proportionate share of the total costs to the town of the extension of any water main which abuts such property. The amount of such reimbursement shall be computed in such manner as to leave the town ultimately free of any of the cost of the extension of the water main and expenses incidental thereto, except that, where any portion of such water service is to be used for a municipal purpose of the town, the town shall contribute a fair proportion of the expense representing such proportionate municipal share. Such expenses shall include, but are not limited to, any costs of materials, installation, pumping stations, service connections, curb, sidewalk and highway repairs, installation of gate valves and shutoffs, right-of-way acquisition, interest and professional fees.

B. If any of the property to be assessed hereunder is residential or agricultural property or is property zoned for residential or agricultural use, and such property abuts extensions of water mains to be used for industrial or commercial purposes or partly for industrial or commercial purposes, and said property is not being used for such industrial or commercial purposes, the

proportionate share of the owners of such property shall be computed on an equitable basis for a standard or minimum size main.

C. In the case of land zoned for other than commercial or industrial purposes or classified, pursuant to the provisions of the General Statutes, as farm land, forest land or open space land on the last completed Grand List of the town, which exceeds by more than 100% of the size of the smallest lot permitted in the lowest density residential zone allowed under the zoning regulations of the Town of Simsbury, the assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit issued therefor or until approval of a subdivision plan of such excess property, whichever event occurs first. No assessment shall be payable until the property assessed is connected to the water line. The Board of Selectmen shall cause a caveat or other appropriate legal instrument to be placed on the Simsbury Land Records in each instance where an assessment is deferred.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 156, WATER / ARTICLE I, Water Mains [Adopted 6-12-2000EN] / § 156-3. Hearings.

§ 156-3. Hearings.

In the case of any assessment to be levied pursuant to this article, pursuant to Section 7-141 of the General Statutes, notice of the time and place for a hearing upon such assessment shall be published at least 10 days before the date thereof in a newspaper having a circulation in the town, and a copy of such notice signed by the Town Clerk shall be mailed, by certified mail, to the record owner of any property to be affected thereby no less than 15 days prior to the hearing date.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 156, WATER / ARTICLE I, Water Mains [Adopted 6-12-2000EN] / § 156-4. Appeals.

§ 156-4. Appeals.

The owner of any property so assessed may appeal to the Superior Court from the valuation of such owner's assessment in accordance with and subject to the limitations of Section 7-137c of the General Statutes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 156, WATER / ARTICLE I, Water Mains [Adopted 6-12-2000EN] / § 156-5. Amount of assessment; lien on property.

§ 156-5. Amount of assessment; lien on property.

The Board of Selectmen shall determine the amount of each assessment levied pursuant to this article. In apportioning costs, the Board may give consideration to present or permitted use or classification of abutting property and to any other relevant factors. Assessments may be paid in installments over a period not exceeding 10 years as the Board shall determine. The Board shall fix the rate of interest to be paid on the outstanding balance of said installments, which rate of interest shall not exceed the maximum rate of interest payable on obligations of the town. Any such assessment shall be a lien against such property, and the Board is empowered to take all action deemed necessary or appropriate for the recordation of such liens, including causing a certificate of lien for each such assessment to be lodged with the Town Clerk in the manner provided in Section 7-137d of the General Statutes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 156, WATER / ARTICLE I, Water Mains [Adopted 6-12-2000EN] / § 156-6. Filing of copy of assessment; publication.

§ 156-6. Filing of copy of assessment; publication.

When the Board of Selectmen has determined the amount of the assessment to be levied, it shall file a copy thereof in the office of the Simsbury Town Clerk, pursuant to Section 7-139 of the General Statutes. Not later than five days after such filing, it shall cause a copy of such assessment to be published in a newspaper having a general circulation in the town, and it shall mail, by certified mail, a true and attested copy at such assessment to the record owner of any property affected thereby.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 156, WATER / ARTICLE I, Water Mains [Adopted 6-12-2000EN] / § 156-7. Interest due.

§ 156-7. Interest due.

Any installment payment due upon any such assessment and any interest on the outstanding balance at such assessment which is not paid when due shall bear interest, until paid, at the maximum rates from time to time permitted by law for unpaid property taxes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

Chapter 158, ZONING VIOLATIONS

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 5-28-1997; amended in its entirety 4-13-2009. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 158, ZONING VIOLATIONS / § 158-1. Authority to issue citations; method of service; filing.

