

The Charter

Chapter C

CHARTER

CHAPTER I
INCORPORATION AND GENERAL POWERS

SEC. 101. INCORPORATION.

All the inhabitants dwelling within the territorial limits of the Town of Wolcott, as it exists, shall continue to be a municipality under the name of "The Town of Wolcott", hereinafter called "The Town", and as such shall have perpetual succession and may hold and exercise all powers and privileges exercised by said Town and not inconsistent with the provisions of this Charter, the additional powers herein conferred and all powers and privileges conferred upon the Town under the general laws of the State.

SEC. 102. RIGHTS AND OBLIGATIONS.

All property, both real and personal, all rights of action and rights of every description, and all securities and liens vested or in process in said Town as of the effective date of the Charter, are continued in said Town, and said Town shall continue to be liable for all debts and obligations of every kind for which said Town shall be construed to affect the right of said Town to collect any assessment, charge debt or lien. If any contract has been entered into by said Town prior to the effective date of this Charter or any bond undertaking has been given by or in favor of said town which contains provisions that the same may be enforced by any commission, board, department or officer herein named, which is abolished by the provisions of this Charter, such contracts, bonds or undertakings shall be in no manner impaired, but shall continue in full force and effect, and the powers conferred and the duties imposed with reference to the same upon any such commission, board, department or officer shall, except as otherwise provided in the Charter, thereafter be exercised and discharged by the Mayor of said Town.

SEC. 103. GENERAL GRANT OF POWERS.

The Town shall have, in addition to the powers specifically granted by the Charter, all powers fairly implied in or incident to the powers expressly granted herein and all affairs of the Town, including the power to enter into contracts with political subdivisions thereof for services and the use of facilities, the exercise of which is not expressly forbidden by the Constitution and General Statutes of the State of Connecticut. The enumeration of particular powers in this and any other Chapter of this Charter shall not be construed as limiting this general grant of power, but shall be considered as an addition thereto.

SEC. 104. EXISTING LAWS AND ORDINANCES.

All general laws in their application to the Town and all ordinances, rules, and regulations of the Town shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter. All

special acts or parts of special acts relating to the Town of Wolcott, inconsistent with the provisions of this Charter, are repealed.

SEC. 105. ROBERTS RULES OF ORDER NEWLY REVISED.

All Boards, Commissions, Agencies, Committees, and all other public meetings shall conduct their meetings under Roberts Rules of Order Newly Revised unless or until such time that said body determines its own rules and procedures except as herein provided.

CHAPTER II
OFFICERS AND ELECTIONS

SEC. 201. MUNICIPAL ELECTIONS.

A meeting of the electors of the Town of Wolcott for the election of municipal officers shall be held on the first Tuesday after the first Monday in November of the first odd numbered year following the adoption hereof and biennially thereafter. Meetings of the electors to vote in special elections or referenda shall be called by the Council unless otherwise provided by General Statutes.

SEC. 202. ELECTIVE OFFICERS.

- (a) At each municipal election there shall be elected nine (9) members of the Town Council hereinafter referred to as the Council. There shall be three (3) members of the Council elected from each of the three (3) voting districts. Each political party shall nominate two (2) candidates from each of the three (3) districts. This shall not preclude an individual from running in his district as provided in General Statutes. The three (3) candidates having the largest number of votes from each of the three districts will serve on the Council. All electors in the Town will be eligible to vote for two (2) candidates in each district. The maximum number of members, as defined by Section 402 of this Charter, of the same political party shall serve on any elected Board, Commission, or the Council and no more than 2 members of the same political party shall serve on the Council from any single district. For the purposes of this section, political party is defined as the party of endorsement.
- (b) In addition to the Council, there shall be elected: a Mayor; a Treasurer; a three (3) member Board of Assessment Appeals, a five (5) member Zoning Board of Appeals, not more than three (3) of whom shall be members of the same party; a nine (9) member Board of Education, not more than six (6) of whom shall be members of the same party; six (6) constables with a maximum of three (3) from any party. The duties of the constable shall be limited to civil actions. The terms of these offices shall be for two years.
- (c) There shall be a Tax Collector, a Town Clerk and Registrars of Voters, all to be elected for a term of four (4) years. The Registrars will be elected in accordance with Section 9-190 of the Connecticut General Statutes.
- (d) Justices of the Peace shall be chosen in the manner provided in Section 9-184 of the Connecticut General Statutes for a term of four (4) years.
- (e) All elective officers shall hold office until their successors have been chosen and qualified. All elective offices, with the exception of the Council, Town Clerk, Board of Education, and Registrars of Voters, shall take office on the first Monday following election. The Town Council shall take office as herein provided. The Town Clerk and Registrars of

Voters shall take office in accordance with General Statutes. The Board of Education shall take office within seven (7) days following election.

- (f) Except as otherwise provided by this Charter, all elective town officers, boards and commissions shall have those powers and duties prescribed by law.

SEC. 203. CONDUCT OF ELECTIONS.

All caucuses and meetings of electors for the nomination and election of officers or in special elections shall be called, held and conducted as provided, by the officials designated in the General Statutes.

SEC. 204. BREAKING A TIE.

- (a) When as a result of any municipal or special election held under the provisions of this Charter for the offices of Mayor, Treasurer, Town Clerk, and Tax Collector, or in the case of a question, it is necessary to break a tie, a special election confined to the tied candidates or questions shall be called by the Council to be held on the twenty-first day after said election to determine who shall be elected, or in the case of a question raised by a referendum or a Charter amendment petition, whether it shall be decided in the affirmative or negative. All voting machines concerning the returns from which there is no disagreement may be unlocked and paper ballots may be used in such election if voting machines are not available in sufficient numbers.
- (b) If a tie occurs in any other elective office, the choice shall be determined between the tied candidates by lot under the supervision of the Head Moderator of the election in which the tie occurred.

SEC. 205. ELIGIBILITY.

No person shall be eligible for elective Town Office who is not at the time of his or her election a resident elector of said Town, and any person ceasing to be a resident elector of said Town shall thereupon cease to hold elective office in the Town upon certification by the Registrars that such person has ceased to be a resident elector. No person shall be eligible for election to any Town office who is not at the time of nomination and election a resident of the Town and qualified to vote for that office. Any person ceasing to be a resident elector of the Town, or in the case of district Council members, a resident elector of the district, shall thereupon cease to hold elective office in the town or district. No Council members shall have their office vacated by reason of a district boundary change until completion of their term of office.

SEC. 206. VACANCIES.

- (a) A vacancy in any elective Town Office, excepting the office of Mayor, from whatever cause arising, shall be filled by appointment by the Council within forty-five (45) days of such vacancy, for the unexpired

portion of the term of such office or until the next biennial election, whichever shall be sooner.

- (b) If there is a biennial election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term.
- (c) If the person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by appointment from the ranks of the political party. The Town Committee of the political party will designate a candidate, whose appointment by the Council shall be mandatory. Said political party will have thirty (30) days in which to present a name to fill such vacancy from the day that it is formally notified that such vacancy exists and failure to act within aforesaid thirty days will result in allowing the appointing authority to fill the vacancy from the ranks of the same political party in which the vacancy occurred. If the person vacating the office shall have been elected from a district, such vacancy shall be filled by appointment of a person from that same district, as well as the same political party
- (d) If the person vacating the office is not a member of a political party or was not an endorsed candidate of a political party, such vacancy shall be filled by the next highest vote getter for that office that is available from the prior election. In the case of the Town Council, such vacancy shall be filled by the next highest vote getter for the council in that District that is available from the prior election.

CHAPTER III
THE TOWN COUNCIL

SEC. 301. THE COUNCIL.

There shall be a Town Council consisting of nine (9) members, hereinafter referred to as the Council. No member of the Council shall hold any other office, or position, on any board or commission including but not limited to any Charter Revision Commission under the government of the Town of Wolcott, except as hereinafter provided.

SEC. 302. CHAIRMAN.

- (a) The Council shall meet at 8:00 P.M. on the second Wednesday following its election to organize and to elect a Chairman and a Vice-Chairman. This will be the first order of business. The Mayor will preside, without vote, over the Council until this order of business is completed. The Chairman of the Council shall have a regular vote only. The Chairman shall preside over all meetings of the Council and perform such other duties consistent with his or her office as may be imposed by the Council. Unless otherwise specified herein, during his or her absence or disability, his or her duties shall be performed by the member of the Council chosen by the Council as Vice-Chairman. The Chairman of the Council is an ex-officio member, without vote, of all Legislative Committees. The Town Council shall make no contracts, verbal or written, from the date of the election, until the successor council has been sworn in.
- (b) The Town Committee of each political party shall have submitted in writing, within thirty (30) days after the first meeting of the new Council, its designees for majority leader and minority leader respectively. The Council shall then accept and certify said designees.

SEC. 303. CLERK.

The Council shall appoint a clerk, who shall keep a record of all proceedings of the Council in accordance with Connecticut General Statutes.

SEC. 304. MEETINGS.

The Council shall, at its first meeting or as soon thereafter as possible, establish by resolution a place and time for holding its regular meetings, and shall meet at least once a month. Said Council shall provide a method for the calling of special meetings and no matter shall be considered at such special meetings which was not included in the call.

SEC. 305. PROCEDURE.

The Council shall operate under Roberts Rules of Order Newly Revised unless or until such time that said Council determines its own rules and procedures except as herein provided. A bare majority shall constitute a

quorum provided no ordinance, resolution or vote, except a vote to accept minutes of the previous meetings, to adjourn, or to fix the time and place of the next meeting, shall be adopted by less than five (5) affirmative votes. All ordinances or resolutions shall be confined to one subject which shall be clearly stated in the title.

The Council shall keep for public inspection, minutes in accordance with Connecticut General Statutes, which shall be the official record of its proceedings. The record, so kept, shall be authenticated for each meeting by the signature of the presiding officer upon its acceptance by the Council.

SEC. 306. GENERAL POWERS AND DUTIES OF THE COUNCIL.

- (a) The Council shall have the powers and duties which, prior to the effective date of this Charter, were conferred by law upon existing Boards, Officers and Commissions of said Town except as otherwise specifically provided in the Charter, the Connecticut General Statutes or in The Constitution of the State.
- (b) The legislative power of the Town shall be vested exclusively in the Council except as otherwise specifically provided in this Charter.
- (c) The Council shall have the power to make, alter or repeal ordinances, not inconsistent with this Charter or the General Statutes of the State, creating or abolishing Boards, Commissions, Departments and Offices and for the preservation of the good order, peace, health and safety of the Town and its inhabitants provided no such ordinance shall be enacted without a public hearing held thereon except as hereinafter provided.
- (d) The Council may contract for services and the use of facilities of the State or any political subdivision thereof. It may, by agreement, join with any such political subdivision to provide services and facilities.
- (e) The Council is authorized in adopting ordinances to incorporate any recognized code, rules or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the State, by reference thereto in such ordinance. Upon the adoption of any ordinance wherein any such code, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of the same, in the Office of the Town Clerk, for examination by the public.
- (f) Said Council shall determine the compensation of the Mayor, the Registrars of Voters, Town Clerk, Tax Collector, Treasurer, Board of Assessment Appeals, succeeding Council and the officers and employees appointed by the Council. Once the Council has established the compensation of an elected official serving a two (2) year term, said compensation shall neither be increased nor decreased until after the expiration of that term. Increment pay increases shall be instituted as follows: Increment #1 shall begin with the first pay period after

the November election; increment #2 shall begin with the first pay period in November of the following year. The Council may adjust the compensation of any official serving a four (4) year term every two (2) years under the same restrictions as herein provided. Town Clerk and the Registrars of Voters incremental pay shall begin with the first pay period of their term and continue under the same restrictions as herein provided. Council shall determine the charges, if any to be made for services by the Town or for the execution of powers vested in the Town as provided in Chapter I of this Charter, for the government of the Town and its business.

- (g) The Council shall be the budget making authority of the Town and shall have control of the finances of the Town and may, at its discretion, appoint a Finance Committee of which at least one member shall be a member of the Council. The duties of this Committee shall be as directed by the Council.
- (h) The Council shall authorize the Mayor to execute for and in behalf of the Town, bonds, notes and other evidences of indebtedness and also, to sign contracts and agreements other than purchase and employment contracts under the jurisdiction of the Mayor or the Board of Education. Any purchase contract or order involving an expenditure which exceeds \$150,000.00 within the then current fiscal year for any item or service or multiple items or services of like kind, or which requires expenditures under the jurisdiction of the Mayor to be made in subsequent fiscal years, shall require Town Council approval. Collective Bargaining Agreements between the Town and duly recognized and constituted unions, other than those agreements under the jurisdiction of the Board of Education, shall require Council approval. On recommendation of the Mayor, the Council shall have authority to approve purchase of real property or the sale of Town owned real property, up to \$100,000.00. Any amount in excess of \$100,001.00 to \$150,000.00 must be brought to a Town Meeting. Any amount in excess of this must be brought to a Town Referendum. However, it shall not be permissible under this provision for the Council to approve the purchase or sale of any contiguous pieces of real property within a two (2) year period, unless the purchase or sale of all real properties involved occurs simultaneously, in which case, the aggregate amount of all real properties involved shall be subject to the aforementioned dollar limitations.
- (i) The Council shall have the power to remove for cause, after a hearing, any appointee made by the Council to any Board, Commission or Agency authorized under this Charter.
- (j) INVESTIGATION. The Council shall have the power of fiscal investigation in any and all departments, offices and agencies of the Town and for such purposes may in addition to the powers granted in Section 306(j) of this Charter, order special audits, refer matters to the Ethics Commission, or request assistance from local, state, and federal law enforcement agencies, the State's Attorney's Office, or any

other agency having jurisdiction over the matter or matters under investigation.

- (k) **RELATIONS TO ADMINISTRATIVE SERVICE.** Neither the Council nor any of its members shall direct or request the appointment to or removal of any person from any office or employment which the Mayor or any of his appointees are empowered to fill. The Mayor may seek advice from the Council regarding appointments. The Council may prefer charges in writing against any officer or employee appointed by the Mayor. The Council and its members shall deal with administrative service solely through the Mayor. Neither the Council nor any member thereof shall give any order to any of the subordinates of the Mayor either publicly or privately. A properly constituted meeting of the Council, which the Mayor has been invited to attend, may call before it any employee or officer for the purpose of investigation.
- (l) **FISCAL YEAR.** The Council shall have power to adjust the fiscal year of the Town to coincide with the tax year or to adjust either or both to the end that they may coincide.
- (m) The Council shall conduct a review of the Charter every five years from its effective date to determine whether the appointment of a Charter Revision Commission would be beneficial. This provision shall not prevent the Council from reviewing the Charter for such purpose at any other time if the Council so elects. Notwithstanding the foregoing, no appointment of a Charter Revision Commission, or amendment of the Charter shall be made except in accordance with Section 906 of this Charter.
- (n) The Council shall nominate one or more of its members to represent the Town on the board of any organization or corporation, to which the Town has contributed more than five hundred dollars (\$500.00). Such liaison(s) so appointed shall serve only as a channel or channels of communication back to the Council and shall have no voting power on said boards.
- (o) The Council shall annually prepare and have published a Town report in accordance with Section 7-406 of the Connecticut General Statutes as the same may be amended from time to time.

SEC. 307. ORDINANCES.

- (a) At least one public hearing, notice of which shall be given at least five days in advance by publication in a newspaper having a circulation in said Town and by posting a notice in a public place, shall be held by the Council before any ordinance, including ordinances originating under Section 308 of this Charter shall be passed except an ordinance relating to the appointment or designation of officers, or to the Council or its procedure.

- (b) Every proposed ordinance except those relating to the election, appointment or designation of officers of the Council, as may be provided herein, or an ordinance relating to the Council or its procedures, shall, before it becomes effective, be certified by the Mayor except as otherwise provided in sub-part (c) of this section.
- (c) All such ordinances, except as otherwise provided, prior to certification must pass by an affirmative vote of a majority of the entire Council. The Mayor shall within ten (10) days after adoption by the Council, sign the proposed ordinance if he or she approves it, whereupon it shall be effective, unless a later date is provided in such ordinance, on the twenty-first (21st) day following its publication. If the Mayor disapproves a proposed ordinance, he or she shall within ten (10) days return it to the Chairman of the Council with a statement of the reason for his or her disapproval, which statement shall be transmitted to the Council at its next meeting. If the Council shall pass the proposed ordinance by an affirmative vote of at least two-thirds (2/3) of the entire Council at such next meeting, but not later than twenty-one (21) days after such ordinance has been returned with the Mayor's disapproval, it shall become effective twenty-one days after publication unless a later date is provided in said ordinance. Immediately following such meeting, the Council will give the Mayor written notification of its overriding action. If the Mayor does not approve or disapprove the proposed ordinance within the time required, it shall become effective without his or her approval twenty-one (21) days after publication unless a later date is provided in said ordinance.
- (d) Every ordinance, after passage, shall be given a serial number and be recorded by the Town Clerk in a book to be kept for that purpose which shall be properly indexed. The Council shall also submit a copy of each ordinance after passage to the Town Clerk and the various Boards and Departments involved. Within ten days after final passage, all ordinances shall be given one full publication in a newspaper having circulation within the Town. Every ordinance, unless it shall specify a later date, shall become effective on the twenty-first day after such publication following its final passage, provided an ordinance stated to be a public emergency measure and stating the facts constituting such public emergency shall become effective immediately after such publication and no public hearing or notice of public hearing shall be required for any public emergency measure.

SEC. 308. POWER OF INITIATIVE.

The electors shall have the power to propose to the Council any ordinance or resolution appointing or removing officials, appropriating money, authorizing the levy of taxes or fixing the tax rate. Such a proposal shall be made by filing with the Town Clerk a petition making such proposal signed in ink or indelible pencil by not less than fifty qualified electors of the Town on the last completed voting list. The Town Clerk shall notify the Chairman of the Council within 7 days upon receipt of the petition. If the Council

shall fail or refuse to adopt the proposed ordinance within 32 days after the Council meeting following the filing of the petition with the Town Clerk, a second petition may be filed with the town Clerk for a referendum on such proposed ordinance or other measure. Such second petition shall be signed in ink or indelible pencil by not less than 5% of the qualified electors of the Town on the last completed voting list and shall be filed within 52 days after the filing of the original petition. Such proposed ordinance or other measure shall be submitted to a referendum not less than 10 nor more than 20 days after the filing of such second petition, and if it shall receive a majority vote at such referendum, it shall be enacted, provided not less than 25% of the qualified electors of the Town on the last completed voting list shall have voted at such referendum. Any referendum held under this section shall be conducted in the manner provided in the General Statutes and the Town Clerk shall proceed in the manner set forth therein. No ordinance or other measure which shall have been adopted in accordance with the provisions of the section shall be repealed or amended by the Council except by petition and vote of the electors as provided herein.

SEC. 309. POWER OF REFERENDUM.

- (a) The electors shall have the power to approve or reject at a referendum any ordinance or other measure passed by the Council, except an ordinance or resolution appointing or removing officials, authorizing the levy of taxes or fixing the tax rate. The electors shall have the power to approve or reject at a referendum the town budget as presented by the Town Council. Ordinances or other measures submitted to the Council as provided in Section 308 and passed by the Council without change shall be subject to a referendum in the same manner as other ordinances or measures. Within twenty (20) days after the publication of an ordinance or other measure which is subject to referendum, a petition may be submitted to the Town Clerk. Such petition shall be addressed to the Council and shall be signed in ink or indelible pencil by qualified electors of the Town equal in number to at least 10% of the electors on the voting list. The Town Clerk shall proceed as prescribed by General Statutes as to referenda. If the number of qualified signatures, as certified by the Town Clerk, equals or exceeds 10% of the electors on the voting list and the Council fails or refuses to repeal such ordinance or other measure at its meeting next following the delivery of the petition to the Chairman of the Council, the question of repeal shall be submitted to a vote of the electors at a referendum which must be called by the Council to be held not less than twenty (20) days nor more than thirty (30) days after said meeting of the Council. Upon submission of the petition to the Town Clerk as above provided, the ordinance or other measure shall remain without effect until either:
- (1) The first meeting of the Council following delivery of the petition by the Town Clerk to the Chairman of the Council with a certification showing that the number of signatures is insufficient which fact shall be recorded upon the minutes of the Council.

- (2) The question of repeal has been decided in the negative by a vote of the electors at the referendum at which not less than 25% of the electors on the voting list shall have voted.
- (3) Less than 25% of the electors on the voting list shall have voted.
- (b) The Power of Referendum may also be exercised by the affirmative vote of at least eight members of the Council present and voting.

SEC. 310. FORM OF PETITION FOR INITIATIVE OR REFERENDUM.

The form of petition for initiative or referendum shall be as follows:

WARNING: ALL SIGNATURES SHALL BE IN INK OR INDELIBLE PENCIL.

We, the undersigned electors of the Town of Wolcott, hereby present this petition under the provisions of Sections 308 or 309 of the Town Charter, (here insert the word "initiating" or the words "requesting the repeal of") the following ordinance or other measure (here insert the text of the ordinance or other measure) and we certify that we are electors of the Town of Wolcott residing at the addresses set opposite our names, and that we have signed this petition on the dates opposite our names and not more than once. (Here follow the signatures, dates and addresses.)

~~Signature~~

Number Street

Each page of such petition shall contain a statement, signed under penalties of false statement as defined in Section 53a-157b of the Connecticut General Statutes, by the person who circulates the same, setting forth such circulator's name and address, and shall be in the form as follows: "I certify that I am an elector in the Town of Wolcott and each person whose name appears on this page signed the same in person in my presence and such person is known to me or has satisfactorily identified himself/herself to me." Any page of a petition which does not contain such a statement by the circulator shall be invalid.

CHAPTER IV
BOARDS, COMMISSIONS AND DEPARTMENTS

SEC. 401. TERMS OF OFFICE.

- (a) Except as in ad hoc assignments, and as provided for in Section 407 and Section 410 all members of boards, commissions and committees shall be appointed by the appointing authority for a two-year term. The terms of all such appointees shall terminate on the same date as the term of the appointive authority except such appointees shall continue to serve until their successors are appointed and qualify.
- (b) Boards, commissions and committees charged with ad hoc assignments as opposed to standing committees will serve until the assignment has been completed or eliminated.
- (c) All members of all boards, committees, commissions and ad hoc committees shall serve without monetary compensation, monetary value or in kind benefit, whatsoever.

SEC. 402. MINORITY REPRESENTATION.

Minority representation on all boards, commissions, committees, departments, or similar bodies, whether elective or appointive shall be in accordance with the following table:

Total Membership	Maximum Number of Members of the Same Political Party
3	2
4	3
5	3
6	4
7	4
8	5
9	6

Those boards, commissions, committees, departments, or similar bodies, whether elective or appointive with more than nine (9) members shall have no more that 2/3 of their members from the same political party.

SEC. 403. MODERATOR.

The Council shall appoint a Moderator and a Deputy Moderator whose duties shall be to conduct such Town Meetings as may occur. The Council shall designate rules of order for the conduct of said meetings at the time the Moderator and Deputy Moderator are appointed.

SEC. 404. LIBRARY BOARD OF DIRECTORS.

The Town Council shall appoint a Library Board of Directors to consist of seven (7) electors of the Town, not more than four (4) of whom shall belong to any one political party. The Library Board of Directors shall appoint the Town Librarian and library employees, and carry out all other duties as prescribed by General Statutes and Town Ordinance. Terms of office shall be consistent with this Charter.

SEC. 405. ZONING BOARD OF APPEALS -ALTERNATES.

The Council shall appoint three (3) alternates to the Zoning Board of Appeals, not more than two of whom shall belong to any one political party, with duties as prescribed by General Statutes. Their terms shall run concurrent with those of the elected members of the Zoning Board of Appeals.

SEC. 406. BUILDING CODE BOARD OF APPEALS.

The Council shall appoint a Building Code Board of Appeals consisting of three (3) electors of the Town, not more than two (2) of whom shall belong to any one political party, with duties as prescribed by State Ordinance, and with terms to be consistent with provisions of this Charter.

SEC. 407. BOARD OF ETHICS.

- (a) A Board of Ethics is hereby created which shall consist of no less than three (3) and no more than five (5) members, the exact number to be provided by ordinance, serving without compensation who shall be appointed by the Council and who shall be resident electors of the Town.
- (b) No member shall be an employee of the Town or hold any appointed or elected office of the Town.
- (c) Notwithstanding any provision of this Charter to the contrary, the initial term of such members shall be staggered as provided by ordinance of one (1), two (2), and three (3) years respectively. Upon the expiration of each of such terms, the vacancies shall be filled by a term of three (3) years.
- (d) The duties and authority of said Board shall be as prescribed by Sections 7-148h and 182a subsections (a) to (e) inclusive of the Connecticut General Statutes and local ordinance.

SEC. 408. CHIEF OF POLICE.

- (a) The Mayor, with the approval of the Council, shall appoint a Chief of Police. The term of employment shall be for a period of no more than three (3) years renewable upon reappointment by the Mayor with the approval of the Town Council. The Chief of Police shall be responsible

to the Mayor and may be removed only for cause, with approval of the Town Council and pursuant to General Statutes.

- (b) The Chief of Police shall assign to, and may remove from, their respective posts, shifts, details and duties, all officers and employees of the department. He or she shall establish written rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof. He or she shall be answerable to the Mayor for the efficiency, discipline and good conduct of the department, and for the care and custody of all property used by the department. Any appointments to the department must be made with the recommendation of the Chief of Police and the approval of the Mayor. Any promotions in the department must be made with the recommendation of the Mayor and Chief of Police and the approval of the Town Council.
- (c) Subject to the approval of the Mayor, the Chief of Police shall appoint, and may remove for cause, a dog warden, whose powers and duties shall be those as defined by General Statutes.
- (d) All officers and other members of the Police Department who have attained tenure under the written rules of the department may be removed only for cause. Disobedience to the lawful orders, rules and regulations of the Chief of Police shall be grounds for appropriate disciplinary action and any disciplinary removal must be by recommendation of the Mayor and Chief of Police with approval of the Town Council.
- (e) The police chief shall submit to the Town Council a promotion policy and organizational chart for approval within three months of ratification of this charter. No promotions may be made without a current Council approved promotion policy and organizational chart in place. Promotions within the Police Department shall be made according to the approved promotion policy and organizational chart. All promotions recommended by the police chief in accordance with the approved promotion policy and organizational chart shall be submitted to the Mayor and the Town Council for final approval. Subsequent revisions to the Police Department promotion policy and organizational chart must be submitted to the Town Council for approval.

SEC. 408.A. CIVILIAN POLICE REVIEW BOARD.

- (a) General: There shall be a Civilian Police Review Board (CPRB), which will receive, investigate and make appropriate recommendations to the Mayor and Chief of Police of the Town of Wolcott regarding complaints of citizens not excluding employees of the Police Department, against members of the Wolcott Police Department and/or civilian employees thereof.
- (b) Powers and Duties of Board: The CPRB shall be notified by the Mayor's Office, the Chief of Police and or any individual member of CPRB of any

and all complaints against members of the Wolcott Police Department and/or civilian employees thereof whether such complaints be written, oral or anonymous.

The CPRB shall be provided with all police documents, reports, electronic transmission, videotape and any other transcriptions related to any civilian complaint. (The Chief of Police may take appropriate actions to maintain the security of police documents, reports, electronic transmissions and videotape reviewed by CPRB) The CPRB may request the Chief of Police conduct appropriate internal affairs investigations of serious complaints against members or civilian employees of the police department. The CPRB shall review the conclusions of any internal affairs investigation of a complaint prior to any disciplinary action being taken and recommend further investigation to the Chief of Police if appropriate. The CPRB may request written statements made under oath through the Chief of Police from any member or civilian employee of the department and of the complainant in order to fully investigate any complaint. The CPRB shall make a written report of their investigation and findings and their recommendation as to discipline to be taken if any regarding all complaints, when appropriate, to the Mayor and Chief of Police, however, the CPRB shall not have authority to impose discipline. The Chief of Police and/or Mayor, where appropriate, shall make the decision regarding discipline. The Chief of Police and/or Mayor shall explain his or her disciplinary action in writing for each complaint if different from the recommendation of the CPRB.

- (c) The Civilian Police Review Board shall consist of five members, no more than three of whom shall be members of the same political party.
 - (i) Town Council Representative: One Town Council member shall serve as a liaison to the CPRB.
 - (ii) Appointments; term of office. No later than January 1, 2011, the Mayor with Town Council approval shall appoint five (5) members for a term of two (2) years and thereafter, in accordance with Section 401.
 - (iii) No Compensation. Members shall serve without compensation.
- (d) Organization of Civilian Police Review Board: During January 2011 and January of each odd numbered year thereafter, the Board shall select from among its members a chair, vice chair and such other officers as it may desire.
 - (i) Secretary and record keeping. The Mayor shall appoint a secretary to the Board which secretary may not be a member of the Board. The Town Clerk shall act as record keeper for the Board.
 - (ii) Meeting Schedule. The Board shall meet no less than two times per year. The organizational meeting shall be no more than 30 days after the appointment process of each term.

- (iii) Authority and actions of members. No member shall have any authority to act on behalf of the Board except pursuant to an order regularly made at a meeting of the Board.
- (iv) Quorum and voting requirements. Three members shall constitute a quorum and a concurrent vote of no fewer than three members shall be necessary for the transaction of business.
- (v) Public meetings and public participation. All meetings, except executive sessions, as defined in the State Freedom of Information Act or any successor thereto, shall be public. At the start of each regularly scheduled public meeting the Board shall allot a minimum of 15 minutes for public speaking, with a minimum of three minutes per speaker.
- (vi) Bylaws. The Board shall have the power to adopt its own bylaws for the conduct of its business accordance with the provisions of this code.

SEC. 409. ASSESSOR.

- (a) There shall be an Assessor who shall be hired by the Town Council and shall be responsible to the Mayor. Said Assessor shall be certified or seeking certification by the State of Connecticut and appointed on the basis of his or her executive and administrative qualifications.
- (b) The position of the Assessor shall hold no other elected or appointed position within the government of the Town of Wolcott or the State of Connecticut.
- (c) The Assessor shall have all the powers and duties conferred on Assessors by the General Statutes and such other duties as may be assigned to him or her by ordinance or the direction of the Mayor.
- (d) The Town Council shall appoint an interview committee made up of: Two minority members, two majority members, the Mayor and two additional members with municipal financial experience or property assessment experience. The interview committee shall submit to the full Council a finalist.
- (e) The appointment or reappointment of an Assessor shall occur with approval of the Town Council. The term of employment shall be for a two year contracted period approved by the Council that shall begin July 1, 2005. Sixty days prior to the expiration of the contract, the Town Council must vote to renew or non-renew that contract. In the case of non-renewal of the existing contract, the interview committee shall convene and proceed in accordance with this Charter.

SEC. 410. PLANNING AND ZONING COMMISSION.

The Mayor shall appoint a Planning and Zoning Commission subject to the approval of the Council which shall consist of five (5) electors of the Town,

not more than three (3) of whom shall belong to any one political party, with duties as prescribed by the General Statutes.

- (a) Terms of Office shall be as follows: Pursuant to General Statutes, no more than three commissioners may be replaced at any one time. Terms and appointments shall be as follows: Beginning January 1, 2006, the appointing authority shall appoint three (3) members to a one year term and two (2) members to a two year term. Beginning January 1, 2007, those positions whose one year term has expired will then be appointed to a two year term. From that point forward, all positions shall be appointed to a two year term. Such appointees shall continue to serve until their successors are appointed and qualify. At the conclusion of municipal elections and appointments to the Commission, an organizational meeting shall be held at their next scheduled meeting. Pursuant to Section 8-19 of General Statutes, if a vacancy arises prior to the completion of a term, such vacancy shall be filled by the Commission for the unexpired portion of the term.

SEC. 411. MUNICIPAL COUNTRY CLUB COMMISSION a.k.a FARMINGBURY HILLS COMMISSION.

There shall be a Municipal Country Club Commission a.k.a. Farmingbury Hills Commission whose purpose shall be defined in the General Statutes and Town Ordinances.

- (a) Membership and Terms of Office: The Board shall be composed of five (5) members not more than three (3) of whom shall be of any one party who are electors of the Town of Wolcott, appointed by the Mayor with the approval of the Town Council. Terms of office shall be consistent with this Charter.

SEC. 412. BUILDING INSPECTOR.

- (a) The Mayor shall appoint a Building Inspector who shall be certified by the State of Connecticut. The Building Inspector may appoint, with the approval of the Mayor, an Electrical Inspector and a Plumbing Inspector, each of whom shall be certified by the State of Connecticut.
- (b) All shall perform duties as prescribed by Local Ordinance and General Statutes. Section 412(a) Building Inspector to read:

SEC. 413. DIRECTOR OF CIVIL PREPAREDNESS.

The Mayor shall appoint a Director of Civil Preparedness and Advisory Council which shall be composed as provided in General Statutes. The Civil Preparedness organization shall have all the powers and duties inferred or imposed on Civil Preparedness organizations by General Statutes.

SEC. 414. FIRE MARSHAL.

The Mayor shall appoint a Fire Marshal with Town Council approval who shall be qualified and shall perform the duties and serve as prescribed by General Statutes.

SEC. 415. MUNICIPAL FINANCE OFFICER.

- (a) There shall be a Municipal Finance Officer who shall be hired by the Town Council and shall be responsible to the Mayor.

The current town council appointed auditing firm shall submit to the Town Council for its approval qualification criteria to be followed by an interview committee. This qualification criteria must be adopted by the Town Council within 30 days of ratification of this charter. No appointment or reappointment may be made without a current council approved qualification criteria policy in place.

The Town Council shall appoint an interview committee made up of: The Mayor, Two Minority Council Members, Two Majority Council Members and One Member of the Town Appointed Auditing Firm. The interview committee shall submit to the full Council a finalist.

The appointment or reappointment of a Municipal Finance Officer shall occur only with a minimum of seven (7) affirmative votes of the Council. The term of employment shall be for a two year contracted period approved by the Council that shall begin July 1st on non election years, retroactive to July 1, 2002. Sixty days prior to the expiration of the contract, the Town Council must vote to renew or non-renew that contract. In the case of non-renewal of the existing contract, the interviewing committee shall convene and proceed in accordance with this Charter. Should a vacancy occur in this position prior to the second year contracted date the Chief Accountant shall assume the position of the Municipal Finance Officer on an interim basis.

- (b) The position of the Municipal Finance Officer shall be a full-time, paid position and the Municipal Finance Officer shall hold no other elected or appointed position within the government of the Town of Wolcott or the State of Connecticut.
- (c) The salary for this position shall be established in accordance with the provisions of Section 710 of this Charter.
- (d) The Municipal Finance Officer shall be skilled in fiscal matters by education, training and work experience and shall be responsible for the purchase of supplies and services unless otherwise provided in this Charter, for all Town Boards, Commissions, Departments, Agencies, Authorities, Committees and Offices which presently exist or which may come into existence through Ordinance, for the payment of all accounts payable by the Town, and for the reconciliation of all Town accounts not under the jurisdiction of the Town Treasurer or Tax Collector.

- (e) All procedures used in executing these responsibilities shall be in accordance with generally accepted accounting principles and practices, the General Statutes of the State of Connecticut, where they may apply, the Charter of the Town of Wolcott, where it may apply, and shall also have the prior approval of the Town Council.
- (f) (Reserved)
- (g) The Municipal Finance Officer shall exercise authority over budgeted expenditures and ensure that each Government unit is spending within the limits of its budget. He or she also will ensure that all necessary procedures have been followed to ensure the procurement of quality services and supplies, timely delivered, at the lowest possible price.
- (h) The Municipal Finance Officer shall assist the Mayor in the annual budget preparation process.
- (i) With regard to the continuing reconciliation of the Town accounts during the fiscal year and the preparation of budgets, the Municipal Finance Officer may request, in writing, any information deemed by him or her to be necessary to the successful completion of these tasks from the offices of the Town Clerk, Treasurer, Tax Collector, Assessor, Board of Assessment Appeals, Board of Education, Town Council and all Governmental units heretofore listed.
- (j) Failure to comply with such a request in a timely manner shall be considered malfeasance of office and the elected or appointed official in charge of the non-complying officer or unit shall be subject to such action as may be provided for in the General Statutes of the State of Connecticut relative to malfeasance of office.

SEC. 416. TOWN ATTORNEY.

- (a) The Mayor shall, not later than one (1) month after taking office, appoint a Town Attorney to serve at his pleasure, who shall be an attorney at law admitted to practice law in this State and who need not be a full-time employee of the Town. The Town Attorney or his duly qualified representative shall appear for and protect the rights of the Town in all actions, suits, or proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions. The Town Attorney shall have the power, by and with the consent of the Mayor to retain additional temporary counsel to aid him on behalf of the Town in the conduct of his office, if, in his opinion, the interest of the Town so requires. The Mayor shall be required to inform the Town Council of this action at their next regularly scheduled meeting. The Town Attorney shall be the legal advisor to all town officers, boards, commissions and agencies in all matters affecting the legal rights of the Town and shall upon written request of the Mayor or council furnish them with a written opinion on any question of law involving the respective powers and duties of all Town officers, boards, commissions and agencies.

- (b) The Town Attorney or his duly qualified representative shall be present at all meetings which the Mayor or Council shall require.
- (c) Upon request of the Mayor or Town Council, the Town Attorney shall prepare or approve contracts, agreements, or other documents affecting the legal interests of the town.
- (d) The Town Attorney shall have the power, with the approval of the Town Council, to compromise or settle any claim by or against the Town and to appeal or defend any appeal taken from orders, decisions and judgments affecting the legal rights of the Town.
- (e) Should the occasion arise wherein the Town Attorney concludes that a conflict of interest exists in which there is an inability to ethically represent the interests of the Town, or any office, agency or department thereof, then the Mayor and Town Council shall be so advised of the existence of such conflict. Upon being so advised, the Mayor shall appoint another practicing attorney to represent the legal interests of the Town in that particular matter. The Mayor shall be required to inform the Town Council of this action at their next regularly scheduled meeting. In cases wherein a conflict involves the legal interests of the Mayor as against any other board, commissions, agency officer or the Council, the Town Attorney shall represent the Mayor. That entity with legal interests adverse to the Mayor shall have the authority to hire its own attorney, subject to the approval of the Council.
- (f) In any conflict of interest situation, as determined by the Town Attorney, between or among any other entities of the Town not involving the Mayor, the Town Attorney shall represent that entity designated by the Mayor while the entity with interests adverse to that represented by the Town Attorney shall have the authority, with approval by the Council, to engage the services of a practicing attorney to represent its interests in said matter.

SEC. 417. CONSERVATION, INLAND WETLANDS AND WATER COURSES COMMISSION.

There shall be a Conservation, Inland Wetlands and Water Courses Commission established in accordance with the General Statutes.

The Mayor shall appoint with approval of the Town Council seven (7) electors of the Town of Wolcott, not more than four (4) of whom shall belong to any one political party, with duties as prescribed by General Statutes, and Town Ordinance. The terms of all members will be consistent with the term of the Mayor. The Mayor shall appoint with the approval of the Town Council three (3) alternate members to the Commission not more than two (2) of whom shall belong to any one political party.

SEC. 418. ECONOMIC DEVELOPMENT COMMISSION.

The Mayor shall appoint an Economic Development Commission which shall consist of seven (7) electors of the Town, not more than four of whom shall belong to any one political party, with duties as prescribed by Town Ordinance and with terms to be consistent with provisions of this Charter

SEC. 419. DEPARTMENT OF SOCIAL SERVICES.

The Mayor with the approval of the Town Council may appoint a qualified social worker to meet the social service needs of the town.

SEC. 420. PARKS AND RECREATION AND ACQUIRED FACILITIES COMMISSION.

The Mayor shall appoint a Parks and Recreation and Acquired Facilities Commission which shall consist of seven (7) electors of the Town, not more than four (4) of whom shall belong to any one political party, with the duties as prescribed by Town Ordinance, and with terms to be consistent with the provisions of this Charter.

SEC. 421. SEWER AND WATER COMMISSION.

The Mayor shall appoint a Sewer and Water Commission which shall consist of six (6) electors of the Town, not more than four of whom shall belong to any one political party, with duties as prescribed by Town Ordinance and terms of office consistent with this Charter.

SEC. 422. COMMISSION ON AGING.

- (a) There shall be a Commission on Aging, with duties prescribed by General Statutes and Town Ordinance and terms to be consistent with provisions of this Charter.
- (b) Duties - The Commission shall study all needs and conditions of elderly persons in the Town in relation to housing, economics, employment, health, transportation, recreational needs and other matters. It shall analyze the services to the aged provided by the Town, both public and private agencies and shall make recommendations to the Mayor regarding development of such programs and the integration of the same with the services made available by the State.

SEC. 423. COMMISSION FOR INDIVIDUALS WITH SPECIAL NEEDS.

The Mayor shall appoint a Commission for Individuals with Special Needs, consisting of twelve (12) electors of the Town, no more than eight (8) of whom shall be members of the same political party and at least one of whom shall be a handicapped person. In addition to the twelve appointed members, the Mayor, the Chief of Police and the Director of Health or the Executive Director of the Health District of which the Town of Wolcott is a

member, whichever the case may be, shall serve as ex-officio members with voting powers. The Commission's powers and duties shall be as prescribed by Town Ordinance and the terms of office shall be consistent with this Charter.

SEC. 424. PERMANENT PENSION COMMITTEE.

The Mayor shall appoint a Permanent Pension Committee consisting of 7 electors of the town whose membership and duties shall be prescribed by Town Ordinance and whose terms of office shall be consistent with this Charter.

SEC. 425. HEALTH DISTRICT.

There shall be a Health District as provided by General Statute and Town Ordinance.

SEC. 426. BOARD FOR ADMISSION OF ELECTORS.

There shall be a Board for Admission of Electors, as provided by State Statutes, consisting of the Town Clerk and the Registrars of Voters. The duties of such board shall be as prescribed by State Statutes.

ARTICLE V
MAYOR

SEC. 501. MAYOR.

- (a) The Mayor, who shall be the Chief Executive Officer as well as the Chief Administrative Officer of the Town, shall be directly responsible to the Council for the administration of all departments, agencies and offices in charge of persons or boards appointed by the Mayor, and he or she shall supervise and direct the same except as provided in this Charter. He or she shall see that all laws and ordinances governing the Town are faithfully executed. He or she shall make periodic reports to the Council and attend its meetings with full right of participation in its discussion but without a right to vote.

However, this shall not be construed to preclude an executive session of the Council wherein all are excluded but the Council members and their staff. Executive sessions shall not exclude the Mayor unless he or she is given in writing reasons which are personal to him or her for his or her exclusion.

- (b) He or she shall prepare and cause to be printed an annual fiscal report, including a description of the performances of the Municipal offices, agencies, department, boards, and commissions which shall be submitted within fifty (50) days from the close of the fiscal year to the Town Clerk and the Town Council.
- (c) He or she shall recommend to the Council such measures as he or she may deem necessary or expedient.
- (d) He or she shall keep the Council fully advised as to the financial condition of the Town.
- (e) He or she shall prepare and submit to the Council an Annual Budget.
- (f) He or she shall exercise such other powers and perform such other duties as may be required of him by this Charter.
- (g) The Mayor shall appoint, or remove, all department heads and other officers and employees of the town, except as otherwise specifically provided by this Charter and except employees in the offices of elected officers or boards and officers and boards appointed by the Council. Notwithstanding the foregoing, employment contracts with the Deputy Chief of Police, Superintendent of Public Works, Chief Accountant, and Senior Center Activities Coordinator, shall require Council approval as shall the removal of any such department head from office. In lieu of any appointment by the Mayor of any of his or her appointees to any office under his or her jurisdiction, subject to approval of the Council, the Mayor may perform the duties of such office.
- (h) In the event of the Mayor's absence or disability for a period of three (3) or more days, but less than thirty (30) days, the Chairman of the

Town Council shall be temporary Mayor, notwithstanding section 301 herein, unless the Mayor has designated such a person. If the Mayor designates other than an elected Town official, his or her designee must be approved by the Council. The temporary Mayor shall conduct such business as is necessary to the daily management of Town affairs. After more than thirty (30) consecutive days of his or her disability, the Office of Mayor shall be filled by the Chairman of the Town Council on an interim basis as temporary mayor until such time as an Acting Mayor is appointed. Within an additional thirty (30) consecutive days of his or her disability the Office of Mayor shall be filled by an Acting Mayor appointed by the party from which the Mayor was elected. If the Mayor was elected as an Unaffiliated Candidate, that being a candidate not elected from a "Major Party" or a "Minor Party" or as a candidate not having a "Party Designation Committee," all as defined in Section 9-372 of the Connecticut General Statutes, then a Town Meeting shall be scheduled by the Town Council to be held within thirty (30) days after the next meeting of the Town Council to select an Acting Mayor. Any resident eligible to hold public office may file a verified petition with the Town Clerk signed by at least the equivalent of 1% of the total number of votes cast in the last regular election for the Office of Mayor of the Town of Wolcott, to become a candidate at the Town meeting. The Town Committee of each party may designate a candidate for Acting Mayor at said Town Meeting. The Chairman of the Council, shall serve until the Town Committee or Town meeting certifies the appointment of Acting Mayor, in accordance with this provision. Nothing herein shall be construed to preclude the elected Mayor from resuming his or her office during the term of said office. If the absence of the Mayor is due to disability during his or her term of office, the Council shall make provision to pay him or her his or her full salary for a period of three weeks. Compensation for the Acting Mayor shall be at the same rate as that of the elected Mayor. The Acting Mayor shall have all the powers and duties of the Mayor.

- (i) In the event that the Mayor resigns, dies, or is declared legally incompetent, the vacancy shall be filled by such person designated by the enrolled members of the previous Mayor's political party at a duly noticed caucus to be held within thirty (30) days of said vacancy. If the Mayor was elected as an Unaffiliated Candidate as defined in section (h) hereof, a special Town election may be convened either by the Town Council or upon application of twenty (20) electors of the Town filed with the Town Clerk. Any resident eligible to hold public office may file a verified petition with the Town Clerk signed by at least the equivalent of 1% of the total number of votes cast in the last regular election for the Office of Mayor of the Town of Wolcott, to become a candidate for Mayor at said special election. The Town Committee of each party may designate a candidate for Mayor for said Special Election. The Chairman of the Council, shall serve until the Town Committee certifies the appointment of Mayor or until a Mayor is elected at the Special Election as provided for herein. The date of such election shall be determined by the Town Council and notice of such

date shall be filed with the Town Clerk. In determining the date of such election, the Town Council shall allow the time specified for holding primaries for municipal office in Section 9-423 and the time specified for the selection of party-endorsed candidates for municipal office in Section 9-391. On application of twenty (20) electors of the Town, the date of such election as determined by the Town Council, shall not be later than the one hundred fiftieth (150) day following the filing of such application. Except as otherwise provided by general statute, the provisions of the general statutes pertaining to elections shall apply to the special election. No such election may be held unless the Town Clerk first files notice of the office to be filled at the special election with the town chairman of the town committee of each major and minor party within the Town, with the Secretary of State and posts a notice in a newspaper having a general circulation in the Town at least three weeks in advance of the final time specified for the re-election of party endorsed candidates for municipal office in Section 9-391 of the Connecticut General Statutes. The Town Clerk shall also warn such election in the same manner as the warning of municipal elections pursuant to Section 9-226 of the Connecticut General Statutes.

- (j) In addition to specific powers and duties enumerated in this Charter or by ordinance, the Mayor shall carry out all the powers and duties conferred or which shall be conferred on the office of the Mayor by General Statutes of the State of Connecticut.
- (k) Incumbent Mayor, who has not been re-elected, shall make no contracts, verbal or written, from the date of the election until his successor shall have qualified. If the Mayor shall knowingly incur, make any such contract or shall authorize any such contract, he or she shall be personally liable for the contracted amount.
- (l) The Mayor shall be sworn in on the second Wednesday following the election.

CHAPTER VI
PUBLIC SAFETY

SEC. 601. POLICE DEPARTMENT.

The members of the Police Department shall have all the authority with respect to the service of the criminal process and the enforcement of the criminal laws that is vested by the General Statutes in police officers and constables.

SEC. 602. FIRE DEPARTMENT.

The Volunteer Fire Department shall continue to function with members making their own rules and by-laws, electing their own chief and other officers and members, and otherwise controlling their own affairs. Should it become necessary, a department may be created to succeed the Volunteer Fire Department only by an ordinance adopted by the Council, for which not less than seven (7) members of the Council shall have voted in the affirmative and which has been confirmed by a referendum conducted without the necessity of a petition not less than ten (10) days nor more than fifteen (15) days after the adoption of such ordinance by the Council.

CHAPTER VII
FINANCE AND TAXATION

SEC. 701. DEPARTMENT ESTIMATES.

The Mayor shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the Town, supported wholly or in part from Town Funds or for which a specific Town appropriation is made, including the Chairman of the Board of Education for such Board, shall at least (90) days before the end of the fiscal year, file with the Mayor on forms or computer files provided by him or her a detailed estimate of the expenditures to be made within and the revenue to be collected thereby in the ensuing fiscal year. Minority reports, if any, are to be submitted to the Mayor, which must be passed on to the Council together with the Mayor's recommendations.

SEC. 702. DUTIES OF THE MAYOR ON BUDGET.

The Mayor shall, at least ninety (90) days before the end of the fiscal year, present to the Council an annual budget proposal consisting of:

- (a) A budget message outlining the financial policy of the Town government and describing in connection therewith the important features of the budget plan;
- (b) Estimates of revenue, presenting in parallel columns the itemized receipts collected in the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, the receipts estimated to be collected during the remainder of the current fiscal year, and estimates of the receipts, other than from the property tax, to be collected in the ensuing fiscal year and an estimate of the available cash surplus for the current fiscal year as well as the cumulative surplus on the books at the end of the fiscal year. To the extent that use of a portion of the cumulative surplus is being recommended, the Mayor shall present a reason for such recommendation.
- (c) Itemized estimates of expenditures presenting in parallel columns the actual expenditures for each department, office or agency for the last completed fiscal year and for the current fiscal year to the time of preparing the estimates, the expenditures, as estimated for the remainder of the current fiscal year, the requests of the several departments, offices and agencies for the ensuing fiscal year and the Mayor's recommendations of the amount to be appropriated for the ensuing fiscal year, including the appropriation to the reserve fund for capital and nonrecurring expenditures, if any, for all items except those of the Board of Education which he or she shall transmit to the Council as submitted to him or her by said Board. The Mayor shall present reasons for all his recommendations. The Chairman of the Board of Education shall have the same duties and follow the same form and procedure with respect to the budget of the Board of Education as is

provided herein for departmental estimates. The Council may decrease but not increase the budget items.

- (d) As part of the annual budget or as a separate report attached thereto, the Mayor shall present a program, after consultation with the town Planning and Zoning Commission in accordance with Section 8-24 of the General Statutes concerning municipal improvements of proposed non-recurring capital expenditures for the ensuing fiscal year and for four fiscal years thereafter. Estimates of the cost of such projects shall be submitted by each department, office or agency annually, including the Board of Education, in the same manner as estimates of other budgetary requirements prepared by the Mayor. The Mayor shall recommend to the Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same, except he must send all capital recommendations of the Board of Education to the Council.

SEC. 703. APPROPRIATIONS, LAYING OF TAX.

- (a) Not less than thirty (30) days before the beginning of the fiscal year, the Council shall hold a public hearing, at which budgets for the ensuing fiscal year, as prepared pursuant to the provisions of Section 701 and 702, shall be presented, and at which all persons shall be heard in regard to any appropriation which they are desirous that the Council should recommend or reject. The Council shall, after such public hearing, hold a special meeting at which it shall consider the budgets so presented and any other matters brought to its attention and shall thereupon prepare and cause to appear in a newspaper having a substantial circulation in the Town, a report in a form prescribed by the Commissioner of Revenue Services containing the itemized information prescribed by Section 7-344 of the General Statutes.
- (b) Not less than twenty (20) days before the beginning of the fiscal year, the Council shall adopt an operating budget.
- (c) Said operating budget shall be subject to the power of referendum as provided in Section 309(a) of this Charter.
- (d) Immediately after the Board of Tax Review has finished its duties and the grand list has been completed, the Council shall meet, and with due provision for estimated uncollectible taxes, abatements and corrections, shall lay such tax on such list as shall be sufficient, in addition to the other estimated yearly income of the town and other available funds as may be recommended, not only to pay the expenses and appropriations of the Town for the ensuing fiscal year, but also to absorb any revenue shortfall of the town at the end of the preceding fiscal year if the expenditures for such fiscal year are in excess of the revenues for such fiscal year.

SEC. 704. POWERS OF THE MAYOR AND COUNCIL AS TO EXPENDITURES, INTER AND INTRA DEPARTMENT TRANSFERS, TOWN MEETINGS.

- (a) The estimate of expenditures submitted by the Council may include a recommended appropriation for a contingent fund in an amount not to exceed two (2) percent of the total estimated expenditures for the current fiscal year. No expenditure or transfer shall be made from the contingent fund except by action of the Council.
- (b) No officer of the Town shall expend or enter into any contract by which the Town shall become liable for any sum which, with contract then in force, exceeds the appropriation for the department. Such prohibited conduct shall be deemed unethical.
- (c) All transfers whether interdepartmental or intradepartmental within the approved budget for any fiscal year may be made upon the recommendation of the Mayor with approval by the Council.

Intradepartmental transfers can be done without Council approval for any amount under \$100.00.

- (d) If any occasion arises whereby more money is needed for any budget item of the Town than has been appropriated as provided in this Charter, the Mayor may approve additional expenditures up to five thousand dollars (\$5,000.00), not to exceed the contingent fund, and shall notify the Council of such fact within thirty (30) days and the Council shall make necessary appropriations therefore.
- (e) If any occasion arises whereby an additional appropriation is required in amount exceeding \$5,000.00 but less than \$20,000.00, said appropriation may be made upon recommendation of the Mayor with the approval by the Council up to a maximum additional appropriation of \$50,000.00.
- (f) In the event that an additional appropriation exceeds \$20,000.00, such appropriation shall not be made until the same has been voted by the Town at a meeting called for such purpose, provided that said appropriation has been recommended by the Mayor and approved by the Council.
- (g) At such time as the total of all additional appropriations during any fiscal year exceeds the sum of \$50,000.00, no further appropriation shall be made until the same has been voted by the Town at a meeting called for such purpose, provided that said appropriation has been recommended by the Mayor and approved by the Council.
- (h) Any town meeting required to be held under this section shall be subject to the right of referendum as provided in Section 309(a) of this Charter.

- (i) The amount required for any additional appropriation may be drawn either from any cash surplus available or from any contingent fund established as provided by law. If no such cash surplus exists, and no funds are available in the contingent fund, such appropriation may be financed by borrowing, and the amount of such borrowings shall be included in and made part of the tax laid by the Council under the provisions of Section 703 of this Charter.
- (j) The provisions of this section and of the preceding section shall not be a limitation upon the Town in issuing bonds under the provisions of law or expending the proceeds thereof in accordance with the vote of the Town. The provisions of Sections 7-346 and 7-347 of the General Statutes shall apply to the Town with the Council performing the duties and functions therein fixed for a Board of Finance.
- (k) When the Town is maintaining a reserve fund for capital and nonrecurring expenditures in accordance with Sections 7-359 through 7-369 of the Connecticut General Statutes, appropriations from the reserve fund shall not be made until the same have been voted by the town at a meeting called for such purposes, provided that said appropriations have been recommended by the Mayor and approved by the Council. Payments into said accounts may be made upon recommendation by the Mayor and approval by the Town Council.

A special appropriation or transfer of unexpended balances, and payment into or appropriation from the reserve fund for capital and nonrecurring expenditures, requiring Town Meeting approval in accordance with this Charter, may be decreased by a Town Meeting, but may not be increased. A Town Meeting may make no special appropriation or transfer of funds not recommended by the Mayor and approved the Council.

Any appropriation from the capital and nonrecurring expenditure fund shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned. A project shall be deemed to have been abandoned if three (3) fiscal years shall lapse without any expenditure from or encumbrance of the appropriation.

The Town Meeting shall not act upon any appropriation or expenditure which has not first been recommended by the Mayor and approved by the Council.

SEC. 705. TAX BILLS.

It shall be the duty of the Tax Collector to prepare and mail to each taxpayer, at least seven (7) days before the date when taxes are due and payable, a tax bill, the form of which shall be acceptable to the Commissioner of Revenue Services.

SEC. 706. ASSESSMENT AND COLLECTION OF TAXES.

Except as specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on as provided in the General Statutes or special laws of the State applicable to the Town of Wolcott.

SEC. 707. EXPENDITURES AND ACCOUNTING.