§ 158-1. Authority to issue citations; method of service; filing.

A. The Zoning Enforcement Officer or any police officer of the Town of Simsbury may issue citations for violations of the Zoning Regulations of the Town of Simsbury to the extent and in the manner provided by this chapter and consistent with the authority granted under Chapter 124, Section 8-12a, of the Connecticut General Statutes.

B. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail.

C. The Zoning Enforcement Officer shall file and retain an original or certified copy of the citation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 158, ZONING VIOLATIONS / § 158-2. Notification required.

§ 158-2. Notification required.

A citation may be issued for any violation of the Zoning Regulations of the Town of Simsbury after 30 days following written notification by the Zoning Enforcement Officer.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 158, ZONING VIOLATIONS / § 158-3. Fines established.

§ 158-3. Fines established.

The fine for each violation shall be up to $150 per day for each day the violation continues, payable to the Treasurer of the Town of Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 158, ZONING VIOLATIONS / § 158-4. Period for uncontested payment of fine.

§ 158-4. Period for uncontested payment of fine.

Any person receiving such a citation shall be allowed a period of 30 days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Treasurer. If the citation has been sent by regular mail pursuant to the provision of § 158-1 of this chapter, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 158, ZONING VIOLATIONS / § 158-5. Failure to pay fine.

§ 158-5. Failure to pay fine.

If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Treasurer within the time allowed under § 158-4 of this chapter, the Zoning Enforcement Officer shall send a notice to the person cited, informing such person:

A. Of the allegations against him or her and the amount of the fines;

B. That the person cited may contest liability before a Hearing Officer appointed by the Board of Selectmen, as provided in § 158-9 of this chapter, by delivering, in person or by mail, within 10 days of the date of the notice, a written demand for a hearing;

C. That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and

D. That such judgment may issue without further notice.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /

PART II GENERAL LEGISLATION / Chapter 158, ZONING VIOLATIONS / § 158-6. Admission of liability.

§ 158-6. Admission of liability.

If the person who is sent notice pursuant to § 158-5 of this chapter wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail to the Zoning Enforcement Officer. All fines shall be made payable to the Treasurer of the Town of Simsbury. 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 10 days of the date of the notice described in § 158-5 of this chapter shall be deemed to have admitted liability, and the Zoning Enforcement Officer shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this chapter and shall follow the procedures set forth in § 158-8 of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 158, ZONING VIOLATIONS / § 158-7. Hearings; determination by Hearing Officer.

§ 158-7. Hearings; determination by Hearing Officer.

A. 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 15 days nor more than 30 days from the date of the mailing of notice, provided that the Hearing Officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. The presence of the Zoning Enforcement Officer or police officer who issued the citation shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf. The Zoning Enforcement Officer or police officer may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the Zoning Regulations. The Hearing Officer shall conduct the hearing in the order and from 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.

B. The Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing

Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 158, ZONING VIOLATIONS / § 158-8. Failure to pay assessment.

§ 158-8. Failure to pay assessment.

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 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for G.A. 13, together with an entry fee of $8. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 / PART II GENERAL LEGISLATION / Chapter 158, ZONING VIOLATIONS / § 158-9. Appointment of Hearing Officers.

§ 158-9. Appointment of Hearing Officers.

The Board of Selectmen shall appoint one or more citation Hearing Officers to conduct the hearings provided by this chapter. The Zoning Enforcement Officer, Building Inspector, members of the Simsbury Zoning Commission, Zoning Board of Appeals, and employees of the Simsbury Police Department shall not be appointed as a Hearing Officer pursuant to this chapter.

Endnotes

1 (Popup - Popup)

Editor's Note: This ordinance took effect 6-28-1990.

2 (Popup - Popup)

Editor's Note: This ordinance also provided that it shall become effective 2-18-1993.

3 (Popup - Popup)

Editor's Note: The Guidelines for Gifts and Favors is included at the end of this chapter.

4 (Popup - Popup)

Editor's Note: The Acknowledgement Form is included at the end of this chapter.

5 (Popup - Popup)

Editor's Note: For purposes of § 15-4A, "seasonal basis" means housing accommodations rented for a period or periods aggregating not more than 120 days in any one calendar year.