- (a) The several departments, commissions, boards, committees and officers of the Town shall not involve the Town in any obligation to spend money for any purpose in excess of the amount appropriated therefore unless said obligation has been authorized in the manner provided in Section 704 of this Charter. Each order drawn upon the Treasurer shall state the department, commission, board, committee or officer or the appropriation against which it is to be charged. When any department, commission, board, committee or officer shall desire to secure a transfer of funds in its, his or her appropriation from funds set apart for one specific purpose to another, before incurring any expenditure therefore, such department, commissions, board or officer shall make application to the Mayor whose duty it shall be to examine the matter and, upon the Mayor's recommendation such transfer may be made with Council approval.
- (b) Every payment made in violation of the provisions of this Charter shall be deemed illegal and every official authorizing or making such payment or taking part therein shall be jointly and severally liable to the Town for the full amount so paid or received. If any officer or employee of the town shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter, or take part therein, such action may be cause for his removal.
- (c) Public Bidding Procedure. The Council, the Mayor, and all boards, commissions and agencies of the Town of Wolcott shall be required to put out to public sealed bid all expenditures for any one (1) item or service in excess of ten thousand (\$10,000.00) dollars. One item or service is defined as, but is not limited to any single item or service, any single purchase order for multiple items or services of like kind, any contracts for multiple items or services whose sum total exceeds \$10,000.00. All bids shall be published in a newspaper having a local circulation at least one (1) time prior to the date set for opening of bids, the first date of publication to be at least fifteen (15) days prior to date set for opening of bids. The notice of bids shall contain the purpose of the bidding, the specification, a notice of where more particular detail may be obtained and the date and time and place of bid opening. The public shall have the right to attend bid openings at the date, time and place set in the notice. The Town of Wolcott shall reserve the right to reject any or all bids

Notwithstanding the foregoing, the following expenditures shall be exempt from the provisions of the above public bidding procedure with

the approval of the Town Council, or the Board of Education for those expenditures under the jurisdiction of the Board of Education.

- (i) Expenditures for architects, engineers, land surveyors, medical professionals, attorneys, accountants or artists, and such other professional or technical services;
- (ii) Expenditures for contracts that can only be performed or provided by one party in the judgment of the Mayor, the Municipal Finance Officer, or Business Manager of the Board of Education for those expenditures under the Board's jurisdiction.
- (iii) Expenditures for contracts made through cooperative purchasing arrangements with other government or quasi-governmental entities when, in the judgment of the Mayor, the Municipal Finance Officer, or Business Manager of the Board of Education for those expenditures under the Board's jurisdiction, such contracts are in the best interests of the Town;
- (iv) Expenditures for contracts made in accordance with procedures approved by the Town Council, or Board of Education applicable to cases of emergency involving a threat to the public health, safety or welfare. Provided that such expenditures are made in accordance with the procedures adopted by the Town Council or Board of Education, no additional Town Council or Board of Education approval shall be required by this Section. Such emergency expenditures procedures shall be adopted by the Town Council and the Board of Education respectively within sixty (60) days of effective date of this Charter.
- (v) Expenditures for those contracts where, in the opinion of the Mayor, the Municipal Finance Officer, or the Business Manager of the Board of Education for those expenditures under the Board's jurisdiction, it would not be practicable or in the best interest of the Town to proceed in the manner required by the above public bidding procedures and the Town Council or the Board of Education affirmatively determines that adherence to the public bidding procedure would not be practicable or in the best interest of the Town.

SEC. 708. INDEPENDENT AUDIT.

The Council shall, at a duly authorized meeting of its members, designate a certified public accounting firm to audit the books and financial affairs of the Town government for the current fiscal year in accordance with Chapter 111 of the General Statutes. Upon receiving an RFP for public accounting services, that firm may be given a multiple year contract up to three (3) years without further action by the Town Council. No such firm chosen shall serve more than five (5) consecutive years in that capacity. Such five (5) year restriction may be extended for one (1) year by a 2/3 vote of the Council. Such restriction may be extended an additional one (1) year by a

2/3 vote of the Council. Said restriction may only be extended a maximum of two (2) years in a row. No auditing firm shall serve a consecutive period of more than seven (7) years. The Town Council must include as part of the chosen auditing firm's contract, mandatory compliance by the auditing firm with section 415 of this charter.

SEC. 709. OFFICIAL BONDS.

All officers and employees as may be required to do so by the council shall, before entering on their official duties, execute to the Town, in the form prescribed by the Council and approved by the Town Attorney and filed with the Town Clerk, a surety company bond in a penal sum to be fixed by the Council, conditioned upon the faithful performance of such official duties. Nothing herein shall be construed to prevent the Town Council, if it deems it to be in the best interests of the Town, from prescribing which departments, offices, agencies, boards, or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

SEC. 710. COMPENSATION.

Salaries of all the officers and other employees of the town directly or indirectly under the supervision of the Mayor shall be determined by the Town Council upon recommendation of the Mayor except as herein provided.

CHAPTER VIII
RETIREMENT

SEC. 801. RETIREMENT OF MUNICIPAL EMPLOYEES.

- (a) The existing retirement plan shall remain in force. However, the Council may provide by ordinance a system of retirement allowances for the Town's regular full-time paid employees and for contribution by employees and/or the Town to a fund from which such allowance shall be paid. The Town may enter into a contract with any insurance company authorized to do business in this State for the purpose of insuring the whole or any part of its retirement plan or may elect to participate in the Connecticut Municipal Employees' Retirement Fund in the manner provided in Chapter 113 of the General Statutes; this is not to preclude participation in other Pension Funds approved by the Council.
- (b) The Mayor, in conjunction with the Permanent Pension Committee, shall be responsible for the administration of the retirement plan, and shall recommend a contribution level not less than the minimum amount recommended by the actuary to the Council in his annual budget.

CHAPTER IX
TRANSITION AND MISCELLANEOUS PROVISIONS

SEC. 901. TRANSFER OF POWERS.

The powers which are conferred and duties which are imposed upon any commission, board, department or office under the General Statutes or special acts concerning the Town, or any ordinance or regulation in force at the time this Charter shall take effect, if such commission, board, department or office is abolished by the Charter, shall be thereafter exercised and discharged by the commission, board, department, or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All commissions, boards, department or offices abolished by the Charter, whether elective or appointive, shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such commissions, boards, department, or offices and the performance of their duties by other commissions, boards, departments, or offices and the performance of their duties by other commissions, boards, department, or office created under this Charter and until the Town Clerk shall have notified the members of such commission, boards, department, or offices as are abolished by this Charter that their successors have been qualified.

- (a) There shall be a transition period for the office of Mayor. Said transition period will commence on the Monday following the election and extend to the second Friday following the election. The outgoing Mayor shall receive one additional week compensation after the completion of this transition period.

SEC. 902. PRESENT EMPLOYEES TO RETAIN POSITIONS.

All persons holding permanent positions in the service of the Town on the effective date of this Charter shall retain such positions until promoted, transferred, or removed in accordance with the provisions of this Charter. All other employees of the Town on the effective date of this Charter, shall retain such positions pending action by the Council or the appropriate officer charged by the Charter with powers of appointment and removal. Any provision of law in force at the time when this charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to personnel, appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights or any other rights or privileges of employees of the Town or any office, department or Agency thereof, shall continue in effect.

SEC. 903. TRANSFER OF RECORDS AND PROPERTY.

All records, property, and equipment whatsoever of any commission, board, department, or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department, or office by this Charter, shall be transferred and delivered intact to the commission, board,

department, or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, department, or office or part thereof are, by this Charter, assigned to another commission, board, department, or officer, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the commission, board, department, or office to which such powers and duties are assigned.

SEC. 904. LEGAL PROCEEDINGS.

No action or proceeding, civil or criminal, pending on the effective date of this Charter, brought by or against the Town or any commission, board, department, or office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers, and duties of any commission, board, department, or office, party thereto may by or under this Charter be assigned or transferred to another commission, board, department or office but in that event the same may be prosecuted or defended by the head of the commission, board, department, or office to which such functions, powers, and duties have been assigned or transferred by or under this Charter.

SEC. 905. CONSTITUTIONALITY.

In case any portion of this Charter shall at any time be found unconstitutional, such finding shall not affect the remainder thereof, but as to such remainder, this shall remain in full force and effect until amended, repealed or superseded.

SEC. 906. AMENDMENTS.

This Charter may be amended in the manner prescribed in the General Statutes for local actions on Charters and Special Acts as the same may be from time to time amended.

SEC. 907. EFFECTIVE DATE.

This Revised Charter shall take effect on January 1, 2011.

Division 1: Ordinances

Part I: Administrative Legislation

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Adoption of Code

[An ordinance to adopt the Code of the Town of Wolcott is presently before the Town Council. Upon adoption, it will be included as Article I of this chapter.]

Chapter 9**COUNCIL OF GOVERNMENTS****§ 9-1. Creation of Naugatuck Valley Regional Council of Governments.**

The Town of Wolcott hereby joins with such municipalities of the Naugatuck Valley Planning Region, as designated by the Secretary of the Office of Policy and Management of the State of Connecticut, to create a regional council of governments to be known as the "Naugatuck Valley Regional Council of Governments" by adopting the provisions of C.G.S. §§ 4-124i through 4-124p.

§ 9-2. Establishment; transitional period.

- A. Upon certification by the Secretary of said Office of Policy and Management that at least 60% of the municipalities in the planning region have adopted ordinances creating a regional council of government, as required by the Connecticut General Statutes, the Naugatuck Valley Regional Council of Governments shall be established.
- B. Upon such certification, the transitional period shall commence. Said transitional period shall conclude on December 31, 2014, at 11:59:59 p.m. During such period, the Town of Wolcott shall participate on the Transitional Executive Committee for the purposes set forth in the Connecticut General Statutes. The Mayor shall be a member of the Transitional Executive Committee. In the absence of the Mayor, the legislative body of the Town of Wolcott shall appoint an elected official to serve as a member. The Mayor may send a representative in his or her stead; however, such representative shall not be a member of said executive committee.
- C. This section shall expire at the conclusion of the transitional period and thereafter be void and of no force and effect.

§ 9-3. Town membership in Council.

On and after January 1, 2015, the Town of Wolcott shall be a member of the Naugatuck Valley Council of Governments.

§ 9-4. Powers and duties.

The Naugatuck Valley Council of Governments shall have such powers, purposes, rights, duties and responsibilities as shall be set forth in the Connecticut General Statutes.

§ 9-5. Town representative; voting rights.

The Mayor shall be the representative of the Town of Wolcott to the Council of Governments. In the absence of the Mayor, the legislative body of the Town of Wolcott shall appoint an elected official to serve as a member. The Mayor may send an alternate in his or her stead; however, such alternate shall be entitled to such rights as may be established by the Council of Governments. The Town of Wolcott shall be entitled to one vote in the affairs of the Council of Governments.

§ 9-6. Transition from current organization.

The Town of Wolcott shall remain a member of Council of Governments for the Central Naugatuck Valley as it continues to operate and wind down as a council of elected officials until December 31, 2014. The Town of Wolcott shall also participate with the current members of the council of elected officials in an unincorporated association of such municipalities in order to wind down the affairs and assets of the Council of Governments of the Central Naugatuck Valley that are either not assigned to and integrated within the operations of Naugatuck Valley Council of Governments.

§ 9-7. Repeal of prior ordinances.

On or after January 1, 2015, the Town of Wolcott effectively repeals any prior resolutions or ordinances dealing with the Central Naugatuck Valley Planning Region and/or the Council of Governments for the Central Naugatuck Valley ("COGCNV").

Chapter 16**EMERGENCY MANAGEMENT****§ 16-1. Authority in case of emergency.**

In the event of disaster, the Chief Executive Officer of the Town of Wolcott will assume complete command of all local government functions and facilities, including public school facilities and personnel. All available local resources will be brought to bear on the disaster existent in an effort to protect and preserve human life and property of the community, to the greatest extent possible.

§ 16-2. Limitations on Mayoral authority.

The authority of the Chief Executive Officer of the Town of Wolcott shall be limited only by the Governor of the State of Connecticut in state-declared emergencies or the President of the United States of America in a declared national emergency.

Chapter 20

ETHICS

ARTICLE I
Purpose and Intent

§ 20-1. Purpose.

The purpose of this chapter is to guide and educate the public and its public officials and public employees by establishing standards and norms of behavior for all officials in public service. This chapter sets forth guidelines to assist public officials and employees and members of Town agencies in determining when a conflict of interest arises. It defines situations and practices which would constitute the use of public office or employment for personal gain or benefit and provides for disciplinary action against any official or employee who so uses his office or employment.

§ 20-2. Intent.

Since many of the public officials and public employees in local government serve on a part-time basis and may thereby encounter conflicts of interest, it is all the more important, and it is in the best interest of the citizens of the Town of Wolcott, that such guidelines be established. To accomplish these goals and purposes, a Board of Ethics was established in the Town of Wolcott in 1981, which Board has administered the Code of Conduct set forth herein. This chapter redefines and clarifies the powers and duties of the Board of Ethics in light of recent amendments to Chapter 10 and Chapter 98 of the Connecticut General Statutes.

ARTICLE II
Definitions

§ 20-3. Terms defined.

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

BOARD — The municipal ethics commission/municipal ethics board established in Article III.

BUSINESS — Any entity through which business for profit or not for profit is conducted, including, but not limited to, a corporation, partnership, limited partnership, limited-liability partnership, limited-liability company, proprietorship, firm, enterprise, franchise, association, organization, or self-employed individual.

BUSINESS WITH WHICH HE OR SHE IS ASSOCIATED — As that phrase is hereinafter used in § 20-8G, any sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the elected officer, official, or member of his immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock which constitutes 5% or more of the total outstanding stock of any class, provided an elected officer, official, or member of his immediate family shall not be deemed to be associated with a not-for-profit entity solely by virtue of the fact that the elected officer, official or member of his immediate family is an unpaid director or officer of the not-for-profit entity. "Officer" refers only to the president, executive or senior vice president, or treasurer of such business.

CONFIDENTIAL INFORMATION — Information, whether transmitted orally, electronically, or in writing, which is obtained by reason of the public position or office held and is of such nature that it is not, at the time of transmission, a matter of public record or public knowledge.¹

DAYS — Shall be considered business days, unless otherwise specified as calendar days.

FINANCIAL INTEREST — Any interest with a monetary value of \$100 or more or which generates a financial gain or loss of \$100 or more in a calendar year.

GIFT — ²

- A. Anything of value, including entertainment, food, beverage, travel, and lodging given or paid to a public official or public employee to the extent that consideration of equal or greater value is not received. A gift does not include:

1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

- (1) A political contribution otherwise reported as required by law or a donation or payment as described in C.G.S. § 9-601a, Subdivision (b)(9) or (10).
- (2) Services provided by persons volunteering their time, if provided to aid or promote the success or defeat of any political party, any candidate or candidates for political office or the position of convention delegate or Town committee member or any referendum question.
- (3) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business.
- (4) A gift received from:
 - (a) An individual's spouse, fiance or fiancee;
 - (b) The parent, brother or sister of such spouse or such individual;
or
 - (c) The child of such individual or the spouse of such child.
- (5) Goods or services which are provided to the municipality and facilitate governmental action or functions.
- (6) A certificate, plaque or other ceremonial award costing less than \$100.
- (7) A rebate, discount or promotional item available to the general public.
- (8) Printed, electronically provided, or recorded informational material germane to governmental action or functions.
- (9) Items of nominal value, not to exceed \$10, containing or displaying promotional material.
- (10) An honorary degree bestowed upon a public official or public employee by a public or private university or college.
- (11) A meal provided at an event and/or the registration or entrance fee to attend such an event, in which the public employee or public official participates in his official capacity.
- (12) A meal or beverages provided by an individual with a value of less than \$100.
- (13) Gifts in-kind of nominal value not to exceed \$100 in the aggregate tendered on gift-giving occasions generally recognized by the public, including Christmas, Hanukkah, birthdays, the birth or adoption of a child, weddings, confirmations or bar/bat mitzvahs ("celebration of a major life event" in the state's definition), provided any gift provided by an individual who is not a member of the family of the recipient does not exceed \$1,000 in value.

- B. Anything having a value of not more than \$10, provided the aggregate value of all things provided by a donor to a recipient in any calendar year does not exceed \$50.
- C. Anything of value provided by an employer of the public official or a spouse of a public official, to such official or spouse, provided such benefits are customarily and ordinarily provided to others in similar circumstances.

IMMEDIATE FAMILY — Any spouse, child or dependent relative who resides in the individual's household.

INDIVIDUAL — A natural person.

INDIVIDUAL WITH WHOM ONE IS ASSOCIATED — An individual with whom the person or a member of his immediate family mutually has an interest in any business.

OFFICIAL RESPONSIBILITY — The direct administrative or operating authority, whether intermediate or final and whether exercisable personally or through subordinates, to approve, disapprove, or otherwise direct government action.

PERSON — An individual, sole proprietorship, trust, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

PERSONAL INTEREST — An interest in any action taken by the municipality in which a person will derive a nonfinancial benefit or detriment but which will result in the expenditure of municipal funds.

PROPER AUTHORITY — Wolcott Police, State Police, or State's Attorney's Office for the Judicial District of Waterbury.

PUBLIC EMPLOYEE — A person other than a public official employed, whether part-time or full-time, by the municipality or a political subdivision thereof.

PUBLIC OFFICIAL — An elected or appointed official, whether paid or unpaid or full- or part-time, of a municipality or political subdivision thereof, including candidates for the office; and shall also include a district officer elected pursuant to C.G.S. § 7-327.

SPECIAL DISTRICT — A district established pursuant to C.G.S. § 7-324.

TOWN AGENCY — Any department, commission, board, bureau, committee, legislative body, agency, or other establishment of the executive or legislative branch of the Town, including the Board of Education to the extent that the provisions of this chapter may lawfully apply to the Board of Education.

ARTICLE III
Board of Ethics

§ 20-4. Membership; powers; terms.³

There shall be a Board of Ethics appointed by the Town Council consisting of five members who shall each be appointed in accordance with the Wolcott Town Charter. Said Board shall have all the powers conferred and all the duties imposed upon it by this chapter and by Section 3 of 1979 Public Act 618 (C.G.S. § 7-148h), and all amendments thereto, as provided in Section 407 of the Charter of the Town of Wolcott. Each member serving on said Board on the effective date of this chapter shall complete his or her term. If a vacancy exists during the term, the Town Council shall appoint a replacement from the same party for the duration of the term. No member shall serve more than three consecutive terms. Appointees shall continue to serve until their successors are appointed and qualified.

§ 20-5. Officers; meetings; code amendments; regulations.

- A. No later than the third Wednesday of July every year, the Town Council Chairperson will preside over the initial meeting of the Board to elect a Chairperson. The Town Council Chairperson has no vote in this election. The newly elected Chairperson will then proceed to preside over the meeting to elect a Vice-Chairperson; both the Chairperson and Vice-Chairperson to serve for a term of one year. In the absence of the Chairperson or in the event of a vacancy in that position, the Vice-Chairperson shall serve as Chairperson. Any action, except as otherwise provided herein, by the Board shall require the affirmative vote of three of its members and three members shall constitute a quorum. The Chairperson or any two members of the Board may call a meeting, provided that at least 24 hours' advance notice of the meeting is given.
- B. The Board will review the Code of Conduct periodically and recommend to the Town Council any action on an amendment.
- C. The Board may promulgate, after public hearing, reasonable rules and regulations governing its procedures not inconsistent with this chapter.

§ 20-6. Complaint procedures.

- A. Limitations on actions. The Board shall not hear any complaint alleging a violation of the Code of Conduct established herein unless said complaint is received by the Board within a period of 90 days from the date on which the act or omission complained of should have been, with reasonable diligence, discovered by the complainant, except that no such complaint shall be heard unless it is received by the Board within a period of one calendar year from the date on which the act or omission complained of occurred.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Board-initiated investigation prohibited. The Board shall act only upon a complaint filed with the Board by any person other than a current member of said Board and shall not investigate alleged violations of the Code of Conduct on its own initiative.
- C. Form and content of complaint. Any complaint to the Board alleging a violation of the Code of Conduct shall be in writing, shall be under oath, and shall include the name of the person alleged to have committed the violation, the specific act or omission which allegedly constitutes the violation, the section of the Code of Conduct allegedly violated, and the date or dates of the alleged violation.
- D. Initial determination. The Board shall notify the complainant in writing, by certified or registered mail, of its receipt of a complaint, not later than five days thereafter. The Board shall meet within 15 days after receipt of the complaint for the purpose of reviewing the complaint to determine whether or not the allegations contained therein are sufficient to warrant an investigation. Meetings of the Ethics Board held for the purpose of making such determination shall be exempt from the provisions of the Freedom of Information Act (C.G.S. § 1-200 et seq.).⁴
- E. Investigation.
- (1) If the Board determines that the complaint alleges sufficient facts to warrant such inquiry, the Board shall investigate any alleged violation of this chapter. Within 30 calendar days after the filing of said complaint, as set forth therein, the Board shall fix the date for the commencement of a probable cause hearing on the allegation contained therein, which date shall not be more than 60 calendar days after the filing of the complaint, and the Board shall give notice by certified or registered mail to the complainant and the respondent, along with a copy of the complaint, of the date fixed for said hearing at least 14 calendar days before the date of said hearing. Meetings of the Board held for the purpose of making such determination shall be exempt from the provisions of the Freedom of Information Act (C.G.S. § 1-200 et seq.). Said hearing shall continue from time to time as deemed necessary by the Board until completed.⁵
- (2) The Board shall investigate any alleged violations to determine whether or not probable cause exists to believe the respondent has violated any provision of the Code of Conduct. In the conduct of its investigations, the Board shall have the power to hold investigative hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses to compel attendance before the Board and require the production for examination by the Board of any books and papers which the Board deems relevant in

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

any matter under investigation or in question. The Chairman shall administer oaths and affirmations.

- (3) During the investigation, the respondent shall have the right to appear and be heard and to offer any information which may tend to clear him of probable cause to believe he has violated any provision of the Code of Conduct. The respondent shall also have the right to be represented by legal counsel and to examine and cross-examine witnesses. The Board shall make no finding that there is probable cause to believe the respondent is in violation of any provision of this chapter except upon the concurring vote of three of its members.
 - (4) Not later than three days after the termination of its investigation, the Board shall inform the complainant, in writing by certified or registered mail, and the respondent of its finding and provide them a summary of its reasons for making that finding. The Board shall publish its finding upon the respondent's request and may also publish a summary of its reasons for making such finding.
- F. Dismissal. If the Board determines that the complaint does not allege sufficient acts to constitute a violation, the Board shall dismiss the complaint and duly notify the complainant and respondent by certified or registered mail.
- G. Confidentiality of complaints.
- (1) A complaint alleging a violation of the Code of Conduct shall be confidential except upon the request of the respondent. An investigation conducted prior to a probable cause finding shall be confidential except upon the request of the respondent. If the investigation is confidential, the allegations in the complaint and any information supplied to or received from the Board shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or commission or staff member.
 - (2) If the Board makes a finding of no probable cause, the complaint and the record of its investigation shall remain confidential except upon the request of the respondent and except that some or all of the record may be used in subsequent proceedings. No complainant, respondent, witness, designated party, or commission or staff member shall disclose to any third party any information learned from the investigation, including knowledge of the existence of a complaint which the disclosing party would not otherwise have known. If such a disclosure is made, the Board may, after consultation with the respondent if the respondent is not the source of the disclosure, publish its finding and a summary of its reasons therefor.
 - (3) The Board shall make public a finding of probable cause not later than five days after the termination of the investigation. At such

time, the entire record of the investigation shall become public, except that the Board may postpone examination or release of such public records for a period not to exceed 14 days for the purpose of reaching a stipulation agreement.

H. Hearing.

- (1) If it is found that probable cause exists for the violation of a provision of the Code of Conduct, the Board shall initiate an adjudicatory hearing to determine whether there has been a violation of this chapter. Said hearing shall continue from time to time as deemed necessary by the Board until completed.
- (2) All hearings of the Ethics Board pursuant to this subsection shall be open to the public. Such hearings shall be conducted under the Board's rules and regulations, which shall include the following:
 - (a) The Board shall have the power to examine witnesses, receive oral and documentary evidence, subpoena witnesses to compel attendance before the Board, and to require the production for examination by the Board of any books and papers which the Board deems relevant.
 - (b) Oral evidence shall be taken under oath.
 - (c) The Chairman shall administer oaths and affirmations.
- (3) The complainant and respondent shall have the right:
 - (a) To be represented by legal counsel;
 - (b) To present evidence;
 - (c) To examine and cross-examine witnesses; and
 - (d) To receive by registered or certified mail a memorandum of decision by the Board within five days after the conclusion of hearings on the complaint.
- (4) The Board shall make a record of all proceedings pursuant to this subsection. The Board shall find no person in violation of any provision of this chapter except upon the concurring vote of four of its members. Not later than 15 days after the public hearing conducted in accordance with this subsection to determine whether there has been a violation of this chapter, the Board shall publish its findings and a memorandum of its reasons therefor. The Board shall also mail its findings to the authority which appointed, hired or contracted with the respondent.

I. Penalties.

- (1) If, based upon a fair preponderance of competent evidence at such hearing, the violation of the Code of Conduct is proved, the Board may order the respondent to be:

- (a) Officially reprimanded; or
 - (b) In the case of a public employee, placed on probation for up to a maximum of one year or suspended without pay for up to a maximum of six months; or
 - (c) Assessed a civil penalty of not more than \$1,000 per violation;
 - (d) Ordered to make restitution of any pecuniary benefits received because of the violation committed.
- (2) No provision of this subsection shall prevent the Ethics Board from reporting the possible commission of a crime to the Chief State's Attorney.
- (3) If the Board determines that a more severe penalty should be imposed, it shall, along with its finding, mail said determination and recommendation for the imposition of a more severe penalty to the authority which appointed, hired or contracted with the respondent. Within 30 calendar days of the receipt of said finding and recommendation, said authority shall report to the Board in writing the acceptance or rejection of the Board's recommendation and the reasons therefor.
- J. Subpoenas. The Board may issue subpoenas or subpoenas duces tecum enforceable upon application to the Superior Court, to compel the attendance of persons at its hearings and the production of books, documents, records, and papers.
- K. Appeal to court. Appeals may be taken by any person aggrieved by the Board's decision within 30 calendar days of the date of the memorandum of decision to the Superior Court for the Judicial District of Waterbury.
- L. Retention of records. All records of the Board of Ethics shall be kept in accordance with Connecticut General Statutes. Those records, which have not risen to the level of probable cause, shall be kept in a marked, locked container within a vault of the Town Clerk, and accessible only to members of the Board of Ethics.

ARTICLE IV
Code of Conduct

§ 20-7. General rules of conduct.

- A. No public official or public employee shall engage in any business or transaction or have a financial or personal beneficial interest, direct or indirect, in any business transaction which is incompatible with the proper discharge of his official duties in the public interest or would tend to impair his independence or judgment and action in the performance of his official duties.
- B. Effective with the passage of this chapter, all public officials and public employees, upon assuming their duties, shall receive a copy of the Wolcott Code of Conduct. This shall be through the office of the Town Clerk, their appropriate Personnel Director, or designee. They shall initial for their copy and their acceptance shall be placed in their personnel file or, in the case of public officials, the office of the Town Clerk.

§ 20-8. Conflicts of interest.

- A. Private business or professional enterprise. A conflict of interest exists if the public official or public employee has a financial or personal beneficial interest in the outcome or is an owner, shareholder, member, partner, officer, employee, or other participant of, or in, a private business or professional enterprise that will be affected by the outcome, or any matter under consideration before him.
- B. Speculative or investment activities. A conflict of interest exists if the public official or public employee has a financial or personal beneficial interest in the outcome or is an owner, shareholder, member, partner, officer, employee or other participant of, or in, a private business or professional enterprise that will be affected by the outcome, or any matter under consideration before him.
- C. Outside employment. A conflict of interest exists if a public official or public employee engages in outside employment which is incompatible with the proper discharge of his official duties and responsibilities.
- D. Duty to abstain. The failure of any public official or public employee to abstain from action if any situation where a conflict of interest exists shall constitute a violation of this code.
- E. Duty to disclose. Any public official or public employee who is financially interested in or has a personal beneficial interest in any transaction or contract with the Town, or in the sale of real estate, materials, supplies, or services to the Town, shall make known promptly, by a statement filed with the Town Clerk, such interest in any matter on which he may be called to act in his official capacity. He shall

refrain from voting upon or otherwise participating in the transaction or the making of such contract or sale.

F. Litigation. No public official or public employee shall:⁶

- (1) Appear on behalf of private interests before any governmental body of the Town;
- (2) Accept a retainer or compensation that is contingent upon a specific action by a governmental body of the Town; or
- (3) Represent private interests in any action or proceeding against the interests of the Town in any litigation to which the Town is a party.

G. Conduct of public officials.

- (1) Notwithstanding any provisions to the contrary as may be contained in any special act, the Wolcott Town Charter or this chapter, a public official has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed by the laws of this state and the Wolcott Town Charter if he has reason to believe or expect that he, his spouse, a dependent child or business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity.
- (2) Notwithstanding any provisions to the contrary as may be contained in any special act, the Wolcott Town Charter or this chapter, any such public official does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state and the Wolcott Town Charter if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a professional occupation or group to no greater extent than any other member of such professional occupation or group.
- (3) Any public official who has a substantial conflict may not take official action on the matter.

§ 20-9. Use and disclosure of confidential information.

No public official or public employee shall use or disclose confidential information acquired in the course of his public duties for the purpose of advancing the financial or other private interests of himself or others.

§ 20-10. Gifts and favors.

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. In general. No public official or public employee shall accept any money or gift of significant value, favor or thing of significant value, whether in the form of a service, loan, material thing or promise, from any person, firm or corporation who or which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any such person accept any money or gift of significant value, favor or thing of significant value that may tend to influence him in the discharge of his duties. If it is impossible or inappropriate to refuse the gift, then it shall be turned over to an appropriate public or charitable institution.
- B. Use of Town property. No public official or public employee shall request or permit the use of Town-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such public official or public employee in the conduct of official business.
- C. All citizens to be treated equal. No public official or public employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

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Chapter 48
OFFICERS AND EMPLOYEES

ARTICLE I

Library Board Chair

[Adopted 12-6-1977 by Ord. No. 38]

§ 48-1. Position established; selection.

A Chairman for the Wolcott Town Library Board is hereby established. Said person shall be a member of the Library Board and shall be elected by a majority vote of the Wolcott Library Board.

ARTICLE II
Justices of the Peace
[Adopted 6-20-2000 by Ord. No. 80]

§ 48-2. Number and selection.

Pursuant to C.G.S. § 9-183a, there shall be 45 Justices of the Peace in the Town of Wolcott. Two-thirds of the total number of Justices shall be selected equally according to the provisions of the Connecticut General Statutes from the political parties qualifying as major parties under the required provisions of the Connecticut General Statutes. The remaining 1/3 of the total number of Justices shall be selected according to the provisions of the Connecticut General Statutes from those persons who are not members of political parties which qualify as major parties under the required provisions of the Connecticut General Statutes, as amended.

Chapter 57

PENALTIES AND ENFORCEMENT

ARTICLE I

**Citation Procedures and Fines for Zoning Violations
[Adopted 5-21-2002 by Ord. No. 83]****§ 57-1. Authority to issue; service of citation.⁷**

The Zoning Enforcement Officer of the Town of Wolcott is authorized to issue citations for violations of the Wolcott Zoning Regulations to the extent and in the manner provided by this article. 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. No citation shall be issued unless a written notice to correct has been issued which allows for a voluntary correction of the alleged violation within 30 days. For purposes of this section, notice shall be presumed to have been properly sent if such notice was mailed to such person's last-known address on file with the Tax Collector. If the person to whom such notice is issued is a registrant, the Town may deliver such notice in accordance with C.G.S. § 7-148iii, provided nothing in this section shall preclude the Town from providing notice in another manner permitted by applicable law.

§ 57-2. When authorized; multiple citations.

A citation may be issued for any violation of the Zoning Regulations of the Town of Wolcott, and separate citations shall be issued for each violation when there are multiple violations on a property.

§ 57-3. Amount of fine; payment.

The fine for each violation shall be \$150 per day payable to the Treasurer of the Town of Wolcott.

§ 57-4. Additional enforcement action authorized.

The issuance of a citation under the terms of this article does not restrict or prohibit the Town from taking other legal actions as may be appropriate and necessary to enforce the Zoning Regulations.

§ 57-5. Time frame for uncontested payment.

Any person receiving such a citation shall be allowed a period of 10 days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation. If the citation has been sent by regular mail pursuant to the provisions of § 57-1 of this article, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.

7. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

§ 57-6. Issuance of notice; contents.

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 § 57-5 of this article, the Zoning Enforcement Officer shall send a notice to the person cited, such notice to be in the manner provided for in § 57-1, 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 Town Council as provided in § 57-9 of this article 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.

§ 57-7. Procedure.

If the person who is sent notice pursuant to § 57-6 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 checks shall be made payable to the Treasurer of the Town of Wolcott. 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 § 57-6 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 article and shall follow the procedures set forth in C.G.S. § 7-152c.

§ 57-8. Hearings.

All hearings shall be conducted in accordance with the requirements of C.G.S. § 7-152c.

§ 57-9. Citation hearing officers.

The Mayor shall appoint one or more citation hearing officers to conduct the hearings provided by this article. Hearing officers shall serve for a term of two years unless removed for cause. Neither the Zoning Enforcement Officer, the Building Inspector nor any employee of the Town of Wolcott exercising zoning authority may be appointed to be a hearing officer pursuant to this ordinance.

Chapter 62
PURCHASING

ARTICLE I
Public Bidding Process
[Adopted 9-20-1994 by Ord. No. 75]

§ 62-1. Purpose.

The purpose of this article shall be:

- A. To establish uniform standards and to clarify those procedures which shall apply to the award of all municipal contracts which are subject to the public bidding procedure provided in Section 707(c) of the Charter of the Town of Wolcott.
- B. In recognition of the compelling need to stimulate the economy and to enlarge the tax base of the Town of Wolcott, to provide, as part of said uniform standards and procedures, a preference to Town-based businesses, as hereinafter defined, in the awarding of certain municipal contracts in an amount not exceeding \$200,000.

§ 62-2. Standards and procedures applicable to all municipal contracts.

- A. Subject to the special procedure hereinafter provided in § 62-3 of this article, any contract awarded as a result of the public bidding procedure provided in Section 707(c) of the Charter shall be awarded to the lowest responsible qualified bidder unless the Municipal Finance Officer shall determine in writing that to do so would not be in the best interests of the Town of Wolcott.
- B. In making said determination, the Municipal Finance Officer shall be guided by the following considerations:
 - (1) The ability, capacity and skill of the bidder to perform the contract or to provide the service required.
 - (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
 - (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
 - (4) The quality of performance by the bidder of previous contracts or services.
 - (5) The previous and existing compliance by the bidder with those federal or state statutes and local ordinances, if any, relating to the contract or service.
 - (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

- (7) The quality, availability and adaptability of the supplies, or contractual services to the particular use required.
 - (8) The ability of the bidder to provide future maintenance and service for the subject of the contract.
- C. The Municipal Finance Officer may require a performance bond as a condition before entering into any contract in such amount as said Officer shall find reasonably necessary to protect the interests of the Town.

§ 62-3. Special procedure for bids submitted by Town-based businesses.

- A. Town-based business. For the purposes of this article, "Town-based business" shall mean any organization having its principal place of business located within the Town of Wolcott. To be considered a Town-based business eligible for the benefits provided in this section, any bidder must submit, in addition to a bid, evidence satisfactory to the Municipal Finance Officer that said business in fact has its principal location within the Town of Wolcott. Such evidence may include, but is not limited to, the long-term lease or ownership of business property from which said business is operated or the payment of property taxes on the personal property of said business to be used in the performance of the bid.
- B. Determination of the lowest responsible qualified bidder. The lowest responsible qualified bidder shall be determined in the following order:
- (1) Subject to the standards provided in § 62-2B of this article, any Town-based business which is a responsible and qualified bidder and which has submitted a bid in an amount not more than 5% higher than the low bid shall be awarded the contract in the amount of the low bid.
 - (2) If no Town-based business has submitted a bid in an amount not more than 5% higher than the low bid, then, subject to the standards provided in § 62-2B of this article, the contract shall be awarded to the lowest responsible qualified bidder.
 - (3) If more than one responsible and qualified Town-based business has submitted a bid in an amount not more than 5% higher than the low bid, then, subject to the standards provided in § 62-2B of this article, the lowest responsible qualified bidder shall be that one of the Town-based bidders which has submitted the lowest bid, which shall then be awarded the contract in the amount of the low bid.
- C. Limitations and exceptions. The bidding procedure provided in this section shall apply to the award of all municipal contracts which are subject to the public bidding procedure provided in Section 707(c) of the Charter except for the following:

- (1) Those of such contracts in an amount which is in excess of \$200,000.
- (2) Those of such contracts which are funded, entirely or in part, by state or federal grants-in-aid.

§ 62-4. Invitations to bid.

All invitations to bid extended to prospective bidders in the award of all municipal contracts subject to the public bidding procedure provided in Section 707(c) of the Charter shall include a reference to and shall be issued subject to the provisions of this article.

Part II: Agencies, Boards, Commissions and Committees**Chapter 111****CIVIL PREPAREDNESS AGENCY****§ 111-1. Agency established.**

There shall be created an agency of Town government to be known as the "Civil Preparedness Agency."

§ 111-2. Coordinator.

Said Agency shall be under the supervision of a director or coordinator of all disaster emergency functions. Such Coordinator of the Civil Preparedness Agency shall be appointed by the Chief Executive of the Town of Wolcott. The Coordinator of the Civil Preparedness Agency will serve at the will of the Chief Executive and may be removed by the Chief Executive at any time. The Coordinator may also be removed from his position as provided in C.G.S. § 28-7(b).

- A. The Coordinator of the Civil Preparedness Agency is a staff person reporting directly to the Chief Executive Officer of the Town of Wolcott.
- B. As a staff person, he will advise the Chief Executive Officer on matters pertaining to civil preparedness and disaster emergency operations. He will coordinate the activities of all Town agencies in disaster emergency situations but in no case will he assume command of any agency or department other than the Civil Preparedness Agency unless directly ordered to do so by the Chief Executive Officer.
- C. He will coordinate the activities of all Civil Preparedness Agency forces, both full-time and volunteer, and will be responsible for the recruitment and training of needed civil preparedness personnel. As a staff person, he will assist the Chief Executive Officer in the preparation and updating of Town emergency operations plans and standard operating procedures.
- D. He will maintain contact with the Connecticut Civil Preparedness Area Office designated for the Town of Wolcott and will cooperate with the Connecticut Civil Preparedness Agency in preparation of required reports, procedures, and other necessary paperwork to ensure that the Town receives all possible funding, equipment and other benefits available to the Town through state and national civil preparedness.
- E. He will perform such other civil preparedness related functions as may, from time to time, be assigned to him by the Chief Executive of the Town of Wolcott.

- F. The Coordinator of the Civil Preparedness Agency shall receive such compensation for performance of his duties as may be determined by the Town Council.

Chapter 116

COMMISSION FOR INDIVIDUALS WITH SPECIAL NEEDS

§ 116-1. Establishment and membership.⁸

- A. A Commission for Individuals with Special Needs of the Town of Wolcott is hereby created. The Commission shall be composed of 12 members who shall be electors of the Town of Wolcott and who shall be appointed by the Mayor without regard for political affiliation. No less than one of said members shall be a person with a disability. The Commission shall designate one member of the Commission as Chairperson. The Chairperson shall serve for one year beginning January 1 and until the Commission designates his successor.
- B. In addition to the 12 Commissioners, the Mayor, the Director of Health or the Executive Director of the Health District of which the Town of Wolcott is a member, and the Chief of Police will act as ex-officio members.

§ 116-2. Definitions.⁹

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

COMMISSION — The Commission for Individuals with Special Needs.

PERSON WITH A DISABILITY — See the Vocational Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.).

- A. One who has a physical or mental impairment which substantially limits one or more of such person's major life activities (such as employability);
- B. A person who has a record of such impairment; or
- C. A person who is regarded as having such an impairment.

§ 116-3. Terms of office; vacancies; removal.

Initially, four of the members shall be appointed for a term of one year; four members for a term of two years; and four members for a term of three years. Their successors shall in all cases be appointed by the Mayor for a term of three years, and all appointments to fill vacancies shall be for the

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

unexpired terms. Any member of the Commission may be removed by the Mayor for cause.

§ 116-4. Compensation.

The members of the Commission shall receive no compensation for their services.

§ 116-5. Powers and duties.

The Commission shall have the following powers and duties:

- A. To initiate and/or conduct continuous studies and surveys to determine the conditions, needs and problems of persons with a disability in the community in relation to architectural barriers, transportation, public education and publicity, housing, employment, recreation, health and other matters.¹⁰
- B. To serve as a clearing house for information and to advertise, prepare, print and distribute publications designed to promote the official purposes of the Commission.
- C. To monitor and ensure compliance, enforcement and implementation of existing federal and state statutes intended to aid persons with a disability.¹¹
- D. To act as an advocacy and coordinating agency to bring about new and expanded programs and services for persons with a disability.¹²
- E. To make an annual report, on or about April 1 of each year, to the Mayor and the Town Council of the Commission's activities, together with its recommendations for administrative and legislative action by the Town of Wolcott, in addition to any other periodic reports and recommendations which the Commission may choose to make.

Chapter 120

COMMISSION ON AGING

§ 120-1. Composition and terms. [Amended 3-6-1980 by Ord. No. 42¹³]

There shall be a Commission on Aging for the Town of Wolcott consisting of the Mayor, the Director of Health, or the Executive Director of the Health District of which the Town of Wolcott is a member, whichever the case may be, the Chief of Police and the Municipal Agent, all ex-officio, together

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

with two representatives of the clergy of the Town, two representatives of Wolcott Chapter #913, AARP, one representative of the Wolcott Chamber of Commerce Inc., one representative of the Republican Town Committee, one representative of the Democratic Town Committee and four representatives at large, all appointed by the Mayor. The non-ex-officio members so appointed shall be residents of the Town of Wolcott interested in the consideration of and solutions to the problems of the aging. The term of office shall coincide with the term prescribed for elected officials on a two-year basis.

§ 120-2. Organization.

The Commission on Aging may organize itself in whatever manner it may determine in order to carry out to the fullest the intent and purpose of this chapter.

§ 120-3. Duties.¹⁴

The Commission on Aging shall study the conditions and needs of elderly persons in the Town in relation to housing, economics, employment, health, recreational needs and other matters. It shall analyze the services for the aged provided by the Town, both by public and private agencies, and shall make recommendations to the Mayor regarding development of such programs and the integration of the same with the services made available by the state.

§ 120-4. Compensation.

The members of the Commission on Aging, so appointed, shall serve without compensation and shall serve until their successors are designated and appointed in accordance with § 120-1.

§ 120-5. Support and appropriations.

The Commission on Aging may request the Mayor to arrange for appropriations to the Commission on Aging for reasonable clerical services and necessary expenses.

Chapter 124

COMMUNITY DEVELOPMENT PLAN ACTION AGENCY

§ 124-1. Findings.

The Town Council of the Town of Wolcott recognizes its responsibility for the provision of local grants-in-aid to the extent necessary and required for the preparing and completion of the Community Development Action Plan.

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 124-2. Establishment and organization.

The Town of Wolcott hereby creates a Wolcott Community Development Action Plan Agency, hereinafter referred to as "the Agency," consisting of nine members appointed by the Chief Executive Officer of Wolcott, subject to the approval of the Town Council of said Town. Vacancies on such Agency shall be filled for the unexpired terms by the respective chief executive officer in the manner specified above for appointment. Members of the Agency shall serve without compensation, but they may be reimbursed for necessary expenses. Action by the Agency shall be taken only on the majority vote of all the members of such Agency. The Agency shall elect from among its members a Chairman, Vice-Chairman, a Secretary and a Treasurer, and shall keep a public record of its activities. The Agency shall have such authority as specified in Public Act 522 of the 1967 Regular Session of the Connecticut General Assembly, as amended,¹⁵ including but not limited to the power to secure and accept grants, conveyances, loans or other financial assistance from the federal government, the state or other sources.

§ 124-3. Preparation of plan.

The preparation of a Community Development Action Plan by the Town of Wolcott in accordance with Section 9 of Public Act No. 522¹⁶ and applicable procedures of the Department of Community Affairs is hereby authorized:

§ 124-4. Authority to enter into agreements.

The Chairman of the Wolcott Development Action Program Agency is hereby authorized to sign any documents in connection with the Community Development Action Plan, including but not limited to the application for financial assistance and any assistance agreement offered by the State of Connecticut.

Chapter 137**ECONOMIC DEVELOPMENT COMMISSION****§ 137-1. Establishment and organization.¹⁷**

The Town of Wolcott hereby accepts the provisions of C.G.S. § 7-136 and, pursuant to said section, hereby establishes the Wolcott Economic Development Commission, to be composed of seven persons, not more than four of whom shall be of the same political party, who shall be resident electors of the Town to be appointed by the Mayor. Members may serve more than one term. Any vacancy in the membership of the Commission

15. Editor's Note: See C.G.S. § 8-201 et seq.

16. Editor's Note: Section 9 of Public Act No. 522 was codified as C.G.S. § 8-207, which was repealed in 1978 by P.A. 78-303, § 120.

17. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

shall be filled for the unexpired portion of the term by the Mayor. Any member may be removed by the Mayor for cause and, on request of such member, after public hearing. The Commission shall elect a Chairman and a Secretary among its number, and shall be sworn to the faithful performance of its duties. Meetings shall be called by the Chairman, or by a majority of the members of the Commission, and a majority shall constitute a quorum. Members of the Commission shall serve without compensation but shall be compensated for necessary expenses incurred in the performance of their official duties.

§ 137-2. Powers and duties; staff.¹⁸

The Commission may appoint employees or employ consultants necessary for the discharge of its duties. The duties of the Economic Development Commission for the Town of Wolcott shall be as follows:

- A. To conduct researches into business and industrial conditions in the Town.
- B. To seek to coordinate the activities of unofficial bodies organized for such purposes.
- C. To make recommendations to the Town concerning the economic health of the Town.
- D. To foster and promote orderly commercial and industrial development in Town and to work with other Town agencies, such as the Town Planning and Zoning Commission, toward such ends.

§ 137-3. Publications.

The Commission may advertise and may prepare, print and distribute books, maps, charts and pamphlets which, in its judgment, shall further its official purposes.

§ 137-4. Annual report.¹⁹

The Commission shall make an annual report to the Town Council outlining its activities during the year and submitting recommendations for Town action on matters involving commercial and industrial development.

Chapter 143

FLOOD AND EROSION CONTROL BOARD

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 143-1. Statutory authority.

This chapter is adopted pursuant to Title 25, Chapter 477, Part II, Section 25-84 et seq., of the Connecticut General Statutes.

§ 143-2. Establishment.

There is hereby created for the Town of Wolcott a Municipal Flood and Erosion Control Board.

§ 143-3. Powers and duties.

Said Board shall have all the powers and duties as enumerated in Title 25, Chapter 477, Part II, as amended from time to time.

§ 143-4. Authority to act.²⁰

The Conservation, Inland Wetlands and Watercourses Commission of the Town of Wolcott as established pursuant to Section 417 of the Town of Wolcott Charter is hereby designated and empowered to act as the Municipal Flood and Control Board.

Chapter 165**MUNICIPAL COUNTRY CLUB****§ 165-1. Establishment of Commission; purpose.²¹**

Pursuant to C.G.S. § 7-130c, the Town of Wolcott hereby establishes a Municipal Country Club Commission, the purposes of which shall be those defined in C.G.S. §§ 7-130a through 7-130w: to plan, operate and provide for the maintenance and development of the Wolcott municipal golf course, and all other recreational facilities, parkland and open space appurtenant to the golf course; to preserve and protect the land and facilities for the benefit of the townspeople; and to make them available for public use and enjoyment.

§ 165-2. Membership and terms of office.²²

The Commission shall be composed of five members who are electors of the Town. The Mayor, with approval of the Council, shall appoint annually one member of the Commission who shall serve for a term in accordance with Charter Section 411.

20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

22. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 165-3. Powers.²³

The Commission shall exercise the powers granted to it under C.G.S. §§ 7-130a through 7-130w, including but not limited to the following:

- A. To lease any facilities of, or appurtenances to, the Municipal Country Club, for such terms and on such conditions as the Commission shall determine.
- B. To fix fees, rents or charges for use by the public of any facilities of, or appurtenances to, the Municipal Country Club.
- C. To prepare and execute a plan of development for expanded recreational facilities at the Municipal Country Club.
- D. To enter into any contract or agreement necessary for the fulfillment of the purposes of this chapter, provided that any such contract or agreement or any expenditure of funds shall be approved by majority vote of the Town Council and signed by the Mayor.

§ 165-4. Expenses and assistance.

The Commission shall be subject at all times to pertinent state and municipal laws, ordinances and regulations, and to all regulations and stipulations provided for in any federal or state funding agreement. The members of the Commission shall serve without compensation, but their necessary and actual expenses incurred in the performance of their official duties shall be paid by the Town within the limits of any appropriations made therefor.

§ 165-5. Advisory boards.

There shall be established two advisory boards to ensure coordination of the Commission's work with the park planning and conservation activities of the Town.

- A. The Municipal Country Club Conservation Advisory Board.
 - (1) The Board shall be composed of three members, one of whom shall be the Chairman of the Wolcott Conservation, Inland Wetlands and Watercourses Commission, and two of whom shall be appointed by the Mayor to serve concurrently with the Mayor's term of office.²⁴
 - (2) The Board shall prepare a conservation report, detailing the areas of the Municipal Country Club best suited for conservation and open space use, and the goals for achieving the maximum environmental quality of the country club. The Board may amend its report at its discretion.

23. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

24. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (3) Upon referral by the Commission, the Board shall study any proposed development project and, within 60 days of such referral, shall deliver a report to the Commission detailing the effect of the proposed project on the natural environment, and its suitability in light of the goals of the conservation report.
- B. The Municipal Country Club Recreation Advisory Board.
- (1) The Board shall be composed of three members, one of whom shall be the Chairman of the Wolcott Parks and Recreation and Acquired Facilities Commission, and two of whom shall be appointed by the Mayor to serve concurrently with the Mayor's term of office.²⁵
 - (2) The Board shall prepare a recreation report, detailing the areas of the country club best suited for recreation development, and the methods of achieving the widest compatible use of the club by all age groups, and the integration of country club development into the Town system of parks and recreation facilities. The Board may amend its report at its discretion.
 - (3) Upon referral by the Commission, the Board shall study any proposed development project and, within 60 days of such referral, shall deliver a report to the Commission detailing the suitability of the proposed project in light of the goals of the recreation report.

Chapter 171

PARKS AND RECREATION AND ACQUIRED FACILITIES COMMISSION

§ 171-1. Establishment and purpose.

Pursuant to the provisions of Chapter 98, § 7-148, of the Connecticut General Statutes, the Town of Wolcott hereby establishes a Parks and Recreation and Acquired Facilities Commission, the purpose of which shall be to establish, develop, maintain and conduct Town parks, playgrounds, baths, swimming pools, gymnasiums, public gardens and other such recreation places, as well as the purposes defined in C.G.S. §§ 7-130a through 7-130w to plan, operate and provide for the maintenance and development of certain municipal, recreational and open space facilities acquired by purchase and/or donation from Scovill's Inc. and/or the Mad River Company; to preserve and protect said land and its facilities for the benefit of the townspeople, and to make said land available for public use and enjoyment; except that the Commission shall not have authority over any recreational facilities which have been designated by ordinance to be under the authority of the Department of Municipal Country Clubs.

25. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 171-2. Powers and duties.

The Commission shall:

- A. With the prior approval of the Planning and Zoning Commission and approval of the Town Council, acquire land or chattels, or any interest therein, by gift, devise, bequest, trust, lease, or purchase in the name of the Town of Wolcott for any and all of the purposes set forth in § 171-1, as revised and amended, of this chapter; and shall administer any such gifts, devises, bequests, trusts or leases in accordance with the provisions of the aforesaid, provided the purposes of this chapter are not defeated.
- B. With the prior approval of the Town Council, appoint a Recreational Director to supervise and otherwise carry out the recreation policies as established by the Commission.
- C. Appoint such other persons, as are deemed necessary to carry out and otherwise perform the purposes of this ordinance.
- D. Subject to the provisions of C.G.S. § 7-130d, exercise those powers granted to it under C.G.S. §§ 7-130a through 7-130w; provided, further, that the recommendation of the Mayor and the approval of the Town Council shall be specifically required for each of the following actions:
 - (1) To rent or lease any such land and its facilities;
 - (2) To fix fees, rents or charges for the use by the public of any such land and its facilities;
 - (3) To execute a plan of development for such land and its facilities;
 - (4) To enter into any contract or agreement necessary for effecting the purposes of this chapter;
 - (5) To transfer or dispose of any property owned or acquired by the Commission; and
 - (6) To acquire by grants, gifts or purchase lands or rights or interest therein from any source.

§ 171-3. Authority to act.

The Commission is hereby designated and empowered to act as the Municipal Flood and Erosion Control Board and shall also have all the powers and duties as enumerated in Title 25, Chapter 477, Part II, of the Connecticut General Statutes as amended from time to time.

§ 171-4. Expenses and assistance.

The members of the Commission shall serve without compensation, but their necessary and actual expenses incurred in the performance of their official duties shall be paid by the Town within the limits of any person

appointed or hired by the appropriations made therefor, provided said persons are deemed necessary to the proper performance of the Commission's duties. The Commission and its actions shall be subject at all times to pertinent state and municipal laws, ordinances and regulations, and to all regulations and stipulations provided for in any federal or state funding agreement.

Chapter 174

PENSION COMMITTEE

§ 174-1. Establishment.

There is hereby established in the Town of Wolcott a permanent committee to be known as the "Permanent Pension Committee."

§ 174-2. Duties and responsibilities.

The duties and responsibilities of said Committee shall be:

- A. To oversee and periodically review investment policies, pension plan design and actuarial data as the same may affect any and all defined pension plans which apply to those officials and employees of the Town who are not employed by the Board of Education.
- B. To periodically make recommendations to the investment manager and trustee of said plans as to investment policy, officials and employees covered, plan design, plan implementation and actuarial proposals.
- C. To periodically make recommendations to the Mayor and Town Council pertaining to the implementation of any actions which may affect said defined benefit plans, pension plan design and pension policy.
- D. To submit to the Town Council at six-month intervals a written report of its activities.

§ 174-3. Membership and voting.

- A. The Committee shall be composed of seven members and shall include:
 - (1) The Mayor.
 - (2) A member of the Town Council appointed by its majority leader.
 - (3) A member of the Town Council appointed by its minority leader.
 - (4) A person recommended by the Town committee of the majority party, who shall be approved by the Mayor and Town Council.
 - (5) A person recommended by the Town committee of the minority party, who shall be approved by the Mayor and Town Council.
 - (6) The Municipal Finance Officer.

- (7) The Treasurer of the Town of Wolcott.
- B. All members of said Committee shall have voting powers except for the Municipal Finance Officer and the Treasurer, who shall be full participants in Committee discussions.

§ 174-4. Commencement of operation.²⁶

The Permanent Pension Committee established by this chapter shall not be organized and shall not commence the performance of its duties and responsibilities as described herein until a date no earlier than 60 days from the date of the municipal election of November 1995.

§ 174-5. Terms.

- A. The terms of the members of the Committee who are the Mayor and the members of the Town Council shall expire two years after their commencement and every two years thereafter.
- B. The terms of those members of the Committee who are recommended by the Town committees and approved by the Mayor and the Town Council shall each expire three years after their commencement and every two years thereafter.
- C. No provision herein shall be construed so as to prohibit the reappointment of any member of the Committee for a new term after his or her existing term has expired.

Chapter 178

PLANNING AND ZONING COMMISSION

26. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE I

Alternate Members**[Adopted 7-5-1966 by Ord. No. 1]****§ 178-1. Number and appointment; minority representation.²⁷**

There shall be three alternates appointed to the Planning and Zoning Commission by the Mayor, with approval of the Town Council, from the Town of Wolcott to serve with terms concurrent with the terms of any Planning and Zoning Commission. No more than two of any such appointees shall belong to the same political party.

27. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 183**SEWER AND WATER COMMISSION****§ 183-1. Establishment and membership.**

There shall be established in the Town of Wolcott a Sewer and Water Commission consisting of six electors of the Town of Wolcott, not more than four of whom shall be members of the same political party.

§ 183-2. Appointment.²⁸

Each said person shall be known as a "Commissioner" and shall be appointed by the Mayor for a term consistent with the Town Charter.²⁹

§ 183-3. Duties.

The Commission shall undertake the study of municipal sewer and water facilities for the Town of Wolcott or any subdivision thereof and implement such studies and supervise the construction and maintenance of facilities when said facilities come into being.

Part III: General Legislation**Chapter 205****ADULT BUSINESSES****§ 205-1. Title.**

This chapter shall be known as the "Adult Oriented Business Establishments Ordinance for the Town of Wolcott."

§ 205-2. Findings and intent.