6 (Popup - Popup)

Editor's Note: See Section 25-84 et seq. of the General Statutes of Connecticut.

7 (Popup - Popup)

Editor's Note: The remainder of this resolution, which established the original Flood and Erosion Control Board, has been deleted. For current composition of the Board, see Section 403 of the Charter.

8 (Popup - Popup)

Editor's Note: This ordinance also provided that it shall become effective 2-18-1993.

9 (Popup - Popup)

Editor's Note: Schedule A and the map are on file in the office of the Town Clerk.

10 (Popup - Popup)

Editor's Note: The ordinance appearing in this Article took effect December 16, 1987.

11 (Popup - Popup)

Editor's Note: This ordinance also provided for the repeal of former Ch. 30, Justices of the

Peace, adopted 7-14-1976.

12 (Popup - Popup)

Editor's Note: This ordinance, which took effect October 30, 1989, also provided as follows: PENSION PLAN ORDINANCE "It is the intent of this ordinance that the Town of Simsbury General Government Employees' Retirement Income Plan be separated solely for the purpose to identify plan changes that exclude the Town of Simsbury civilian dispatchers. The separate plan adopted July 1, 1972, for the Town of Simsbury police officers, to be called the 'Town of Simsbury Police Retirement Income Plan,' and the Town of Simsbury Board of Education Retirement Income Plan, adopted July 1, 1982, will continue on the same basis for such contractual changes as may be made from time to time. "Retired employees prior to July 1, 1982, will continue to receive their present level of retirement income on the same basis as in the past, and the rights or benefits granted to them under any prior Town pension plan shall not be diminished or eliminated."

13 (Popup - Popup)

Editor's Note: The Charter is included at the beginning of this volume.

14 (Popup - Popup)

Editor's Note: The Personnel Plan is included in the Code Appendix. See Ch. A160.

15 (Popup - Popup)

Editor's Note: This ordinance also repealed former Ch. 61, Alarm Systems, adopted 9-24-1990.

16 (Popup - Popup)

Editor's Note: The ordinance appearing in this chapter took effect February 1, 1990.

17 (Popup - Popup)

Editor's Note: See Ch. 25, Historic Commission.

18 (Popup - Popup)

Editor's Note: See Ch. 70, Building Construction, Art. I.

19 (Popup - Popup)

Editor's Note: The maps and study are on file in the office of the Town Clerk.

20 (Popup - Popup)

Editor's Note: See Ch. 13, Ethics, Code of.

21 (Popup - Popup)

Editor's Note: See Ch. 13, Ethics, Code of.

22 (Popup - Popup)

Editor's Note: This ordinance supersedes former Art. I, Parks, Playgrounds and Other Town Property, adopted 3-26-1975 and amended 1-8-1990.

23 (Popup - Popup)

Editor's Note: This ordinance provided an effective date of 5-2-1996.

24 (Popup - Popup)

Editor's Note: This ordinance also repealed former Ch. 120, Peddling and Soliciting, adopted by the Town Meeting 10-5-1959.

25 (Popup - Popup)

Editor's Note: This ordinance also repealed former Art. I, Sidewalk Maintenance, adopted 5-2-1960, as amended.

26 (Popup - Popup)

Editor's Note: This ordinance also provided that it become effective 2-28-1991.

27 (Popup - Popup)

Editor's Note: This ordinance also repealed former Ch. 139, Tanks, Underground, adopted 2-11-1991.

28 (Popup - Popup)

Editor's Note: The Zoning Regulations are on file in the town offices.

29 (Popup - Popup)

Editor's Note: These maps appear at the end of this chapter.

30 (Popup - Popup)

Editor's Note: Schedule I appears at the end of this chapter.

31 (Popup - Popup)

Editor's Note: Schedule II appears at the end of this chapter.

32 (Popup - Popup)

Editor's Note: The map appears at the end of this chapter.

33 (Popup - Popup)

Editor's Note: The map appears at the end of this chapter.

34 (Popup - Popup)

Editor's Note: The Zoning Regulations are on file in the town offices.

35 (Popup - Popup)

Editor's Note: Schedule I is included at the end of this chapter.

36 (Popup - Popup)

Editor's Note: This ordinance superseded former Art. I, Water Mains, adopted 5-29-1991.