The Town Council of the Town of Wolcott, Connecticut (hereinafter the "Council") finds:

- A. There are or may in the future be adult-oriented business establishments, hereinafter defined, located in the Town of Wolcott, which establishments require special supervision from the Town's public safety agencies in order to protect and preserve the health, safety and welfare of the patrons of such establishments, as well as the health, safety and welfare of the Town's citizens.
- B. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:

28. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

29. Editor's Note: See Charter § 401.

- (1) Large numbers of persons, primarily male, frequent such adult-oriented business establishments, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called "adult" motion pictures and/or electronic media and/or live entertainment; and³⁰
 - (2) Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such adult-oriented business establishments for the purpose of engaging in certain sexual acts; and
 - (3) Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms; and
 - (4) Such establishments attract an undesirably large number of transients as customers, leading to an increase in crime, particularly prostitution, and an adverse effect particularly on residential neighborhoods; and
 - (5) Doors, curtains, blinds and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in sexual acts therein with prostitutes and/or with other persons, thereby promoting and encouraging prostitution and the commission of sexual acts which cause blood, semen and urine to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits; and
 - (6) The reasonable regulation and supervision of such adult-oriented business establishments tend to discourage such sexual acts and prostitution, and thereby promote the health, safety and welfare of the patrons, clients and customers of such establishments.
- C. The continued unregulated operation of such adult-oriented business establishments is and would be detrimental to the health, safety and welfare of the citizens of the Town of Wolcott.
- D. The Constitution and laws of the State of Connecticut grant to the Town powers, including regulatory and police powers, to enact reasonable legislation and measures to regulate and supervise such adult-oriented business establishments in order to protect the public health, safety and welfare.
- E. It is not the intent of the Council, in enacting this chapter, to deny any person rights to speech protected by the United States and/or State

30. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Constitutions, nor is it the intent of the Council to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, electronic media, books and or other materials. Further, by enacting this chapter, the Council does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors of exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.³¹

§ 205-3. Definitions.³²

For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

ACCESSORY ADULT USE — An establishment having less than 10% of its stock-in-trade in books, magazines, electronic media, adult materials and devices used for sexual stimulation or display, films for sale, barter or rent or for viewing on premises by use of motion-picture devices or any other coin-operated means and other printed materials which are distinguished or characterized by their emphasis on matters depicting or relating to specified sexual activities or specified anatomical areas, as defined below. Any such accessory adult use shall be enclosed and controlled so as to restrict exposure and entry to exclude any minor by reason of age. All adult personal service establishments and activities shall be deemed to be a principal activity.

ADULT AMUSEMENT MACHINE — Includes any amusement machine, as defined below, that is regularly used for presenting material distinguished or characterized by its emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below.

ADULT BOOKSTORE — An establishment having 10% or more of its stock-in-trade in books, magazines, films, electronic media, adult materials and devices used for sexual stimulation or display, films for sale or rent or for viewing on premises by use of motion-picture devices or any other coin-operated means and other printed materials and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below.

ADULT CABARET — A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features nude or partially nude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or acts relating to specified sexual activities or specified anatomical areas, as defined below, for observation

31. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

32. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

by patrons therein and from which type of establishment minors are customarily excluded by virtue of age.

ADULT ENTERTAINMENT — Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type which has as a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or specified anatomical areas, as defined below.

ADULT MINI-MOTION-PICTURE THEATER — An enclosed building with a capacity of fewer than 50 persons used regularly and routinely for presenting materials having as a dominant theme material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein and from which type of establishment minors are customarily excluded by virtue of age.

ADULT MOTION-PICTURE THEATER — An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting motion-picture films, cable television, or any other such visual or electronic media, distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined below, for observation by patrons therein and from which type of theater minors are customarily excluded by virtue of age.

ADULT NOVELTY BUSINESS — An establishment having 10% or more of its stock-in-trade in adult materials, toys and other devices designed for sexual stimulation and from which type of establishment minors are customarily excluded by virtue of age.

ADULT-ORIENTED BUSINESS ESTABLISHMENT — Any public or private establishment of the type which is customarily not open to the general public but only to one or more classes of the public, thereby excluding any minor by reason of age, and whose principal activity includes but is not limited to one or a combination of the following types of businesses: adult bookstore, adult cabaret, adult motion-picture theater, adult mini-motion-picture theater, adult novelty business, adult video store, and adult personal service establishment, as well as any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purposes of viewing adult entertainment, any premises to which the public, patrons or members are invited or admitted wherein an entertainer, as defined below, provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect, regardless of how such premises are advertised or represented, but including, without limitation, an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term or business of like import.

ADULT PERSONAL SERVICE ESTABLISHMENT — An establishment, club, or business by whatever name designated which offers or advertises or is equipped or arranged so as to allow a person while clothed, nude or

partially nude to provide personal services for a person of the same or other sex on an individual basis in an open or closed room and which excludes minors by virtue of age. Such services or activities include but are not limited to massages, body rubs, alcohol rubs, baths and other similar treatments, as well as modeling studios, body painting studios, body piercing studios, wrestling studios, and individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Connecticut, nor does it include the following specific uses and activities:

- A. Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut-licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;
- B. Electrolysis treatment by a licensed operator of electrolysis equipment;
- C. Hospitals, nursing homes, medical clinics or medical offices;
- D. Barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only;
- E. Athletic facilities of an educational institution, including an alumni club, or of a philanthropic or charitable institution; and
- F. Health establishments including commercial and noncommercial clubs, which are equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

ADULT VIDEO STORE — An establishment having 10% or more of its stock-in-trade in electronic media or films for barter, sale or rent or for viewing on premises by use of motion-picture devices or any other coin-operated means, and other printed materials and other periodicals which are distinguished or characterized by their emphasis on matters depicting or relating to specified sexual activities or specified anatomical areas, as defined below.

AMUSEMENT MACHINE — Any machine which, upon the payment of a charge or upon the insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated, and shall include but not be limited to such devices as pinball machines, skillball, mechanical grab machines, any and all air-propelled machines or games, pool tables, shooting games, any and all video games and all other games and operations similar thereto under whatever name they may be indicated, including video monitoring machines.

EMPLOYEE — Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented business establishment.

ENTERTAINER — Any person who engages in the performance of "adult entertainment within an adult-oriented business establishment, as defined in this section, whether or not a fee is charged or accepted for such entertainment and whether or not such person is an employee or an independent contractor.

INSPECTOR — An employee of the Health District, or the Zoning Enforcement Officer, or an employee of the Building Department, or a member of the Wolcott Police Department, or the Wolcott Fire Marshal, or an agent of any or all of such persons, who is designated to inspect premises regulated under this chapter, and to take the required actions authorized by this chapter in case of violations being found on such premises, and to require corrections of unsatisfactory conditions found on said premises.

MINOR — Any person under the age of 18 years.

OPERATOR — Any person, partnership, limited partnership, limited-liability company, corporation or other business entity operating, conducting or maintaining an adult-oriented business establishment.

PARTIALLY NUDE — Having any part of specified anatomical areas, as defined below, less than completely and opaquely covered.

PRINCIPAL ACTIVITY — A use accounting for 10% or more of a business's stock-in-trade, in display space, or floor space, or movie display time per month.

SPECIFIED ANATOMICAL AREAS —

- A. Less than completely and opaquely covered human genitals, pubic region, cleft of buttocks, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES —

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Sex acts, normal or perverted, actual or simulated; and
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast.

§ 205-4. Operating requirements.

- A. No operator or employee of an adult-oriented business establishment shall allow or permit any minor to loiter in any part of such establishment, including parking lots immediately adjacent to such establishment used by patrons of such adult-oriented business establishment.
- B. The interior of every adult-oriented business establishment doing business in the Town on and after the effective date of this chapter shall

be well lighted at all times and shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult-oriented business establishments for the purpose of providing for adult entertainment.

- C. On and after the effective date of this chapter, the operator of each adult-oriented business establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented pictures or other types of adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted to access at an illumination of not less than one footcandle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- D. Every act or omission committed by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator and the operator shall be subject to penalties for such act or omission in the same manner as if the operator had committed the act or caused the omission.
- E. All adult-oriented business establishments shall be open to inspection at all reasonable times by the Wolcott Police Department, inspectors employed by the Town, or such other persons as the Council may designate.
- F. No adult-oriented business establishment shall be permitted on a site that is less than 1,000 feet from an existing adult-oriented business establishment.

§ 205-5. Zoning compliance.

All adult-oriented business establishments shall comply in all respects with the Zoning Regulations of the Town of Wolcott, without benefit of variances of any kind.

§ 205-6. License required.

All adult-oriented business establishments shall acquire and maintain a license from the Town of Wolcott in the following manner:

- A. The operator or proposed operator, as defined in § 205-3 above, of an adult-oriented business establishment shall submit an application to

the Wolcott Chief of Police upon a form to be provided by the Chief of Police. Within 45 days after receipt of a completed application, the Chief of Police shall mail to the applicant a license or a notice of intent to deny. If he fails to do so, the license shall be deemed granted. The application shall be deemed complete when the Chief of Police has received the fees, all pertinent information required in § 205-7 below, a photograph and fingerprints of the applicant and, in the case of a corporation or other business organization, photographs and fingerprints of all persons for whom information is required under § 205-7 of this chapter.

- B. The premises must be inspected by the Chesprocott Regional Health District, Wolcott Fire Department, Wolcott Zoning Department and Wolcott Building Department within 30 days of receipt of the completed application. If the premises are in compliance with state and local health, fire and building codes and zoning regulations, a license shall be issued within 45 days of receipt of the completed application, unless the applicant is deemed unqualified. The inspections required by this subsection shall be requested by the applicant in writing to each applicable agency or department simultaneously with the submission of the application to the Chief of Police. Proof that said written requests have been made along with the dates of same shall be submitted with said application.
- C. The applicant shall be deemed unqualified, or shall become unqualified, if one or more of the following is true regarding such applicant or, if the proposed operator is a business entity, regarding any officer, director, member, partner, limited partner, and major shareholder (a holder of 10% or more of the stock of said corporation) of such operator and all other persons with authority to participate directly and regularly in the management of the business of such operator:
- (1) An applicant is under 18 years of age;
 - (2) An applicant is overdue in payment to the Town of Wolcott of taxes, fees, fines or penalties assessed against him/her in relation to an adult-oriented business establishment, or as set forth in Chapter 320, Article IV, Issuance of Permits and Certificates and Contract Payments to Delinquent Taxpayers, of the Town Code.
 - (3) An applicant has failed to provide the information required by this chapter for issuance of the license or has falsely answered a question or request for information on the application form;
 - (4) An applicant has violated a provision of this chapter within two years immediately preceding the application;
 - (5) The premises to be approved for the adult-oriented business establishment have not been approved by the Chesprocott Regional Health District Department, Wolcott Fire Department, Wolcott Zoning Department and Wolcott Building Department as being

in compliance with applicable laws, ordinances and regulations within 30 days of the filing of the application;

- (6) An applicant is in violation of the Town of Wolcott's Zoning Regulations;
 - (7) The license fee required by § 205-8 of this chapter has not been paid at the time the application was filed with the Chief of Police;
 - (8) An applicant has been employed in an adult-oriented business establishment in a managerial capacity within the preceding 12 months and has demonstrated an inability to operate or manage an adult-oriented business establishment in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers; and/or
 - (9) An applicant has been convicted of or has pleaded guilty or nolo contendere to a felony or a crime of moral turpitude involving racketeering, prostitution, controlled substances, sexual misconduct, child pornography or risk of injury to a child, as set forth in the Connecticut General Statutes or the United States Code of Criminal Conduct, or for conduct in another jurisdiction which would constitute an offense set forth above if carried out in Connecticut within the previous 60 months.
- D. Notwithstanding the provisions of Subsection C(9) above, an applicant shall not be deemed unqualified solely because of prior conviction of a crime; however, if the applicant has been convicted of a crime, the Chief of Police may consider the following when determining applicant qualifications:
- (1) The nature of the crime and its relationship to the granting of a license to operate an adult-oriented business establishment; and/or
 - (2) Information pertaining to the degree of rehabilitation of the convicted person.
- E. If an applicant is deemed unqualified, said rejection shall be in writing and shall specifically state the evidence presented and the reason(s) for rejection and shall be sent to the applicant by registered mail, to the address designated in the application.
- F. The license, if granted, shall state on its face the name of the person(s) to whom it is granted, the expiration date and the address of the adult-oriented business establishment. The license shall be posted in a conspicuous place at or near the entrance to the adult-oriented business establishment so that it may be easily read at any time.

§ 205-7. License application information required.

- A. The application for a license shall include the information called for in Subsection A(1) through (9) below. If the applicant is a business

entity, it shall designate an officer, partner or member as applicant. In such case, in addition to the information in Subsection A(1) through (9) below, the application shall state the date of formation of the business entity and the information called for in Subsection A(2) through (6) below with respect to each officer, director, member, general partner, limited partner, major stockholder (a holder of 10% or more of the stock of said corporation) and all other persons with authority to participate directly and regularly in the management of the business, but such information need not be provided with respect to attorneys, accountants and other persons whose primary function is to provide professional assistance to the licensee.

- (1) The name, business location, business mailing address and phone number of the adult-oriented business establishment;
 - (2) The full true name and any other names, aliases or stage names used in the preceding five years;
 - (3) Current residential mailing address and telephone number;
 - (4) Written proof of age in the form of a birth certificate, current driver's license with picture or other picture identification document issued by a governmental agency;
 - (5) The issuing jurisdiction and the effective dates of any license or permit relating to an adult-oriented business establishment or adult personal service, whether any such license or permit has been revoked or suspended and, if so, the reason(s) therefor;³³
 - (6) All criminal charges, complaints or indictments in the preceding five years which resulted in a conviction or a plea of guilty or nolo contendere;
 - (7) The name and address of the statutory agent or other agent authorized to receive service of process;
 - (8) The name(s) of the adult-oriented business establishment manager(s) who will have actual supervisory authority over the operations of the business; and
 - (9) An accurate, drawn to scale but not necessarily professionally drawn, floor plan of the business premises clearly indicating the location of one or more manager's stations.
- B. The information provided pursuant to Subsection A(5) and (6) shall be supplemented in writing by certified mail to the Chief of Police within 10 working days of a change of circumstances which would render information originally submitted as false, incomplete, or outdated, or in the event of a change in the name of ownership of the license holder,

or of any officer, director, member, limited partner, general partner, or major shareholder.

§ 205-8. Fees.

A license fee of \$500 shall be submitted with the application for a license. If the application is denied, 1/2 of the fee shall be returned.

§ 205-9. Term of license; renewal.

- A. Each license shall expire one year from the date of issuance and may be renewed annually by making an application, as provided in § 205-6 of this chapter. Application for renewal should be made at least 45 days before the expiration date to allow Town officials time to review the application in a timely manner; however, when an application for renewal is made less than 45 days before the expiration date, the expiration of the license will not be affected.
- B. All applications for renewal must comply in all respects with the same criteria as an original application, as set forth above, with the exception of the application fee. Said application for renewal may be denied for any of the same reasons as for the original application, set forth in § 205-6 above.
- C. An annual, nonrefundable license renewal fee of \$250 shall be submitted with the renewal application. In addition to the renewal fee, a late penalty of \$50 shall be assessed against the applicant who files for renewal less than 45 days before the license expires.
- D. No adult-oriented business establishment shall operate if its license expires by lapse of time.

§ 205-10. Suspension of license.

The Chief of Police shall suspend a license for a period not to exceed 30 days if he determines that an operator or an employee of an operator has violated any part of this chapter or violated any state statute regarding the subject establishment.

§ 205-11. Revocation of license.

- A. The Chief of Police shall revoke a license if a cause of suspension in § 205-10 occurs and the license has been suspended within the preceding 12 months, or if said license has been suspended four or more times since the issuance of the initial license.
- B. The Chief of Police shall revoke a license if he determines that:
 - (1) An operator gave false or misleading information in the material submitted during the application process;

- (2) An operator becomes unqualified during the term of the license as set forth in § 205-6 of this chapter;
 - (3) An operator or an employee of an operator has knowingly allowed possession, use or sale of controlled substances (as defined by the Connecticut General Statutes) on the premises of the adult-oriented business establishment or in any areas appurtenant thereto over which the licensee has control and/or possession;
 - (4) An operator or an employee of an operator has knowingly allowed or promoted prostitution on the premises of the adult-oriented business establishment;
 - (5) An operator or an employee of an operator has knowingly operated the adult-oriented business establishment during the period of time when the operator's license was suspended;
 - (6) An operator or an employee of an operator has knowingly allowed or as a result of his/her negligent failure to supervise has allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or sexual contact to occur in or on the premises of the adult-oriented business establishment; or
 - (7) An operator is convicted or pleads guilty or nolo contendere to an offense stated in § 205-6C(9) above.
- C. Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation and until a new application is made; provided, however, that any operator whose license has been revoked as a result of having its license suspended four or more times since the issuance of the initial license shall have forfeited any and all rights to reapply for a license for a period of five years from the date of the last license suspension.

§ 205-12. Transfer of license.

- A. An operator shall not transfer his/her license to another, nor shall an operator operate an adult-oriented business establishment under the authority of a license at any place other than the address designated in the application.
- B. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

§ 205-13. Appeals.

If the Chief of Police denies the issuance of a license or suspends or revokes a license, he shall, within 10 days of his decision, send to the applicant or operator at the address listed on the application by certified mail, return receipt requested, written notice of his decision and shall further specifically state the evidence presented, the reason for the decision and the right to an appeal. The aggrieved party may appeal the decision

to the Mayor within 30 days of receipt of the notice by filing a written application to the Wolcott Town Clerk requesting a hearing before the Mayor. At the hearing, the applicant/operator shall have the opportunity to present evidence in support of his appeal. The Chief of Police or his designee shall also have the right to present evidence in support of the denial, suspension or revocation. Such hearing shall be scheduled within 30 days of the notice of appeal. The Mayor shall render a decision within 45 days of receipt of the appeal or within 10 days from the conclusion of the hearing, whichever date occurs later. The aggrieved party may file an appeal of the Mayor's decision directly to the Superior Court for the Judicial District of Waterbury within 15 days of issuance of a notice of denial of the appeal by the Mayor, which appeal shall be heard by the Court de novo. The filing of an appeal stays the action of the Town in suspending or revoking a license until the Mayor or, if appealed, the Superior Court makes a final decision, unless otherwise ordered by the Superior Court. Nothing in this section shall prevent the Town from proceeding with an injunction action pursuant to § 205-14 hereof.

§ 205-14. Penalties for offenses.

- A. The Chief of Police shall fine any person, entity, operator, or licensee found to have violated any provision of this chapter a definite sum not to exceed \$250 for each such violation.³⁴
- B. Each violation of this chapter shall be considered a separate offense, and any violation continuing for more than one hour of time from receipt of notice of violation shall be considered a separate offense for each hour of violation.
- C. The penalties provided for in this section shall be in addition to any and all other enforcement remedies provided for in this chapter and in any other applicable zoning regulations, local ordinances, state statutes, and as allowed by law and equity, including a request for injunctive relief.
- D. Any person, entity, operator, or licensee aggrieved by the decision of the Chief of Police under this section shall have the right to appeal such decision to the Mayor and the Superior Court in the same manner and subject to the same procedure as prescribed by § 205-13 of this chapter.

§ 205-15. Preexisting businesses.

- A. Any adult-oriented business establishment existing and actively operating for a period of at least one year prior to the effective date of this chapter shall not be subject to provisions of this chapter; except, however:

34. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (1) The owner of such establishment shall provide in writing to the Chief of Police the information provided in § 205-7A(1), (3), (4), (7), (8) and (9) of this chapter; and
 - (2) The owner shall provide proof, satisfactory to the Chief of Police, that such business has been existing and was in operation for a period of at least one year preceding the effective date hereof.
- B. All preexisting adult-oriented business establishments meeting the above one-year existence requirement shall be exempt from the provisions of this chapter as long as they meet the following requirements.:
- (1) The ownership remains the same; and
 - (2) The type of business remains the same; and
 - (3) All state permits governing operation shall remain in force.
- C. Upon any change in ownership of such business or upon any change, modification, expansion or alteration in the use, nature or character associated with such business, the business shall be subject to the licensing requirements of § 205-6 herein within 180 days of such change.

§ 205-16. Word usage.

In construing this chapter, masculine or neuter pronouns shall be substituted for those of feminine form and vice versa and the plural of the singular and the singular of the plural shall be substituted in any case in which the context may require.

Chapter 209

ALARM SYSTEMS

§ 209-1. Purpose.

It is the intent and purpose of this chapter to provide minimum uniform standards and regulations applicable to users and installers of burglar, fire, hold-up and automatic telephone dialer alarms within the Town of Wolcott, to reduce the number of false alarms, provide penalties for noncompliance, and to encourage the installation and responsible use of protective alarm systems in all dwellings and commercial structures.

§ 209-2. Definitions.

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

ALARM SYSTEM — An assembly of equipment and devices (or a single device, such as a solid-state unit, which may operate from a 110-volt AC

line) arranged to signal the presence of a hazard requiring urgent attention and to which Police or Fire Department personnel are expected to respond. This includes all burglar alarms, fire alarms, hold-up alarms and automatic telephone dialer alarms, except this does not include smoke detectors or other alarm systems which do not signal outside an alarmed premises or alarm systems in motor vehicles.

ALARM USER — Any person, firm or corporation on whose premises any alarm is maintained within the Town.

AUTOMATIC TELEPHONE DIALING DEVICE — An alarm system which automatically sends over regular telephone lines, by direct communication or otherwise, a prerecorded voice message indicating the existence of the emergency situation that the alarm system is designed to detect.

FALSE ALARM — The activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his employees or agents which causes or precipitates an emergency response. Such terminology does not include, for example, alarms caused by power outages or hurricanes, tornadoes, earthquakes or other normally violent conditions or acts of God. Excluded from this chapter are false alarms that are transmitted with a criminal, malicious or mischievous intent. Such violations will be prosecuted under the applicable General Statutes of the State of Connecticut.

PERSON — An individual, firm, partnership, association, corporation, company or organization of any kind, including governmental entities.

§ 209-3. Registration, installation and operation requirements.

- A. All existing alarm systems shall be registered with the Wolcott Police Department within 90 days of the effective date of this chapter.
- B. Any person installing an alarm system within the Town shall register with the Wolcott Police Department at least 10 days prior to the anticipated installation.
- C. No alarm systems shall be installed by other than a licensed person or other person meeting the requirements set forth in the building and electrical codes of the State of Connecticut. No alarm system shall be installed unless an electrical permit to install an alarm system has been obtained from the Town Building Official, or his designated representative, in accordance with the building and electrical codes of the State of Connecticut.
- D. No person shall install an automatic telephone dialing system within the Town, the termination point of which is the Wolcott Police Department.
- E. A maximum of three false alarms per calendar year shall be allowed from any alarm system of any person. Upon receipt of a fourth false alarm and for each false alarm thereafter during the calendar year, a fine shall be assessed against said person.

- F. All alarm systems, as defined in § 209-2 of this chapter, which sound an audible signal which may be heard outside of the protected premises shall be equipped with a device which shall limit the duration of such audible signal to no more than 15 minutes.

§ 209-4. Penalties for offenses.

- A. Any person found to be in violation of § 209-3A, B or C shall be fined \$25.
- B. Any person found to be in violation of § 209-3E shall be fined \$25 upon receipt of the fourth false alarm and \$25 for each false alarm thereafter.
- C. Any fine levied in accordance with this chapter shall be paid to the Wolcott Police Department within 60 days of notification of the fine.
- D. Alarms originating from any building owned or operated by the Town of Wolcott shall be exempt from this section.

§ 209-5. Administrative regulations.

The Chief of Police of the Wolcott Police Department shall promulgate such regulations as said Chief may deem necessary in order to implement this chapter.

Chapter 213

ALCOHOLIC BEVERAGES

ARTICLE I

Use on School Grounds

**[Adopted 10-18-1974 by Ord. No. 24; amended in its entirety
11-1-1988 by Ord. No. 63]**

§ 213-1. Purpose.

In order to ensure the orderly and peaceful use of the public schools and public school grounds and to ensure the safety and welfare of minor children and other persons who use these premises for study, recreation, social and public functions, and other activities, the Council of the Town of Wolcott, Connecticut, does ordain as follows.

§ 213-2. Consumption prohibited.

No person shall consume any alcoholic liquor within any school building or on any school grounds, while attending any school function or taking part in any other activity on said premises; nor shall any person transport alcoholic liquor onto school grounds with intent to consume it there, or to use it for any other purpose while attending a public function conducted thereon.

§ 213-3. Definitions.

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

ALCOHOLIC LIQUOR — Defined to include the four varieties of liquor, alcohol, beer, spirits, and wine, as defined in the Connecticut General Statutes, and any liquid or solid, patented or not, containing alcohol, spirits, wine or beer, capable of being consumed by human beings.

§ 213-4. Penalties for offenses.³⁵

Any person violating any of the provisions of this article shall, for each such offense, be punished by a fine of not more than \$250.

35.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE II

**Hours for Sale or Dispensing
[Adopted 10-6-1981 by Ord. No. 47]****§ 213-5. Limitations on sale hours.**³⁶

The sale or dispensing or consumption or the presence in glasses or other receptacles suitable to permit the consumption of liquor by an individual of alcoholic liquor in places operating under nightclub permits, hotel permits, restaurant permits, cafe permits, bowling establishment permits, club permits, special sporting facility restaurant permits, special sporting facility employee recreational permits, special sporting facility guest permits, special sporting facility concession permits, special sporting facility bar permits, temporary permits for beer only, or tavern permits shall not be permitted on Monday, Tuesday, Wednesday, Thursday and Friday between the hours of 1:00 a.m. and 9:00 a.m. and shall not be permitted on Saturday and Sunday between the hours of 2:00 a.m. and 11:00 a.m., except that such sale shall be lawful on January 1 until 3:00 a.m.

§ 213-6. Scope.

This article shall not act so as to reduce the present hours for the sale, dispensing, consumption, presence in glasses or other receptacles suitable to permit the consumption of liquor under existing nightclub permits, but shall be effective as to any removal, reapplication, extension or substitution thereof.

36. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 220**BAZAARS AND RAFFLES****§ 220-1. Adoption of statutory provisions.**

The provisions of C.G.S. §§ 7-170 to 7-186, inclusive, are hereby adopted permitting the conduct of bazaars and raffles in the Town of Wolcott; subject, however, to the provisions of said section of the statutes.

Chapter 224**BOATS AND BOATING****§ 224-1. Scope of regulations.**

No person shall operate any watercraft upon the bodies of water located within the Town of Wolcott known as the "Chestnut Hill Reservoir," consisting of two bodies of water located on and adjacent to Lyman Road in Wolcott, Connecticut or upon the bodies of water known as the "Scovill Reservoir" (a/k/a the "Woodtick Recreational Area Reservoir") located adjacent to Woodtick Road, Munson Road, Wolf Hill Road and Nichols Road in the Town of Wolcott, except in compliance with this chapter.

§ 224-2. Definitions.

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

HORSEPOWER — The rated brake horsepower of an engine at maximum operating revolutions per minute.

INTERNAL COMBUSTION ENGINE — A mechanical motor used as a means of propulsion by utilizing petroleum products to generate energy or force.

MOTORBOAT — A vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, including electric motors.

PARASAILING — Operation of a platform upon water by a person by means of a maneuverable sail or parachute.

SAILBOAT — Any vessel propelled by sail alone.

VESSEL — Every description of watercraft used or capable of being used as a means of transportation on water.

WATER SKIING — This term includes aquaplaning, towing of any person behind a vessel under power and similar forms of activity.

WATERCRAFT — Anything capable of being used as a means of carriage or transportation upon or in water, including, but not limited to, parasails, motorboats, sailboats, vessels, sailboards, jet skis, wave runners, wind surfboards, self-propelled water skis and remote-controlled devices.

WIND SURFING — Employment of a specially designed surfboard with an independently swiveling mast, using the body as a stabilizing force.

§ 224-3. Buoys and moorings.

No buoys shall be placed within the affected bodies of water and no vessels or watercraft shall be moored upon such bodies of water.

§ 224-4. Watercraft restrictions.

Water skiing, windsurfing and parasailing are prohibited upon the affected bodies of water. Self-propelled water skis, surfboards, remote-controlled devices which tow water skiers, water ski jumps, slalom courses, jet skis, wave runners and the like are also strictly prohibited on the affected bodies of water.

§ 224-5. Hours of operation.

No person shall operate any watercraft upon the affected bodies of water between sunset and sunrise.

§ 224-6. Speed limit.

No person shall operate any watercraft at a speed in excess of six miles per hour within 100 feet of the shore of any affected body of water.

§ 224-7. Internal combustion engines prohibited.

The use or possession of internal combustion engines on any affected body of water is prohibited. However, electric motors are allowed.

§ 224-8. Sailboat restrictions.

Sailboats are prohibited from the Woodtick Recreation Area, a/k/a "Scovill Reservoir," but are allowed, subject to all of the provisions of this chapter, on the Chestnut Hill Reservoir.

§ 224-9. Launching vessels.

No person shall launch any vessel from any roadway onto the affected bodies of water.

§ 224-10. Enforcement.³⁷

The Parks and Recreation and Acquired Facilities Commission of the Town of Wolcott is empowered and authorized to post signs and any other warnings and directions, and to pass and enforce and regulations not inconsistent with this chapter which it deems necessary to effectuate the purposes of this chapter.

37. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 224-11. Penalties for offenses.³⁸

Any person violating any of the provisions of this chapter shall, for each such offense, be punished by a fine of not more than \$250.

Chapter 228**BUILDING CONSTRUCTION**

38.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE I
Building Code
[Adopted 7-5-1966 by Ord. No. 3]

§ 228-1. Amendments to state code.

There shall be a building code for the Town of Wolcott comprised of the State of Connecticut Basic Building Code with the following amendments:

- A. Sections 107.0, 107.1, 107.2, 107.3, 107.4, 107.5, 107.6, 107.7, and 107.8 shall read: The Building Code of the Town of Wolcott will be enforced by the Building Inspector, so-called, who shall be chosen by the Board of Selectmen for a term not greater than the appointive authority.
- B. Section 118.0, Fees, will now read: Sec. 118.1. FEES. Fees pertaining to all building permits and permits for alterations and demolition will be set from time to time by the legislative authority of the Town of Wolcott after giving due notice of intent to set fees or to change existent fees.
- C. Section 128.21, pertaining to the Board of Appeals, will now read: MEMBERSHIP OF BOARD. The Board of Appeals shall consist of six members, electors of the Town of Wolcott, appointed by the legislative authority of the Town of Wolcott with terms consistent with the Charter of the Town of Wolcott.
- D. Section 128.22, shall read: QUALIFICATIONS OF BOARD MEMBERS. The qualifications of members of the Board of Appeals shall be left entirely to the discretion of the Wolcott legislative authority.

§ 228-2. Flood damage prevention.³⁹ [Added 9-5-1975 by Ord. No. 34]

- A. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:
 - (1) Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
 - (2) Use construction materials and utility equipment that are resistant to flood damage; and
 - (3) Use construction methods and practices that will minimize flood damage.

39. Editor's Note: See also Ch. 245, Floodplain Management.

- B. The Building Inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

§ 228-3. Conflict with other provisions.

This article will become effective October 1, 1966, and will supersede all existing regulations with which it may conflict and more specifically page 43, sec. 12, subsection 1 through 6, of the Wolcott Planning and Zoning Regulations, labeled "Administration and Enforcement," which entire section is meant to be superseded and is hereby superseded by the contents of this article.

ARTICLE II
Numbering of Buildings
[Adopted 4-6-1993 by Ord. No. 72]

§ 228-4. Purpose.

It is the purpose of this article to promote public safety and convenience through the provision of a rational building unit numbering system whereby addresses may be identified with ease and speed so as to facilitate the quick response of emergency services such as, but not limited to, fire fighting, police and emergency care, and to replace and standardize the existing numbering system.

§ 228-5. Definitions.

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

BUILDING UNIT — An apartment, condominium building or condominium unit, single-family dwelling, multifamily dwelling, motel, commercial or industrial establishment, government building and/or any other building or structure which may be occupied at any time by a person or persons.

§ 228-6. Assignment of numbers.

- A. The Wolcott Building Inspector (hereinafter referred to as "Building Inspector"), at his discretion and without notice, shall assign to each building unit a building identification number by which such building unit shall be known and identified. The Building Inspector shall be authorized to change such building unit identification numbers when such change shall be necessary by reason of readjustment of any kind, inaccuracy, mistake or for any other reason. It shall be the duty of the Building Inspector, whenever a new street or highway is laid out, to assign identification numbers to the land abutting such street or highway.
- B. All new structures located on any street or highway within the Town of Wolcott shall have affixed thereto numbers as assigned by said Building Inspector prior to the issuance of a certificate of occupancy.

§ 228-7. Duty of property owners.

It shall be the duty of the owner of any building unit to identify such unit by affixing numerals as herein provided. It shall be unlawful for any person, whether as owner or occupant of the building unit, to place, maintain or allow to remain thereon any number other than the one required by this article.

§ 228-8. Notification of number assignment.

The Building Inspector shall notify the owner of each building unit to which a number is assigned, or the number of which is changed, of the numbers so assigned or to which it was changed, by first class mail postage prepaid. By not later than 60 days after the mailing of such notice, the owner shall cause the assigned number to be displayed according to the specifications contained herein.

§ 228-9. Specifications.

All building unit identification numbers affixed after the effective date of this article shall be in Arabic numeral form, block style, and of a color which contrasts with that of the background to which the numerals are affixed. All building unit identification numbers shall be not less than three inches nor more than 12 inches in height. They shall be clearly visible from both directions of the road on which said building unit fronts or from which said building unit is accessed.

§ 228-10. Location of numbers.

- A. Where a building unit fronting on a street or private road is set back less than 100 feet from the center line of said road or where the main door of the building unit is visible from the street on which it fronts, the unit number shall be mounted to the right, left or above the main door of the building unit. All building unit identification numbers affixed after the effective date of this article shall be mounted not less than four feet nor more than eight feet above the threshold.
- B. Where a building unit fronting on a street or private road is set back more than 100 feet from the center line of said road or where the main door of the building unit is not visible from the street on which it fronts, the building unit identification number shall be mounted on a mailbox, wooden sign, or other suitable device within 10 feet of the driveway entrance which provides the closest vehicular access to the building unit to which the identification numbers have been assigned.
- C. For structures containing two or more building units (such as, but not limited to, apartment, condominium and commercial complexes) and/or which have entrances from interior passageways, identification numbers for each building unit shall be affixed to the entrance door of each building unit. In addition, a sign which is visible from both directions of the road on which said building fronts or from which said building is accessed shall be placed in front of said multi-building-unit complex and shall state the range of building unit numbers contained therein.

§ 228-11. Enforcement.

- A. Primary responsibility for the enforcement of the provisions of this article shall be with the Wolcott Building Inspector.

- B. In those cases in which the Building Inspector is unable to obtain compliance with the provisions of this article after exhausting all reasonable and proper means of doing so, responsibility for enforcement of the provisions of this article in such cases may be transferred to the Wolcott Police Department upon the filing of a complaint by the Building Inspector.

§ 228-12. Penalties for offenses.

Any person, firm or corporation who or which violates any provision of this article shall be issued a written warning and shall have 21 days in which to comply with this article. If, after 21 days, an inspection reveals that the violation still exists, said person, firm or corporation shall be subject to a fine of \$20 for each violation and for each day thereafter for failure to comply with this article.

Chapter 235**DOGS****§ 235-1. Impoundment; fees.**

- A. Any dog captured or impounded for the first time under the provision of Chapter 435 of the Connecticut General Statutes shall be released to the owner or keeper thereof or the agent of such owner or keeper, pursuant to both the provisions of C.G.S. § 22-333, as amended, and § 235-2 of this chapter, if applicable. (Fee: \$10 plus cost of advertisement.)
- B. Any dog captured or impounded for a second time within a twelve-month period under the provisions of Chapter 435 of the Connecticut General Statutes shall be released to the owner or keeper thereof, or the agent of such owner or keeper, pursuant to the provisions of C.G.S. § 22-333, as amended, and § 235-2 of this chapter, if applicable, and upon payment to the Town of Wolcott of an additional redemption fee of \$5 for such second occurrence. (Fee: \$15 plus cost of advertisement.)
- C. Any dog captured or impounded for a third or more times within a twelve-month period under the provisions of Chapter 435 of the Connecticut General Statutes shall be released to the owner or keeper, pursuant to the provisions of C.G.S. § 22-333, as amended, and § 235-2 of this chapter, if applicable, and upon payment to the Town of Wolcott of an additional redemption fee of \$5 for such third or subsequent occurrence. (Fee: \$20 plus cost of advertisement.)

§ 235-2. Additional custodial fees.

Any dog captured or impounded under the provisions of Chapter 435 of the Connecticut General Statutes and not redeemed within 24 hours after notification of such capture or impoundment shall be released to the owner or keeper thereof, or the agent of such owner or keeper, pursuant to the provisions of C.G.S. § 22-333, as amended, and § 235-1 of this chapter, if applicable, and upon payment to the Town of Wolcott of the sum of \$3 per day for each day said dog has been in the custody of the Dog Warden, to help defray the cost to said Town of the board and care for such dog.

§ 235-3. State law amendments.⁴⁰

Any changes in the state statutes pertaining to fees will be automatically incorporated into this chapter so that the maximum amount permitted by state law is imposed.

Chapter 241

40. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

FIREARMS AND WEAPONS

ARTICLE I

Air Guns and Rifles**[Adopted 4-25-1972 by Ord. No. 20]****§ 241-1. Sale restrictions.**

It shall be unlawful for any person to sell, offer for sale or expose for sale any air gun, air rifle or similar devices in which the expulsion or impelling force is compressed or condensed air or gas unless such person is 21 years of age or more and unless he shall first ascertain the buyer or procurer to be 18 years of age.

§ 241-2. Purchasing restrictions.

It shall be unlawful for any person to purchase, buy, borrow, or otherwise acquire any air gun, air rifle or similar devices in which the expulsion or impelling force is compressed or condensed air or gas unless such person is 18 years of age or more, unless he shall ascertain the seller to be 21 years of age or more.

§ 241-3. Use by minors restricted. [Amended 11-1-1988 by Ord. No. 62]

It shall be unlawful for any person to allow any person under 16 years of age to use any air gun, air rifle or similar devices in which the expulsion or impelling force is compressed or condensed air or gas if not under direct supervision of a parent or guardian.

§ 241-4. Penalties for offenses.

- A. Any person who violates any provision of this article shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not more than \$100, or imprisonment of not more than five days, or both.⁴¹
- B. Any person who violates any provision of this article shall be guilty of a misdemeanor.
- C. Any air gun, air rifle or similar device which is used in violation of § 241-3 may be confiscated and may be destroyed by the Police Department. **[Amended 11-1-1988 by Ord. No. 62]**

41. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 245
FLOODPLAIN MANAGEMENT

ARTICLE I

Purpose and Applicability**§ 245-1. Purpose.**

It is the purpose of this chapter to:

- A. Promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas of the Town of Wolcott by the establishment of standards designed to:
 - (1) Protect human life and public health;
 - (2) Minimize expenditure of money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding;
 - (4) Minimize prolonged business and employment interruptions;
 - (5) Minimize damage to public facilities and utilities;
 - (6) Help maintain a stable tax base;
 - (7) Ensure that purchasers of property are notified of special flood hazards; and
 - (8) Ensure that persons who occupy areas of special flood hazard assume responsibility for their actions; and
- B. Ensure continued eligibility of owners of property in the Town of Wolcott for participation in the National Flood Insurance Program pursuant to rules and regulations published in the Federal Register.

§ 245-2. Applicability.

This chapter is applicable to all special flood hazard areas within the Town of Wolcott as identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New Haven County, Connecticut, dated December 17, 2010, accompanying Flood insurance Rate Maps (FIRM), dated December 17, 2010, and other supporting data applicable to the Town of Wolcott, and any subsequent revisions thereto, which are adopted by reference and declared to be a part of this chapter. Since mapping is legally adopted by reference into this chapter, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

§ 245-3. Compliance required.

Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities may be made within the special flood hazard area only in accordance with the requirements of this chapter.

§ 245-4. Other restrictions.

This chapter is not intended to repeal, abrogate or impair any easements or other laws, regulations or ordinances, and whichever imposes the more stringent restrictions shall prevail.

§ 245-5. Interpretation.

In the interpretation and application of this chapter, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

§ 245-6. Warning and disclaimer of liability.

The degree of flood protection established by this chapter is considered reasonable for Townwide regulatory purposes and is based on available scientific and engineering studies. Larger floods may occur on rare occasions, and flood heights may increase as a result of man-made or natural causes. This chapter does not imply that land outside of special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of Wolcott, any officer or employee thereof or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

ARTICLE II
Definitions

§ 245-7. Terms defined.

Certain terms and phrases used in this chapter are hereinafter defined and explained. Otherwise, the words in this chapter shall have the meaning commonly attributed to them.

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

BASE FLOOD ELEVATION — The particular elevation of the base flood or one-hundred-year flood as specified on the Flood Insurance Rate Map; the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING — A walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructure.

COST — As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, at a minimum, the installation of utilities, the

construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 5, 1982, the effective date of the floodplain management ordinance adopted by the community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — The federal agency that administers the National Flood Insurance Program (NFIP).

FLOOD INSURANCE RATE MAP (FIRM) — The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas (one-hundred-year floodplain) and the insurance risk premium zones applicable to a community.

FLOOD INSURANCE STUDY (FIS) — The official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

FLOODPROOFING — Any combination of structural or 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 area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1.0 foot anywhere in the Town. For the purposes of this chapter, the term "regulatory floodway" is synonymous in meaning with the term "floodway." The floodway is delineated on the Flood Insurance Rate Map, which is part of this chapter.

FUNCTIONALLY DEPENDENT USE OR FACILITY — A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE — The market value of the structure shall be determined by an independent appraisal by a professional appraiser 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.

MEAN SEA LEVEL (MSL) — The North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after July 5, 1982, the effective date of the floodplain management regulations, and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for

servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 5, 1982, the effective date of the floodplain management regulation adopted by the community.

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 projection;
- 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 a temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA (SFHA) — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A and AE. The SFHA is also called the "area of special flood hazard."

START OF CONSTRUCTION — Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a trailer.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT —

- A. Any repair, reconstruction, or improvement of a structure, taking place over a five-year period, the cost of which equals or exceeds 50% of the market value of the structure either:
- (1) Before the improvement or repair is started; or
 - (2) If the structure has been damaged and is being restored, before the damage occurred.
- B. For the purpose 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 either:
- (1) Any project for improvement of a structure to comply with existing state or Town health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (2) Any alterations of a structure listed on the National Register of Historic Places or the Connecticut State Inventory of Historic Places.

VARIANCE — A grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

VIOLATION — Failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION — The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III
Standards

§ 245-8. General standards.

In special flood hazard areas, all development shall conform to the standards hereinafter specified.

§ 245-9. Anchoring; limitations on location of manufactured homes.

All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. No manufactured home shall be located in a special flood hazard area.

§ 245-10. Construction materials and methods.

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and by using methods and practices that minimize flood damage.
- B. Electrical, heating, ventilation, plumbing, air-conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

§ 245-11. Utilities.

Water supply and sanitary systems shall conform to the following:

- A. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
- C. On-site sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

§ 245-12. Building location and floor elevation.

- A. No new construction or substantial improvement of buildings and other structures for human occupancy shall be located in any special flood hazard areas. No manufactured home or recreational vehicle shall be located in a special flood hazard area either permanently or temporarily. This includes manufactured homes located in special flood hazard areas outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing

manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood.

- B. Any new construction or substantial improvement of buildings and other structures for other than human occupancy shall either have the lowest floor, including basement, elevated to or above the base flood elevation or shall, together with attendant utility and sanitary facilities, conform to the following:
- (1) Be floodproofed so that, below the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (3) Be certified by a registered professional engineer or architect that the above standards are satisfied, which certifications shall be provided to the Building Inspector of the Town of Wolcott as set forth in § 245-16C.

§ 245-13. Floodways.

There shall be no encroachments, including fill, new construction, substantial improvements, and other development unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments will not result in any (zero feet) increase in flood levels during the occurrence of the base flood discharge. Fences in the floodway must be aligned with the flow and be of an open design.

ARTICLE IV
Administration

§ 245-14. Responsibility for administration.

The Building Official of the Town Of Wolcott is hereby designated to administer and implement the provisions of this chapter. The Building Official shall have the responsibility and authority to grant or deny permit applications for development in special flood hazard areas in accordance with the provisions of this chapter. The Mayor may appoint deputies to assist and act for the Building Official.

§ 245-15. Flood hazard area permits.

A. Development, including new construction, substantial improvement and the placement of prefabricated buildings, may be made within special flood hazard areas only after a flood hazard area permit therefor has been obtained. Application for a flood hazard permit shall be made to the Building Official on forms furnished for that purpose by such official and shall include at least:

- (1) Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question;
- (2) Existing or proposed structures, fill, storage, of materials and drainage facilities; and
- (3) The location of the foregoing.

B. The following is required in connection with applications:

- (1) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (2) Elevation, in relation to mean sea level, to which any structure has been or will be floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 245-12B;
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- (5) Plans for any walls to be used to enclose space below the base flood elevation.

§ 245-16. Duties and responsibilities of Building Official.

Duties and responsibilities of the Building Official in the administration of this chapter shall include but not be limited to the following:

A. Permit application review. The Building Official shall:

- (1) Review all flood hazard area permit applications to determine that the requirements of this chapter have been satisfied; and that the proposed development and building site will be reasonably safe from flooding.
 - (2) Review all such permit applications to determine that all other necessary permits have been received from those federal, state or Town government agencies from which prior approval is required.
- B. Other base flood data. When base flood elevation data is not provided on the Flood Insurance Rate Map, the Building Official shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer the standards of this chapter.
- (1) The Building Official may request floodway data of an applicant for watercourses without FEMA-published floodways. When such data is provided by an applicant or whenever such data is available from any other source (in response to the municipality's request or not), the community 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 within the community.
 - (2) When BFEs have been determined within Zones A and AE on the community's FIRM but a regulatory floodway has not been designated, the Building Official must require that no new construction, substantial improvements, repair to structures which have sustained substantial damage or other development, including fill, shall be permitted which will increase the water surface elevation of the base flood more than one foot at any point within the community when all existing and anticipated development is considered cumulatively with the proposed development.
- C. Information to be obtained and maintained. The Building Official shall:
- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
 - (2) For all new and substantially improved floodproofed structures:
 - (a) Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - (b) Maintain the floodproofing certification required in Subsection B;
 - (3) Maintain for public inspection all records pertaining to the provisions of this chapter; and

- (4) Submit an annual report to the Federal Emergency Management Agency.
- D. Alteration of watercourses. The Building Official shall:
- (1) Notify adjacent towns and the Connecticut Department of Environmental Protection, Water Resources Unit, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and
 - (2) Require that the flood-carrying capacity within the altered or relocated portion of any watercourse be maintained.
- E. Interpretation of boundaries. The Building Official shall make interpretations, where needed, as to the exact location of the boundaries of special flood hazard areas, such as where there appears to be a conflict between a mapped boundary and the actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 245-17A.
- F. Compensatory storage. The water-holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of floodwater at each elevation, up to and including the one-hundred-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
- G. Equal conveyance. Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (zero feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage, shall not be constructed in such a way as to cause an increase in flood stage or flood velocity.

- H. Aboveground storage tanks. Aboveground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of floodwater.
- I. No structures entirely or partially over water. New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water unless it is a functionally dependent use or facility.
- J. Portion of structure in flood zone. If any portion of a structure lies within the special flood hazard area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- K. Structures in two flood zones. If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V Zone is more restrictive than A Zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

ARTICLE V
Appeals and Variances

§ 245-17. Appeals board.

The Zoning Board of Appeals of the Town of Wolcott shall hear and decide appeals and requests for variances from the standards of this chapter. Such Board shall have the following duties:

- A. To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Building Official in the enforcement and administration of this chapter;
- B. To issue variances from the standards of this chapter, under the general considerations set forth in § 245-18 and the conditions for variances specified in § 245-19; and
- C. To issue variances for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places without regard to the considerations and conditions of §§ 245-18 and 245-19.

§ 245-18. General considerations.

In passing upon applications for variance, the Zoning Board of Appeals shall consider the technical evaluations and studies that are the basis for this chapter, the standards of this chapter and the following:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger to life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed development and its contents to flood damage, and the effect of such damage on the individual owner;
- D. The importance of the services provided to the community by the proposed development;
- E. The necessity of a waterfront location for the function of the development;
- F. The availability of alternative locations for the proposed development which are not subject to flooding or erosion damage;
- G. The compatibility of the proposed development with existing and anticipated other development;
- H. The relationship of the proposed development to the plan of development for the Town and the floodplain management program for that area;
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;

- J. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

§ 245-19. Conditions for variances.

The following are applicable to the issuance of variances by the Zoning Board of Appeals:

- A. No variance shall be issued within a floodway if any increase in flood levels during the base flood discharge will result.
- B. Otherwise, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in area when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation, provided that the following criteria are met:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other existing Town laws, ordinances and regulations.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this chapter.

§ 245-20. Effective date and filing.

A variance issued under this chapter shall become effective at such time as is fixed by the Zoning Board of Appeals, provided a copy thereof shall be filed in the office of the Wolcott Town Clerk and in the land records of the Town of Wolcott in the same manner as required for filing of variances from the Zoning Regulations.

§ 245-21. Notice and records.

The Building Official shall notify the applicant for variance in writing that the issuance of a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance and such construction below the base flood elevation increases risks to life and

property. The Building Official shall maintain a record of such notice to applicants, shall maintain a record of all variance actions, including the justification for their issuance, and shall report such variances issued in his/her annual report to the Federal Emergency Management Agency.

§ 245-22. Appeals to Superior Court.

Any person or persons singularly or jointly aggrieved by any decision of the Zoning Board of Appeals acting under this chapter, or any person owning land which abuts or is within a radius of 100 feet of any portion of the land involved in any decision of said Board, or any officer, board or commission of the Town of Wolcott, having jurisdiction or responsibility over the flood hazards of the Town, may take an appeal to the Superior Court of the county or judicial district in which such municipality is located in the same manner as provided under the provisions of Section 8-8 of the General Statutes of the State of Connecticut.

Chapter 262**GROUNDWATER PROTECTION****§ 262-1. Title.**

This chapter shall be known and cited as the "Groundwater Ordinance of the Town of Wolcott."

§ 262-2. Purpose; applicability.

The purpose of this chapter is to protect the health, safety and general welfare of the residents of Wolcott by identifying an Institutional Control Zone (ICZ) and prohibiting the extraction, consumption or utilization of groundwater from land located within the ICZ so as to prevent public exposure to contaminated groundwater. The boundaries of the ICZ are set forth on Figure 1 attached hereto.⁴²

§ 262-3. Scope and authority.

Within the boundaries of the ICZ, comprised as set forth in this chapter, no groundwater shall be extracted, consumed or utilized from the ground. This chapter shall apply to such areas notwithstanding the provisions of any other Town ordinance previously adopted.

§ 262-4. Definitions.

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

GROUNDWATER — All the water found beneath the surface of the ground. In this chapter the term "groundwater" also refers to the slowly moving subsurface water present in aquifers and recharge areas.

§ 262-5. ICZ area established.

For the purpose of this chapter, there is hereby established within the Town of Wolcott a certain ICZ area.

§ 262-6. Area designated.

- A. The particular properties contained within the initial ICZ are located on or adjacent to Wolcott Road, Town Line Road and Nutmeg Valley Road and are identified as follows:

#64 Wolcott Road, n/f owned by National Die Company, Inc., P.O. Box 6281, Wolcott, Connecticut 06716, Assessors Map Plate No. 109, Lot #69 (including adjacent triangular shaped parcel), Unique ID# N0404400

42. Editor's Note: Figure 1 is included as an attachment to this chapter.

#84 Wolcott Road, n/f owned by Anthony S. Moffo, 61 Kalko Drive, Wolcott, Connecticut 06716, Assessors Map Plate No. 109, Lot #32 and #3A, Unique ID# M0386800

#17 Town Line Road, n/f owned by Dolores Riollano, Trustee of The Joseph M. Macary Trust, 9 Oakdale Avenue, Waterbury, Connecticut 06708, Assessors Map Plate No. 109, Lot #76A and Lot #76B and part of Lot #76 (including adjacent triangular shaped parcels), Unique ID# M0340800

Nutmeg Valley Road, n/f owned by Stanley Sendzimir c/o Jones, Foster and Johnson, P.O. Box 3475, West Palm Beach, Florida 33402, and Jan Peter and The Vanda Sendzimir Revocable Trust c/o Robert B. Needham, Trustee, 5 Forbes Lane, Andover, MA 01810 (vacant land), Assessors Map Plate No. 109, Lot #67 through #76, Unique ID# S0503900

#1 Nutmeg Valley Road, n/f owned by Thomas A. Gianni, Jr. and Carmen Gianni d/b/a Nutmeg Valley Associates, 1 Nutmeg Valley Road, Wolcott, Connecticut 06716, Assessors Map Plate No. 109, Lot #33, Unique ID# G0214400

#9 Nutmeg Valley Road, n/f owned by Barney H. Newsome, 178 Scott Road, Prospect, Connecticut 06712, Assessors Map Plate No. 109, Lot #34A, Unique ID# N0406100

Nutmeg Valley Road, n/f owned by Theodore Iorio, 15 Nutmeg Valley Road, Wolcott, Connecticut 06716, Assessors Map Plate No. 109, Lot #35, Unique ID# I0264300

#15 Nutmeg Valley Road, n/f owned by Nutmeg Screw Machine Products, Inc., P.O. Box 1470, Waterbury, CT 06720, Assessors Map Plate No. 109, Lot #34, Unique ID# N0410300

- B. The referenced Assessor's maps are on file at the Office of the Assessor of the Town of Wolcott and are those bearing the following identification (as amended through the date of adoption of this chapter): "Property Maps of the Town of Wolcott, Conn. Plate No. 109, Scale one inch equals 200 feet, April, 1958, Prepared by Vernon Graphics, Inc. Mt. Vernon, N.Y."

§ 262-7. Use regulations.

Within the ICZ, these regulations shall apply:

- A. The following uses are prohibited in the ICZ: the extraction, consumption or utilization of groundwater for any purposes, including residential wells; provided, however, that groundwater in the ICZ may be removed and tested for purposes of evaluating groundwater quality only.

- B. All properties within the ICZ shall abandon all existing groundwater wells (except groundwater monitoring wells) in accordance with the provisions of the General Statutes and Regulations of the State of Connecticut and the regulations of the Chesprocott Health District, within 90 days of the effective date of this chapter.
- C. All properties within the ICZ that contain any structures (residential, commercial or industrial) shall connect to the existing public water supply systems within 90 days of the effective date of this chapter.
- D. This chapter shall not apply to any investigative or monitoring well installed or required to be installed by any federal, state or local governmental authority.

§ 262-8. Enforcement; penalties for offenses.

- A. The Town of Wolcott may institute or cause to be instituted, in the name of the Town, any and all actions, legal and equitable, that shall be appropriate or necessary for the enforcement of the provisions of this chapter. A photograph or video of the removal and/or use of groundwater, properly authenticated, shall constitute prima facie evidence of a violation.
- B. In addition, any person, firm or corporation, being the owner or occupant of, or having control or the use of land within the ICZ, who or which is found to violate any provision of this chapter shall be guilty of a civil violation and, upon conviction thereof, shall be punished by a fine of not more than \$250. Each day such violation is permitted to exist after notification thereof shall constitute a separate offense. Such persons shall also be liable for any court costs and reasonable attorney's fees incurred by the Town of Wolcott to enforce this chapter.⁴³

Chapter 276

LOITERING

§ 276-1. Prohibited acts.

It shall be illegal within the Town limits of the Town of Wolcott for any assembly of three or more persons to loiter in or upon any public alley, public place, or any other area open to the general public and to which the general public has a right to resort, so as to obstruct or hinder access to or use of any part of such alley, place or area by any member of the general public. Any person of said assembly who violates this section shall be fined not more than \$250.

43. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 276-2. Exceptions.

The provisions of this chapter shall not apply to any of the places, structures or areas specified in and controlled under the provisions of C.G.S. § 53a-182.

§ 276-3. Minors.

Any resident of the Town of Wolcott who is a parent, guardian or other person having custody of any unemancipated minor between the ages of 16 years and 21 years, who knowingly permits or allows such minor to loiter in or upon any alley, place or area, shall be in violation of this chapter and shall be fined not more than \$250.

Chapter 287**PARKS AND OPEN SPACES****§ 287-1. Definitions.**

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

ADMINISTRATIVE OFFICER — A person who is appointed by the Parks and Recreation and Acquired Facilities Commission and is authorized to act in its behalf.⁴⁴

MAYOR — The Chief Executive Officer of the Town, and his "authorized agent" is the Parks and Recreation and Acquired Facilities Commission.⁴⁵

PARK — Any parkland or open spaces owned by the Town of Wolcott, excluding Farmingbury Hills Golf Course or any areas associated with Wolcott Public Schools.

PERSON — Any individual, company, corporation, partnership, association or organization of any type or description.

TOWN — The Town of Wolcott, Connecticut.

VEHICLE — Any mode of transport, self-propelled, animal-drawn or powered by motor of any type.

§ 287-2. Acts prohibited in Wolcott parks.

- A. No person shall mark, deface, disfigure, injure, tamper with, or remove buildings, bridges, tables, benches, fences, railings, fireplaces, materials of any kind, public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, posts, boundary markers, fences or other structures or equipment or park property or appurtenances whatsoever, either real or personal.

44. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

45. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. No person shall pick any flowers, foliage or fruit or cut, break, or in any way mutilate or injure any tree, shrub, plant, grass, turf, or cut, carve, paint or paste any article on any tree, stone, fence, wall, building, monument, walkway, driveway, parking area or other objects therein within park property.
- C. No person shall dig or remove any dirt, sand, stones, rock, shrubs, trees, flowers, plants, down timber, or other wood or materials or make any excavation by tool, equipment or other means within park property.
- D. No person shall climb, stand or sit upon monuments, fences, or any other property not designated for such or normally used for such purposes within park property.

§ 287-3. Wildlife; firearms and weapons.

- A. No person shall kill, harm, hunt, trap, chase, tease, or throw objects at any animal, bird or reptile, or remove, collect, or have in his possession the young of any wild animal or the eggs or nest or young of any reptile or bird, or give, offer or attempt to give any animal, bird or reptile any poisonous or noxious substance within park property.
- B. No person shall fish in any waters within park property other than waters so designated by the authorized agent; the use of bait fish, living or dead, or of nets or seines is expressly prohibited on park property.
- C. No person shall possess, carry or use firearms, air rifles, spring guns, bow and arrows, slings, or any kind of trapping device, or any type of instrument within park property which possess a potential danger to humans and wildlife.

§ 287-4. Behavior restrictions.

- A. No person shall picnic or lunch within park property in any areas other than those designated for that purpose, nor shall any person fail to obey directions of the governing body having jurisdiction over the area or an authorized agent when issued to prevent congestion and secure maximum use of such areas.
- B. No person shall leave a picnic or lunch area within park property before any fire lighted or used by him or her is completely extinguished.
- C. No person shall set up tents or camp in areas within park property other than those designated and unless a special permit has been obtained from the Mayor or his authorized agent.
- D. No person shall use loud, boisterous, threatening, abusive, insulting or indecent language or engage in disorderly conduct or breach of peace or follow or otherwise annoy any other visitor within the park property.⁴⁶

46. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- E. No person shall consume or use alcoholic beverages or drugs, or enter or be in the park while under the influence of alcohol or drugs.
- F. No person shall build or attempt to build a fire except in designated fireplaces located at picnic areas or at such other locations within park property as may be permitted by the Mayor or his authorized agent.
- G. No person shall allow dogs or pets to run at large within park property. Dogs or pets shall be permitted thereon only when leashed or tethered.
- H. No person shall expose or offer for sale any article or thing, advertise or call attention to any article or service, or post signs of any nature in any location, except as expressly permitted by the Mayor or his authorized agent.
- I. No person shall discharge or carry firearms, firecrackers, torpedoes or fireworks of any kind within park property. This provision shall not apply to the display of fireworks sponsored and supervised by the Town.
- J. No person shall scatter or leave within the park property any paper, rag, garbage, broken or breakable bottles or containers or any other litter. This provision shall not apply to those items left by persons in designated containers for the disposal of the same.

§ 287-5. Sanitation.

- A. No person shall void any urine, dung, or other excrement within the limits of the park property, except in such places or compartments as are or shall be specifically designated for such purposes.
- B. No person shall throw, discharge, place or cause to be placed in any streams, springs or ponds within park property any substance, matter, or thing, liquid or solid, which may result in the pollution of said waters.
- C. No person shall bathe, wash, swim or wade in any pool, fountain, spring, stream or any body of water within park property, except in such areas and when designated by the Mayor or his authorized agent.
- D. No person shall use public drinking water faucets for any washing purposes within park property.

§ 287-6. Recreational activities.

- A. No person shall take part in or abet the playing of any games involving horseshoes, arrows, stones, balls or other propelled objects within park property except in such areas designated for such games.
- B. No person shall ride a horse within park property except on designated bridle paths. No riding of horses into streams or ponds shall be permitted. No horse shall be allowed to go unattended while on park property.

- C. No person shall interfere with or damage in any way designated nature study areas or other designated areas where educational and scientific programs or experiments are being carried out on park property.
- D. No person shall go onto the ice on any ponds within park property except where such areas are designated for skating and ruled safe by the Mayor or his authorized agent.
- E. No person shall interfere with the various recreational programs as from time to time may be sponsored by the Town within the park property.

§ 287-7. Traffic.

- A. No person shall operate a vehicle on any trail or road within the park property except in designated areas to and from park areas or as expressly permitted by the Mayor or his authorized agent.
- B. All persons shall obey either Wolcott police officers, authorized Town employees or Town employees regarding traffic in the park or on highways immediately adjacent to a park.
- C. No person shall operate any vehicle in a park in excess of 10 miles per hour.
- D. No person shall park a vehicle other than in areas specifically designated by the Mayor or his authorized agent.

§ 287-8. Operating policies.

- A. No person shall enter or remain in the park between one-half hour after sunset and one-half hour before sunrise except as permitted by the Mayor or his authorized agent or as a part of a program approved or sponsored by the Town.
- B. Any section of the park may be declared closed to the public, either entirely or for particular uses, by the Mayor or his authorized agent at any time and for any interval of time, either temporarily or at regular and stated intervals. A written notice which shall set forth the aforesaid shall be posted in a conspicuous place on park property.
- C. A schedule of fees for admission to any park for parking, and/or for use of facilities and for permits issued in accordance with the provisions of § 287-9 may be adopted by resolution of the Town Council as recommended by the Mayor or his authorized agent.
- D. The Mayor or his authorized agent or any authorized employee or police officer may eject from the park any person acting in violation of any provision of this chapter.
- E. The Mayor or his authorized agent or any authorized employee or police officer may seize and confiscate any property, thing or device in the

park which is brought in or used in violation of any provision of this chapter.

§ 287-9. Permits.

- A. A permit shall be obtained from the Mayor or his authorized agent for the following purposes:
- (1) Reservation of any area or place in the park for special or private use.
 - (2) Use of the park by groups in excess of 25 persons.
 - (3) Performance of scientific or educational experiments or activities on a continuing basis.
 - (4) Performance of special programs of a recreational, educational or conservation nature by private groups.
 - (5) Relief from these regulations where permitted, such as parking, building fires in certain locations, operation of vehicles, use of water areas for swimming, wading or bathing, camping activities, use of the park beyond stated hours, sale of refreshments or other items, or fishing events.
- B. Any of the aforesaid permits so issued shall be immediately void and deemed revoked upon official State Fire Marshal's closing of woodlands to the public or if, in the opinion of the Fire Marshal, a fire hazard warrants such action.
- C. No permit shall be issued until an application has been filed with the Mayor or his authorized agent stating:
- (1) Name and address of the applicant.
 - (2) Name and address of the person sponsoring the activity, if any.
 - (3) Day or days and hours for which the permit is desired.
 - (4) The area of the park for which such permit is desired.
 - (5) Estimate of the anticipated attendance or number of persons participating.
 - (6) Any other information reasonably required by the Mayor or his authorized agent necessary to determine whether a permit should be issued.
- D. The Mayor or his authorized agent shall issue a permit when he finds that:
- (1) The proposed activity or use will not interfere with or detract from the general public enjoyment of the park.

- (2) The proposed activity or use will not entail unusual or extraordinary expense to the Town.
 - (3) The area or facilities desired have not been reserved for other use at the time requested in the application.
 - (4) The proposed activity or use will not cause damage to the park or tend to violate the park regulations.
 - (5) The proposed activity or use is not solely for the purpose of advertising or profit-making.
- E. The person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.
- F. No person shall fail to produce and exhibit any permit which he claims to have upon request of the Mayor or his authorized agent who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or regulations.
- G. No person shall disturb or interfere unreasonably with any person occupying any area or participating in any activity under the authority of a permit.
- H. The Mayor or his authorized agent has the authority to revoke a permit upon a finding of violation of any ordinance or regulation, conditions of the permit, or for other good cause shown.

§ 287-10. Penalties for offenses; minors.

- A. Any violation of this chapter shall be punishable by a fine not exceeding \$250 for each violation.⁴⁷
- B. In accordance with the provisions of Section 52-572 of the General Statutes of the State of Connecticut, the parents or guardians of any minor child who willfully or maliciously causes damage to any property or appointments within said parks shall be liable for such damage.

Chapter 291

PEDDLING AND SOLICITING

47. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE I

**Licensing of Solicitors
[Adopted 2-4-1969 by Ord. No. 8]****§ 291-1. Registration required.**

It shall be unlawful for any person over 16 years of age to solicit orders of purchase for future delivery of any goods, wares or merchandise, including magazines and other printed matter, from door to door or on any street or highway within, or by telephone from and within, the Town of Wolcott without first registering with the Police Department of the Town of Wolcott and having his credentials stamped as provided in §§ 291-2 and 291-3 hereof. Registration shall not constitute a permit to enter privately policed areas.

§ 291-2. Application form and required information.

- A. An applicant for permission to solicit orders hereunder shall complete an application blank provided by the Police Department, which application blank shall contain the following information:
- (1) The name, home address and local address, if any, of the applicant.
 - (2) A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes.
 - (3) The name and address of the person, firm or corporation for whom or through whom orders are to be solicited or cleared.
 - (4) The nature of the goods, wares or merchandise for which orders are to be solicited.
 - (5) A statement as to whether the applicant has been arrested or convicted of any crime or misdemeanor, and, if so, what.
 - (6) A statement as to the period during which the applicant intends to solicit orders.
- B. The applicant, at the time of executing such application blank, shall also submit identification satisfactory to the Police Department which shall contain a specimen of the applicant's signature.

§ 291-3. Issuance of license; fee. [Amended 12-6-1988 by Ord. No. 64⁴⁸]

Upon compliance by the applicant with the provisions of § 291-2 hereof, and the payment of a license fee of \$100 in advance by the licensee to the Police Department of the Town of Wolcott, the Police Department shall thereupon stamp the credentials of the applicant, which credentials shall set forth the name and address of the applicant and of his employer, if any, the nature of

48. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

the goods, wares or merchandise for which orders are to be solicited, and the period during which the applicant may solicit orders, which shall not exceed one year; provided, however, that the Police Department shall not be required to grant such permission to any person who shall have been convicted of any crime or misdemeanor involving moral turpitude or of any violation of this article.

§ 291-4. Scope of authority.

Stamped credentials shall be nontransferable and shall entitle the holder thereof, for the period indicated therein, unless revoked, to solicit orders within the Town of Wolcott for the purchase of goods, wares or merchandise specified in his application, provided that the holder shall have his stamped credentials in his possession at all times while soliciting orders and shall exhibit the same at any time upon request by any police officer of the Town of Wolcott or any purchaser or prospective purchaser.

§ 291-5. Operating restrictions.

Any person soliciting within the Town of Wolcott, whether or not required to register under the provisions of this article, shall conform to the following regulations:

- A. The solicitor shall conduct himself at all times in an orderly and lawful manner.
- B. The solicitor shall give a written receipt for all orders taken within the Town of Wolcott, which receipt shall be signed by the solicitor and shall set forth a brief description of the goods, wares or merchandise ordered, the total purchase price thereof, and the amount of the down payment received by the solicitor from the purchaser.

§ 291-6. Penalties for offenses.⁴⁹

Any person violating any of the provisions of this article or making any false statements or misrepresentations of fact for the purpose of obtaining permission to solicit orders shall, upon conviction thereof, and in addition to other penalties provided by law, be subject to a fine not to exceed \$199, with each solicitation or sale being deemed a separate offense. Pending trial therefor the Police Department may suspend such permission to solicit. Upon any registered person being convicted of any crime or misdemeanor under this article or involving moral turpitude, the stamped credentials of such person shall be delivered to the Police Department, and the Department's stamp thereon shall be cancelled, and such person shall not thereafter solicit orders in the Town of Wolcott without reregistering.

§ 291-7. Exceptions; permits for civic groups. [Amended 12-6-1988 by Ord. No. 64]

49. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- A. This article shall not apply to salesmen selling goods to retail or wholesale stores for resale or to wholesalers selling and delivering their wares and goods to the merchants of the Town of Wolcott, or to goods, merchandise, or food stuffs sold and delivered by the merchants of the Town of Wolcott, or to venders of newspapers or periodicals, or to the sales of goods by students of public schools or parochial or private schools operating in compliance with state statutes, provided said sales have been approved by the Board of Education or similar authoritative body, nor shall this article apply to anyone conducting a regular place of business within the Town of Wolcott for one year.
- B. This article shall not apply to those person exempted by the Statutes of the State of Connecticut; and further, the provisions of this article shall not apply to civic, service, church or fraternal groups regularly organized and/or functioning in the Town of Wolcott. However, such groups shall obtain one permit, without fee, for any activity which comes within the scope of this article. Such group shall have been in existence in Wolcott for a period of at least 12 months prior to application for such a permit.

§ 291-8. Hours of operation.

No person, as defined hereinbefore in this article, shall solicit orders of purchase for future delivery of any goods, wares or merchandise, including magazines and other printed matter, from door to door, or on any street or highway, within or by telephone from and within the Town of Wolcott, before the hour of sunrise or after the hour of sunset.

ARTICLE II

Licensing of Peddlers**[Adopted 2-4-1969 by Ord. No. 9]****§ 291-9. License required.**

No person, except newsboys and those exempted by the statutes of the state, shall engage in vending or peddling any goods, wares or merchandise of any sort or description upon any of the public streets of the Town of Wolcott, or shall vend or peddle any goods, wares or merchandise from house to house within the limits of said Town of Wolcott, without first having obtained a license therefor from the Chief of Police of said Town.

§ 291-10. Fee; term.⁵⁰

The fee for such license shall be \$100 for each year or portion thereof in all cases. Unless sooner revoked, all licenses shall expire on the first day of March succeeding the date of issue thereof.

§ 291-11. Identification.

Each person so licensed shall, on exercising his vocation, wear conspicuously on his left breast a suitable badge designed and furnished by the Chief of Police with the words "Licensed Vendor," and the number of his license and the year in which such license is in force in numerals plainly inscribed thereon, and each person so licensed, when using for the purpose for which he is licensed a wagon, cart or vehicle, shall have plainly displayed on both sides of such wagon, cart or vehicle a sign designed and furnished by the Chief of Police bearing the number of his license and the year in which such license is in force, in numerals, and the words "Licensed Vendor" in Roman letters, such badge and sign to be furnished without cost by the Chief of Police to the person so licensed. The Chief of Police, upon request of any person who is exempt from taking out a license by statute as hereinbefore provided, may furnish to such person a badge without charge therefor.

§ 291-12. Penalties for offenses.⁵¹

Every person who shall engage in the business aforesaid without being duly licensed as herein provided or who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$199 for each offense; and the Chief of Police may revoke the license of any person for proper cause.

50. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

51. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 295
PROPERTY MAINTENANCE

ARTICLE I

**Abandoned Vehicles, Blighted Properties and Unsightly Material
and Equipment**
**[Adopted 6-6-1989 by Ord. No. 66; amended in its entirety 4-5-2011
by Ord. No. 95]**

§ 295-1. Definitions.⁵²

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

ABANDONED VEHICLE — Any unregistered, inoperable car, truck, aircraft, camper, motorcycle or moped, recreational vehicle (e.g., golf cart, snowmobile, water sled, all-terrain vehicle, etc.), boat or other watercraft, tractor, cart, trailer, riding mower, or farming or construction equipment, whether self-propelled or towed, that is intentionally left, forsaken or deserted. Intent may be determined by an act or omission such as no use and lapse of time. "Inoperable" shall mean that the vehicle is no longer being used for its intended purpose as evidenced by two or more of the following conditions:

- A. Engine no longer starts or is missing;
- B. Missing or flat tires or wheels, or other missing parts necessary for locomotion;
- C. Missing doors or windows;
- D. Close proximity of grass or other vegetation or debris, indicating immobility;
- E. Holes, rust, or other evidence of obvious physical decay or neglect, lack of maintenance or excessive use; or
- F. Used for another purpose (e.g., storage).

BLIGHTED PREMISES — Any building or structure, or any part of a structure that is a separate unit, or a parcel of land, or any accessory structure, or fence, in which at least one of the following additional conditions exists:

- A. It has been determined by the Building Inspector, Chesprocott Sanitarian, Town Engineer, Zoning Enforcement Officer, or other appropriate official as designated by the Mayor acting within the scope of his/her authority, that a condition exists that poses a serious or immediate threat to the health, safety or general welfare of the persons in the Town of Wolcott; or

52. Editor's Note: This section was amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I) to repeal the following definitions: "accumulating refuse," "capable individual," "legal occupancy," "mechanical equipment," "natural wooded state," "orderly fashion," and "proximate property."

- B. The Fire Marshal has determined that a building or structure is a fire hazard, and/or it is a factor in operating a substantial and unreasonable interference with the use and enjoyment of other premises within the surrounding area as documented by neighbor complaints; or⁵³
- C. The property is in a state of disrepair or is becoming dilapidated; or
- D. The overall condition of the property is not being maintained, which causes an unreasonable impact on the enjoyment of or value of neighboring properties and stems from violations as expressed by adjoining property owners; or
- E. The property is dilapidated, attracting illegal activity; or
- F. Persistent occurrences of any of the following: violations of building, fire, zoning, housing or health codes; or
- G. Persistent occurrence of the premises not being maintained as evidenced by the existence, to a significant degree, of:
 - (1) Missing, broken or boarded windows or doors; collapsing or deteriorating walls, roofs, stairs, porches, handrails, railings, basement hatchways, chimneys, flues, or floors; or
 - (2) Exterior walls containing holes, breaks, loose, missing or rotting materials; or
 - (3) Overhang extensions, including but not limited to canopies, marquees, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts, which contain rust or other decay; or
 - (4) Unrepaired fire or water damage after appropriate official authorization; or
 - (5) Vandalization, or otherwise damaged to the extent that it is a factor in depreciating property values in the neighborhood; or
 - (6) Swimming pools, spas or architectural pools that are not properly maintained or are in a state of disrepair; or the accumulation of stagnant or unsanitary water; or
 - (7) Display lights/fixtures or exterior signs in a broken or disassembled state; or
 - (8) Rodent harborage and/or infestation; or
 - (9) Garbage, trash or unused building materials improperly stored in dumpsters or accumulated on the premises; unauthorized outside storage or accumulation of junk, campers, trash, rubbish, boxes, paper, plastic or refuse of any kind; the parking of more than one unregistered and inoperable car, boat, motorcycle or other inoperable machinery on the property or the public right-of-way.

53. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

For the purposes of this article, "authorized" shall pertain to local, state or federal laws and/or regulations; or

- (10) In the case of fences, broken or rotted boards or in an otherwise dilapidated condition; or any other exterior condition reflecting a level of maintenance or which constitutes a blighting factor for adjacent property owners or occupants or which is an element leading to the progressive deterioration of the neighborhood; or
- (11) Abandoned motor vehicles on the premises; or
- (12) Parking lots left in a state of disrepair or abandonment.

BLIGHT ENFORCEMENT OFFICER — The Blight Enforcement Officer, from the Wolcott Police Department, shall be an individual or individuals appointed by the Mayor to enforce all provisions of this article. The Blight Enforcement Officer is hereby authorized to take such enforcement actions as are specified in this article.

CITATION HEARING BOARD — A five-member panel of electors who are Wolcott real property owners appointed by the Mayor to conduct hearings after submission of citations.

CONNECTICUT GENERAL STATUTES(C.G.S.) — Laws of the State of Connecticut, including any applicable amendments.

DEBRIS — Material which is incapable of immediately performing the function for which it was designed, including, but not limited to, abandoned, discarded, or unused objects; plastics, glass, papers, junk comprised of equipment such as automobiles, boats, and recreation vehicles which are unregistered and missing parts, not complete in appearance and in an obvious state of disrepair; parts of automobiles, furniture, appliances, cans, boxes, scrap metal, tires, batteries, containers, or garbage which is in public view.

DILAPIDATED — In a physically deteriorating condition which, if left unabated, would cause an unsafe or unsanitary condition or a nuisance to the general public.

DISABLED INDIVIDUAL — In the case of an owner-occupied residence, an individual who has a disability meeting the definitions for the mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance.

DISREPAIR — In poor working order, dilapidated, decrepit or in an imminent state of collapse.

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food or the keeping of pets and other animals. See also "rubbish, garbage, refuse."

INFESTATION — The presence of insects, rodents, vermin or other pests on the premises, which constitute a health hazard.

JUNK — Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other use or disposition. Examples of "junk" include tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, machinery, brush, wood, and lumber. More than one unregistered or inoperable vehicle constitutes "junk."

NUISANCE —

- A. Any public nuisance as defined by statute or ordinance.
- B. Any attractive nuisance. An attractive nuisance is defined as the presence of any condition that may prove to be detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, the presence of abandoned wells, shafts, basements, excavations, refrigerators, vehicles, lumber, and garbage, refuse, rubbish, and any structurally unsound fences or other structures.
- C. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- D. Hazardous materials or liquids that render air, food or drink unwholesome or detrimental to the health of human beings.
- E. Fire hazards: any situation, process, material, blocked/obstructed egress, or condition that can cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property as determined by the Town of Wolcott Fire Marshal or his duly authorized agent.

OPERATOR — Any person who runs or manages a commercial or industrial establishment.

OWNER/OCCUPANT — Any person, institution, foundation, entity or authority who or which owns, leases, rents, possesses, or is responsible for property within the Town of Wolcott.

PERSISTENT — Existing or remaining in the same state for an indefinite period.

PERSON — Any individual, corporation, partnership, or limited-liability company.

PREMISES — A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The term "premises," where the context requires, shall be deemed to include any buildings, dwellings, parcels of land or structures contained within the scope of this article.

PUBLIC VIEW — Visible from any public right-of-way or neighboring property, at grade level.

PUTRESCIBLE — Liable to undergo decomposition or rotting by bacteria, fungi, and oxidation and/or may result in the formation of foul-smelling products.

REASONABLE — Exercising the degree of caution and concern an ordinarily prudent and rational person would use in similar circumstances.

RUBBISH; GARBAGE; REFUSE — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, wood, plastics, glass, bedding, crockery, unused and scrap building materials, and similar materials.

SANITARY CONDITIONS — Free from filth and pathogens.

STRUCTURE — Any building, walls, dwelling, fence, swimming pool, or similarly constructed object.

UNIT — Any space within a building that is or can be rented by a tenant(s) for his/her sole use, and is intended to be a single and distinct space.

VACANT — A period of 60 days or longer during which a building or structure, or any part thereof, or land is not legally occupied.

§ 295-2. Abandoned or inoperable motor vehicles.

- A. No person shall permit any abandoned or more than one inoperable motor vehicle owned by such person to remain parked or stored in public view within the limits of the Town of Wolcott.
- B. No person shall permit any unregistered motor vehicle, regardless of condition, to remain parked or stored in public view within the limits of the Town of Wolcott.
- C. No owner of a parcel of real property in the Town of Wolcott shall permit any such abandoned or inoperable vehicle to be parked or stored in public view on said owner's parcel of property, and no owner of a parcel of real property in the Town of Wolcott shall permit an unregistered motor vehicle to remain parked or stored in public view on said owner's parcel of property unless said real property is used for the sale or repair of motor vehicles pursuant to an appropriate license issued by the State of Connecticut.
- D. A motor vehicle which is in the process of being actively repaired and/or restored shall be exempt for a period of one year from the aforementioned prohibitions to the extent of one vehicle per dwelling unit and/or property, provided:
 - (1) The possessor has notified the Wolcott Police Department in writing, identifying the motor vehicle by owner, year, make, model and identification number;
 - (2) The possessor keeps said vehicle covered with a suitable tarp or vehicle cover when no work is being performed thereon; and
 - (3) The vehicle is on the Assessor's list as a taxable motor vehicle.

- E. The Town of Wolcott, pursuant to C.G.S. § 14-150a, as amended, hereby authorizes but does not require its duly appointed Blight Enforcement Officer to order the removal of any abandoned, inoperable or unregistered motor vehicle. This shall only be authorized after the owner of the property on which such motor vehicle so remains is requested to remove said motor vehicle in writing and by newspaper notice and fails to do so 30 days after receipt of notice.⁵⁴

§ 295-3. Prevention and abatement of blighted premises.

No owner/occupant of real property within the Town of Wolcott shall cause or allow blighted premises to be created, nor shall any owner/occupant allow the continued existence of blighted premises.

- A. No persons shall store or keep any unsightly material or equipment, as herein defined, owned by such person in public view within the limits of the Town of Wolcott.
- B. No owner of real property in the Town of Wolcott shall permit any such unsightly material or equipment to be located or stored on said owner's property.
- C. It shall be the duty of all owners and occupants of premises to keep the exterior of the premises and all structures thereon free of all abandoned/unregistered vehicles, garbage, refuse, rubbish, and infestations. The exterior of every structure or accessory structure (including fences and walls) shall be maintained free of broken glass, loose shingles, damaged siding, crumbling stone or brick, or other condition reflective of deterioration or inadequate maintenance. The outside structure walls shall not have any holes, loose boards, or any broken, cracked or damaged siding that admits rain, cold air, dampness, rodents, insects or vermin. Every building shall be maintained so as to be weather- and watertight.
- D. Any building material or equipment intended for construction or improvement for which a valid building permit is in effect shall be exempt from this section. This section shall further not pertain to existing building supply yards, subject, however, to all the provisions of the Wolcott Zoning Regulations and the Connecticut General Statutes.
- E. Garbage, refuse and rubbish for weekly pickup must be stored to maintain sanitary conditions and to minimize its exposure to public view. The rubbish and recycling set-out is allowed 12 hours prior to the start of the designated collection day. Containers must be removed from curb/public sight within 12 hours after collection of materials.
- F. Where dumpsters are maintained for commercial enterprises, it shall be the duty of every business owner to provide a place reasonably calculated to maintain sanitary conditions and to minimize its exposure

54. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

to public view before transfer for safe and sanitary disposal. All dumpsters must maintain completely closed lids at all times; being opened only to allow deposit or withdrawal of refuse. All areas surrounding dumpsters shall be kept completely free from such refuse and debris. All dumpsters must be placed as far as possible from public view.

§ 295-4. Complaints and warning notices.

- A. Any individual affected by the action or inaction of an owner/occupant of property subject to the provisions of this article may file a complaint of violation of this article with the Blight Enforcement Officer. Complaints shall be addressed to the Blight Enforcement Officer c/o the Wolcott Police Department; 225 Nichols Road, Wolcott, CT 06716, and shall state with specificity the nature of the alleged violation and be signed by the complainant and dated. The Blight Enforcement Officer, upon his or her determination as to whether there is a violation of this article, shall forward a warning notice to the owner/occupant at the time such determination has been made.
- B. Such a warning notice from a Blight Enforcement Officer shall be issued prior to issuing a citation, and the respondent shall be required to attend the next scheduled meeting of the Citation Hearing Board.⁵⁵
- C. Such warning notice shall include:
 - (1) A description of the real estate sufficient for identification, specifying the violation which is alleged to exist and the remedial action required.
 - (2) If remedial action is not taken prior to the hearing, the respondent shall be susceptible to further penalties and costs as laid out in § 295-5 below.
 - (3) The amount of the fines, penalties, costs or fees that may be imposed for noncompliance shall apply for each infraction per day in the amount of \$100 after the thirty-day period has expired.
- D. The owner/occupant may contest the warning notice before the Citation Hearing Board.
- E. Delivery of a warning notice letter to the owner/occupant shall be by the following methods (and preferably in this order):
 - (1) By personal delivery to the owner/occupant; or
 - (2) By certified mail, return receipt requested, addressed to the owner/occupant at his last known address with postage prepaid thereon; or

55. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D).

(3) By publication in a newspaper of general circulation within the Town of Wolcott one time.

F. Pursuant to Section 7-148gg of the Connecticut General Statutes, a copy of the warning notice will be sent to all lien holders of record.

§ 295-5. Enforcement.

- A. If the corrective actions specified in the warning notice letter are not taken, within 30 days the Citation Hearing Board shall issue a written citation to the owner/occupant.
- B. An owner/occupant may request a hearing after receiving the warning notice.
- C. The Citation Hearing Board is designated to conduct hearings in accordance with C.G.S. § 7-152c, Subsections (a) through (f), when an owner/occupant has been cited under this article.
- D. Any cited person who wishes to admit liability without requesting a hearing may pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Blight Enforcement Officer. 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 citation shall be deemed to have admitted liability, and the Blight Enforcement Officer or his/her designee shall certify such person's failure to respond. The Citation Hearing Board shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in C.G.S. § 7-152c(f).
- E. Any person who requests a hearing shall be given written notice of the date, time and place of the next scheduled monthly meeting. All persons who filed complaints about the property in question shall also be notified and invited to testify at the hearing. The Citation Hearing Board may grant a postponement or continuance for good cause. An original or certified copy of the warning notice and citation shall be filed and retained by the Citation Hearing Board.
- F. Pending the hearing before the Citation Hearing Board, no further enforcement activity as contemplated by § 295-7 shall occur until either a hearing is held and the Citation Hearing Board assesses fines, penalties, costs and/or fees or until the petitioner fails to appear for a scheduled hearing and the Citation Hearing Board assesses fines, penalties, costs and/or fees.

§ 295-6. Citation Hearing Board.

The Mayor shall appoint five Town residents to serve as a Citation Hearing Board to conduct hearings. Such members shall serve terms in accordance with the Wolcott Town Charter. Proceedings of the Citation Hearing Board

shall be conducted in accordance with the laws of the State of Connecticut and any provisions of the Charter or ordinances of the Town generally applicable to its boards and commissions. No Zoning Enforcement Officer, police officer, Building Inspector or employee of the Town may be appointed as a hearing officer under this article.

§ 295-7. Penalties for offenses; prejudgment lien.

- A. The owner/occupant of premises where a violation of any of the provisions of this article shall exist or who shall maintain any building or premises in which such violations exist may:
- (1) Be fined not more than \$100 for each violation. Each day that a violation exists after a citation as described in § 295-5 is given to the owner/occupant shall constitute a new violation, and a fine may be imposed for each such violation; and/or
 - (2) Be required to abate the violation at the owner's/occupant's expense.
- B. A prejudgment lien on real estate may be imposed where the fine for violation of the blighted premises provisions of this article is not paid within 30 days, despite proper notice to the person found liable. Any unpaid fine imposed by a municipality pursuant to the provisions of an ordinance regulating blight, adopted pursuant to C.G.S. § 7-148(c)(7)(H)(xv), shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by the General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after July 1, 1997, except for taxes. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property.
- C. In addition to all other remedies and any fines imposed herein, the provisions of this article may be enforced by injunctive proceedings in Superior Court. The Town may recover from such owner/occupier or other responsible person any and all costs and fees, including reasonable attorney's fees, expended by the Town of Wolcott in enforcing the provisions of this article.
- D. Any funds so recovered under this article shall be deposited into a separate "Blight Fund" to be used solely for the future enforcement or abatement of blighted premises.

§ 295-8. Municipal abatement.

- A. 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 said citation, or by such appeal being sustained, the Town of Wolcott, acting through its designated Blight Enforcement Officer issuing such citation, may cause or take such action as is necessary to correct such violation. The cost to take such action shall be a civil claim by the Town against such owner, agent, tenant or person responsible for such property, and the Town Attorney may bring an action to recover all such costs and expenses incurred.⁵⁶

- B. If the owner, agent, tenant or responsible person fails to correct the violations, the Town of Wolcott may take any action necessary pursuant to C.G.S. § 7-148(c)(7)(E) to abate the nuisance at any time after giving notice to the property owner.
- C. The Wolcott Town Council, pursuant to C.G.S. § 7-148ff, may provide a special assessment on housing that is blighted.
- D. Pursuant to C.G.S. § 7-148ff, the Blight Enforcement Officer may designate an agent or agents who shall have the right to enter property during reasonable hours for the purpose of remediating blighted conditions. However, said agent or agents shall not be allowed to enter any dwelling house or other structure.⁵⁷

§ 295-9. Appeals; special considerations.

- A. Any person aggrieved by any order, requirement or decision of the Citation Hearing Board may take an appeal in accordance with C.G.S. § 7-152c(g).
- B. Special considerations.
 - (1) Notwithstanding anything herein to the contrary, special consideration may be given to individuals who are elderly (an individual over the age of 65) or disabled and who demonstrate that the violation results from an inability to maintain an owner-occupied residence and no person with that ability resides therein.
 - (2) Such special consideration shall be limited to the reduction or elimination of fines and/or an agreement that the Town or its agents may perform the necessary work and place a lien against the premises for the cost thereof in accordance with the provisions of this article.

§ 295-10. Construal of terms and provisions.

- A. Where terms are specifically defined or the meaning of such terms is clearly indicated by their context, that meaning is to be used in the interpretation of this article.

56. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

57. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Where terms are not specifically defined in this article, they shall have their ordinarily accepted meaning or such meaning as the context may imply.
- C. The provisions of this article shall not be construed to prevent the enforcement of other ordinances of the Town of Wolcott.
- D. In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance, regulation or other provision of the Wolcott Charter or the State of Connecticut, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people of the Town of Wolcott shall prevail.

Chapter 304**SEWERS****§ 304-1. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter 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 which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

BUILDING SEWER — That part of the building's sanitary pipe system starting five feet outside the inner face building wall to its connection with the public sewer system and conveying the sewage of one building site.⁵⁸

COMBINED SEWER — A sewer receiving both surface runoff and sewage.

COMMUNITY SEWERAGE SYSTEM — Any sewerage system serving one or more residences in separate structures which is not connected to a municipal sewerage system or which is connected to a municipal sewerage system as a distinct and separately managed district or segment of such system. **[Added 12-6-1988 by Ord. No. 65]**

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

HEALTH OFFICER — The appointed Health Officer of the Town or his authorized representative.

INDUSTRIAL WASTES — The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal on the concentration of hydrogen ions in mols per liter of solution.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally

58. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

SANITARY SEWER — A sewer which carries sewage and to which storm-, surface, and groundwaters are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground-, surface, and stormwaters as may be present.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage and approved quantities of industrial wastes.

SEWER — Any accepted portion of the public sewer system of the Town of Wolcott.⁵⁹

SEWER AND WATER COMMISSION — The authority of waste treatment of the Town, or its authorized representative.

SEWER INSPECTOR — The appointed Sewer Inspector of the Town or his authorized representative. **[Amended 10-21-1980 by Ord. No. 43]**

SEWERAGE SYSTEM — All facilities for collecting, pumping, treating and disposing of sewage.

SHALL — Is mandatory; "may" is permissive.

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 twenty-four-hour concentration or flows during normal operation.

STORM DRAIN (SOMETIMES TERMED "STORM SEWER") — A sewer which carries stormwater and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

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.

TOWN — The Town of Wolcott acting through any authorized representative.

TOWN ENGINEER — The appointed engineer of the Town.

TOXIC SUBSTANCES — Any substance, whether gaseous liquid or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process to constitute a hazard to human beings or animals, or to inhibit aquatic life in the receiving waters of the effluent from the sewage treatment plant.

59. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

§ 304-2. Use of public sewers required.

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Town any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town 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, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 180 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line.
- E. The discharge of sewage, industrial wastes, and other wastes generated on or discharged from real property lying outside the bounds of the Town into the Town sewerage system shall be made only with the express consent of the Town and upon issuance of a permit setting forth the terms and conditions for such discharge.

§ 304-3. Private sewage disposal.

- A. Where a public sanitary sewer is not available under the provisions of § 304-2D, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Health Officer. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the Health Officer. A permit and inspection fee in an amount set from time to time by the Sewer and Water Commission (WPCA) shall be paid to the Town at the time the application is filed.⁶⁰

60. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Health Officer. He shall be allowed to inspect the work at any stage of construction; and in any event, the applicant for the permit shall notify the Health Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Health Officer or his authorized representative.
- D. The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is unsuitable in the opinion of the Health Officer. No septic tank or cesspool shall be permitted to discharge to any natural outlet; septic tanks and cesspools shall conform to the Public Health Code effective January 13, 1970. (See Appendix 1, included as an attachment to this chapter.)⁶¹
- E. At such time as a public sewer becomes available to property served by a private sewage disposal system, connection shall be made to the public sewer within six months (180 days), and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Town.

§ 304-4. Building sewers and connections. [Amended 10-21-1980 by Ord. No. 43⁶²]

See also Chapter 425, Sewer Installation.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sanitary or storm sewer or appurtenance thereof without first obtaining a written permit from the Sewer Inspector. Any person proposing a new discharge into the public sewer system or a substantial change in the volume or character of pollutants that are being discharged into the public sewer system shall notify the Sewer and Water Commission at least 45 days prior to the proposed change or connection.
- B. Classes of and required permits.
 - (1) There shall be three classes of building sewer permits: for residential and commercial service; for service to establishments

61. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

62. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

producing industrial wastes; and for private sewage disposal. (See § 304-3.) In all cases, a qualified contractor shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Sewer Inspector. A permit and inspection fee in an amount set from time to time by the Sewer and Water Commission (WPCA) for a residential, commercial, or industrial building sewer permit shall be paid to the Town at the time the application is filed.

- (2) No person shall discharge into the public sewer any industrial or commercial waters or wastes without obtaining an appropriate permit from the Connecticut Department of Energy and Environmental Protection prior to discharge of said waters or wastes to the Town's sewerage system.
- C. All costs and expense incident to the installation and connections of the building sewer shall be borne by the owner. No permit will be issued to any contractor until he has filed with the Town a certificate of public liability and property damage insurance in amounts specified by the Sewer and Water Department of the Town of Wolcott. The insurance shall be approved by the Treasurer of the Town of Wolcott as surety. The insurance shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer for a period of one year from the date of its completion.
 - D. A separate and independent building sewer shall be provided for every building; except 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, provided an acceptable right-of-way is recorded in the Wolcott Land Records.
 - E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Sewer Administrator, to meet all requirements of this chapter.
 - F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
 - G. The building sewer shall be brought to the building at an elevation satisfactory to the Sewer Inspector. In all buildings in which any building drain is too low to the public sewer, sanitary sewage carried by

such building drain shall be lifted on approved means and discharged to the building sewer.

- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from prescribed procedures and materials must be approved by the Sewer Inspector before installation.
- J. The applicant for the building sewer permit shall notify the Sewer Inspector when the building sewer is ready for inspection and connection to the public sewer. The inspection shall be made within 24 hours of receipt of notice by the Sewer Inspector. The connection shall be made under the supervision of the Sewer Inspector.
- K. All excavation for building sewer installation 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 Town.

§ 304-5. Use of public sewers.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Town Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town Engineer, to a storm sewer, combined sewer, or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (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 receiving waters of the sewer treatment plant, including but not limited to cyanides in excess of 0.1 mg/l as ON and Chromium VI in excess of one mg/l in the wastes as discharged to the public sewer.

- (3) Any waters or wastes having a pH lower than 6.5 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.
 - (4) Solid or viscous substances in quantities or of such size 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, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. 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 Town 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 an opinion as to the acceptability of these wastes, the Town 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:
- (1) Any liquid or vapor having a temperature higher than 150° F. (65° C.).
 - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
 - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinders equipped with a motor of 1/2 horsepower or greater shall be subject to review and approval of the Town Engineer.
 - (4) Objectionable and toxic substances. **[Amended 11-1-1971 by Ord. No. 18]**
 - (a) Any water or waste containing the following objectionable and/or toxic substances in an amount exceeding that stated below:

Substance	Maximum Concentration (milligrams per liter)
Cadmium	2.0
Chromium (total)	2.0
Copper	2.0
Lead	5.0
Mercury	None
Nickel	3.0
Silver	0.05
Zinc	2.0
Iron	5.0

- (b) Any waters or wastes containing an aggregate of more than 10 mg/l of the above heavy metals shall be discharged to the sewers at a pH between 8.0 and 9.5.
- (5) Any waters or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment plant exceeds the limits established by the Sewer and Water Commission.
- (6) Any oil, oil refuse, volatile inflammable liquid, gas or vapor in any of the sewers in the Town of Wolcott.
- (7) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Sewer and Water Commission as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (8) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Sewer and Water Commission in compliance with applicable state or federal regulations.
- (9) Materials which contain or cause:
 - (a) Unusual concentration of inert suspended solids (such as, but not limited to, Fullers earth, lime residues) or dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

- (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (d) Unusual volume of flow or concentration of wastes constituting a "slug" as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degrees that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- E. Disposition of questionable wastes.
- (1) If any waters or wastes are discharged or are proposed to be discharged to sewers discharging to the sewage treatment plant, contain the substances or possess the characteristics enumerated in Subsection D of this section, and which, in the judgment of the Sewer and Water Commission, 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 Sewer and Water Commission may:
 - (a) Reject the wastes;
 - (b) Require pretreatment and adequate equipment necessary to render the wastes acceptable for discharge to the sewers;
 - (c) Require control over the quantities and rates of discharge; and/or
 - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection J of this section.
 - (2) If the Sewer and Water Commission permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws.
- F. Grease, oil and sand interceptors shall be provided by the owner at his expense when, in the opinion of the Sewer and Water Commission, they are necessary for the proper handling of liquid wastes containing 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 Sewer and Water Commission and shall be located so as to be ready and easily accessible for cleaning and inspection.

- G. 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.
- H. When required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes 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. An approved valve or gate shall also be provided in the manhole to prevent the industrial waste from being discharged into the Town sewerage system if it becomes necessary for the Sewer and Water Commission to reject this industrial waste in accordance with Subsection E of this section. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. The manhole 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.
- I. All measurements, test, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, Inc., 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 the Sewer and Water Commission with such assistance as necessary from the industry using 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. In addition, all industries discharging into a public sewer shall perform such monitoring of their discharge as the Sewer and Water Commission and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Sewer and Water Commission. Such records shall be made available, upon request by the Sewer and Water Commission, to other agencies having jurisdiction over discharges to the receiving waters. **[Amended 10-21-1980 by Ord. No. 43]**
- J. All establishments discharging industrial wastes into the Town sewerage system shall obtain a permit from the Town. Acceptable average and peak rates of flow and concentrations of pollutants shall be as determined by the Town Engineer. In no instance shall the flow in any one day exceed 100,000 gallons, and at no time shall the flow rate exceed 200 gallons per minute. All permits shall be valid for a period not to exceed five years.

- K. No statement contained in this section shall be construed as preventing any special written contractual agreement between any industrial concern and the Town whereby an industrial waste of unusual strength or characteristics may be accepted by the Town for treatment, subject to payment therefor by the industrial concern. Any such special agreement must be authorized and approved by the Sewer and Water Commission prior to the initiation of sewerage service to the industrial concern; provided that such agreements do not contravene any requirements of existing state and federal laws and are compatible with any user charge and industrial cost recovery system in effect. **[Amended 10-21-1980 by Ord. No. 43]**

§ 304-6. Protection from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 304-7. Powers and authority of inspectors.

- A. The Sewer Inspector, the Town Engineer, the Sewer and Water Commissioners, and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Town shall have no authority to inquire into any processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Subsection A above, all duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 304-5H.
- C. The Sewer and Water Commission and other duly authorized employees 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 purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within 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.

§ 304-8. Penalties for offenses.

- A. Any person found to be violating any provision of this chapter except § 304-6 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount not exceeding \$250 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.⁶³
- C. Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

§ 304-9. Private extensions of public sewers; management of community sewerage systems. [Added 12-6-1988 by Ord. No. 65]

- A. The Wolcott Sewer and Water Commission shall have the power and authority to require or grant the extension of public sewers in order to provide such facilities to private property or properties not presently served by such lines.
- B. The Wolcott Sewer and Water Commission, pursuant to C.G.S. § 7-246f, as amended, shall have the authority to ensure the effective management of community sewerage systems. Connecticut General Statutes § 7-246f is hereby incorporated into this section by reference. All costs and expenses incident to the construction, installation and/or extension of a community sewerage system shall be borne by the property owner's association of said community sewerage system.
- C. The size, slope, alignment and materials used in the construction of all public sewer extensions and community sewerage systems as defined in § 304-1, and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling trenches, shall all conform to the requirements of both the state and the Town building and plumbing codes, the rules and regulations governing the installation of public sanitary sewers of the Town of Wolcott,⁶⁴ or such other applicable rules and regulations as may exist. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

63. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

64. Editor's Note: See Ch. 425, Sewer Installation.

- D. All costs and expenses incident to the construction, installation and connections of said public sewer extensions pursuant to this section shall be borne entirely by the owner/applicant or property owners' association/applicant of the property to which the sewer line is to be extended. Such costs shall include, but not be limited to, construction, installation, engineering, legal, clerical, administration, prosecution or defense of the terms of this section, whether such expenses are incurred by the owner/applicant or property owners' association/applicant of the property to which the sewer line is to be extended or by the Town.
- E. Construction of any community sewerage system and/or public sewer extension, pursuant to the terms of this section, shall not commence until a permit has been issued by the Wolcott Sewer and Water Commission. A duly qualified and responsible contractor shall make application for a permit on behalf of the owner/applicant or property owners' association/applicant on a special form supplied by the Wolcott Sewer and Water Commission. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Sewer and Water Commission and the Town's consulting engineer. A permit and inspection fee in an amount set from time to time by the Sewer and Water Commission (WPCA) shall be paid to the Wolcott Sewer and Water Commission at the time the application is filed.⁶⁵
- F. No permit will be issued to any contractor, property owners' association/applicant or owner/applicant until the contractor has filed with the Town a certificate of public liability and property damage insurance in amount specified by the Sewer and Water Department of the Town of Wolcott. The certificate of insurance shall be approved by the Treasurer of the Town of Wolcott as surety. The insurance shall indemnify the Town from any loss or damage that may directly or indirectly be caused by the installation or construction of the community sewer system and/or public sewer extension, for a period of one year from the date of its completion.⁶⁶
- G. All excavation for public sewer extension and community sewerage systems 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 Town.
- H. Immediately upon acceptance by the Wolcott Sewer and Water Commission of any extension of a public sewer pursuant to the provisions of this section, the extended public sewer shall become the sole property of the Town of Wolcott, free and clear of all encumbrances.

65. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

66. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- I. Any building sewer constructed, installed or extended pursuant to the terms of this section shall become the property of the owner of the property on which the building sewer was constructed or installed or extended, and such owner shall be responsible and liable for the maintenance and repair of same.
- J. Any community sewerage system constructed, installed or extended shall, pursuant to the provisions of C.G.S. § 7-246f, be owned and maintained by the owners' association of the community sewerage system.
- K. The Wolcott Sewer and Water Commission shall not assess benefits against the owner or property owners' association of the property to which the public sewer is extended pursuant to the provisions of this section, but the Commission shall require said property owner or property owners' association to pay a hook-up and user charge to be determined by the Wolcott Sewer and Water Commission.
- L. After acceptance of an extended public sewer by the Wolcott Sewer and Water Commission, said Commission shall have the authority and power to require all owners of property adjacent to or with boundary lines located within 100 feet of said public sewer extension to hook up to said extensions within 180 days of being ordered to do so.
- M. Any property owner ordered to hook up to any public sewer extension pursuant to Subsection L of this section shall not be assessed benefits but shall be required to pay a hook-up and user fee in an amount to be determined by the Sewer and Water Commission.
- N. In the event a sewer line has been installed in a privately owned strip of land which subsequently becomes an accepted Town road, said sewer line shall then become the sole property of the Town of Wolcott, free and clear of all encumbrances. The ownership of said sewer line by the Town of Wolcott shall become effective immediately upon acceptance by the Wolcott Sewer and Water Commission of said sewer line.

Chapter 309

SOLID WASTE

ARTICLE I

Collection and Disposal**[Adopted 11-20-1990 by Ord. No. 69]****§ 309-1. Purpose.**

This article is adopted by the Town of Wolcott as part of a long-term plan for safe and sanitary disposal of solid waste, and to establish measures to assure compliance of persons within the Town boundaries and of collectors with the requirements of state statutes for separation, collection, purchasing and marketing of recyclable solid waste.

§ 309-2. Definitions.

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

CENTER — The Tunxis Regional Processing Center located within the Town of Berlin.

COLLECTOR — Any person who holds himself out for hire to collect, haul, transport or dispose of solid waste or recyclable solid waste from residential, business, commercial or other establishments.

HAZARDOUS WASTE — That portion of solid waste as defined in the service agreement for the operation of the Bristol trash-to-energy plant.

PERSON — An individual, natural person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal entity.

RECYCLABLE SOLID WASTE — The type of solid waste normally generated, collected or disposed of in the Town, which is or has been designated by the Commissioner of Energy and Environmental Protection to be recycled, including, but not limited to: cardboard, glass food and beverage containers, metal food and beverage containers, newspapers, office paper, scrap metal (white goods), waste oil, leaves and storage batteries, except unacceptable waste and hazardous waste (as defined herein).

RESIDENTIAL PROPERTY — Real estate containing one or more dwelling units, but shall not include hospitals, motels or hotels.

RESIDUE — Solid waste remaining after any recycling facility holding a permit has processed the waste, but excluding wastes which are toxic or hazardous.

SOLID WASTE — All discarded materials or substances, including but not limited to garbage, refuse, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, offal and other discarded materials and substances resulting from industrial, commercial, mining, and agricultural operations and from community activities, but not including regulated medical waste sewage and other highly diluted water-carried materials or substances and those

in gaseous form or solid or dissolved materials in irrigation return flows or industrial discharges, or source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended.

TOWN — The Town of Wolcott.

UNACCEPTABLE WASTE — That portion of solid waste as defined in the service agreement for the operation of the Bristol trash-to-energy plant.

§ 309-3. Registration of collectors.

Any person who intends to operate as a collector in the Town shall register in advance with the Town in the manner prescribed by this article. Any person who operates as a collector without proper registration within the Town 30 days after the effective date of this article will be subject to the penalties provided in this article.

§ 309-4. Registration forms, fees and frequency.

- A. All persons intending to act as collectors shall apply for registration with the Superintendent of Public Works before July 1 of each year on forms provided. These forms shall require the applicant to furnish all information requested, including, but not limited to:⁶⁷
- (1) The name of the business and whether a corporation, partnership or sole proprietorship;
 - (2) The names of all stockholders (if a corporation not publicly held), directors, partners, officers or proprietors of the business;
 - (3) A listing and description of the vehicles to be used for hauling solid waste or recyclable solid waste;
 - (4) The names and addresses of all customers presently served, if any, within the Town;
 - (5) The approximate tonnage of solid waste and recyclable solid waste expected to be collected each week;
 - (6) The names of all other communities served by the applicant;
 - (7) Evidence of insurance in an amount of at least \$2,000,000 or such other amounts as the Town Council shall determine; and
 - (8) Whether the applicant plans to collect recyclable solid waste generated from residential property or from commercial, business, municipal and other sources within the Town, or both.
- B. A registered collector shall update the information required by Subsection A at least once each year at the time of registration renewal.

67. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. Once approved, the registration shall be effective until the following June 30, and, unless properly renewed, shall lapse.
- D. The initial registration fee shall be \$50; the renewal fee shall be \$50. Registration fees shall not be prorated.

§ 309-5. Issuance, denial or suspension of registration; appeals.

- A. The Superintendent of Public Works or designee shall mail to the applicant written notice of the approval or denial of an application for registration as a collector within 60 days after the submission of the completed application. Registration is effective only upon approval and issuance of the notice of approval.⁶⁸
- B. The Superintendent of Public Works may refuse to grant registration to any applicant, or may suspend the registration of any registered collector, if that person 1) has violated or does violate any provision of state statutes pertaining to solid waste or recyclable solid waste; 2) violates this article; or 3) is not insurable in accordance with this article. A suspension of registration may not exceed a period of 180 days for any one violation, provided that repeated or willful violation of this article may result in permanent revocation of registration without right to reapply.⁶⁹
- C. No denial, suspension or revocation notice will be effective until the person adversely affected has been notified in writing of that decision and the reasons for it, and has been afforded a reasonable opportunity to appear at an informal hearing before the Superintendent of Public Works to respond.⁷⁰
- D. Any person aggrieved by an initial denial, a suspension or a revocation of registration may appeal that decision to the Town Council by filing a notice of appeal with the Town Clerk within 15 days after either 1) notice of the initial decision is mailed to that person, or 2) the informal hearing provided under Subsection C of this section is held and the decision affirmed by the Superintendent of Public Works or designee. The Town Clerk shall immediately notify the Town Council of any appeal.⁷¹
- E. A hearing shall be scheduled before the Town Council for a date not more than 30 days after the notice of appeal is filed. The hearing may be postponed or continued to a later date not more than one time, and the later date must be no more than two weeks after the original date. Written notice of the hearing shall be given by the Town Clerk to the person taking the appeal and to any person who requests notice of the

68. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

69. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

70. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

71. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

hearing. The hearing may be held at a regular or special meeting of the Town Council.

- F. At the hearing, the person aggrieved shall be permitted to present evidence and cross-examine witnesses. No formal rules of evidence shall apply, but the Town Council may exclude irrelevant or duplicative evidence. The Town Council shall make its decision within 45 days of the date the notice of appeal is filed. That period may, but need not be, extended by any period of postponement which is requested for the convenience of the person bringing the appeal. The decision may 1) affirm the decision denying, suspending or revoking the registration, 2) reverse the decision and order the registration granted or reinstated, or 3) order the registration granted or reinstated with modifications or conditions. The decision of the Town Council shall be final.

§ 309-6. Operations by unregistered collectors prohibited.

Beginning 30 days after the effective date of this article, all persons not properly registered as collectors and all collectors whose registrations have been suspended or revoked are prohibited from engaging in collecting, hauling, transporting or disposing of solid waste generated within the Town.

§ 309-7. Scavenging prohibited.

- A. It shall be a violation of this article for any person, other than the generator of the solid waste or a registered collector, to scavenge solid waste for pecuniary gain from recyclable solid waste placed in containers or packaged for collection at the curb or taken to disposal sites designated pursuant to § 309-8F(4). Scavenging shall include collecting, recovering, hauling, storing or disposing of solid waste other than as authorized by this article.
- B. Each occurrence of scavenging in violation of this article shall constitute a separate offense.

§ 309-8. Residential recyclable solid waste.

- A. On and after January 1, 1991, any person who generates solid waste from residential property shall separate from the other solid waste items designated for recycling by the Commissioner of Energy and Environmental Protection.
- B. Notwithstanding Subsection A, the Town shall designate items to be separated from other solid waste generated from residential property to be recycled.⁷²
- C. All residential recyclable solid waste shall be separated by the generator and placed in containers or packaged for collection at the curb or designated location for solid waste pickup.

72. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- D. The Town shall supply one initial set of recycling containers to each dwelling unit. Upon receipt of a set, the occupant of the dwelling unit shall immediately label the recycling containers with the address of the dwelling unit where the containers shall be used. All recycling containers shall be so labeled the first time they are set out for collection.
- E. The initial set of recycling containers shall be the property of the Town. Upon moving, or vacating the dwelling unit, the occupant shall leave the containers with and for the use of the new occupants of the dwelling unit. When a container is lost or damaged, the occupant of a dwelling unit shall replace the container with a like type of container, which shall be provided by the Town's Department of Public Works or suppliers designated by the Superintendent of Public Works.⁷³
- F. The following residential recyclables shall be segregated and placed out for collection by the collector according to collection schedules designated and published by the Town or shall be disposed of at sites designated and published by the Town:
- (1) Clear glass food and beverage containers shall be placed in a separate recycling container and shall not be commingled with any other recyclable product or solid waste.
 - (2) All other glass food and beverage containers, and all metal food and beverage containers, shall be in a separate recycling container and shall not be commingled with any other recyclable product or solid waste.
 - (3) Newspapers, cardboard, and office paper (fiber products) shall be bound with twine in bundles or placed in paper bags and shall not be commingled with any other recyclable product or solid waste.
 - (4) Leaves, storage batteries, waste oil, and scrap metal shall be disposed of at disposal sites designated by the Mayor's office in cooperation with the Superintendent of Public Works.⁷⁴
- G. All recyclable solid waste shall be prepared and disposed of by the occupants of the dwelling unit in a safe and sanitary manner.
- H. Collectors of residential recyclable products shall handle recycling containers in a manner which shall minimize any damage to them and assure that the containers are available for reuse by the occupants of the dwelling unit to which they are assigned.

§ 309-9. Other recyclable solid waste.

- A. On and after January 1, 1991, any person who generates solid waste from other than a residential property shall make provisions for the

73. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

74. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

separation from other solid waste of the items designated for recycling by the Commissioner of Energy and Environmental Protection.

- B. Notwithstanding Subsection A, the Town shall designate items to be separated from other solid waste generated from other than residential property to be recycled.⁷⁵
- C. Any person who generates recyclable solid waste from commercial, industrial, business or nonresidential property shall dispose of such items in a safe and sanitary manner in designated receptacles for recyclable products.
- D. Owners of commercial, industrial, business, or nonresidential property where recyclable solid waste is generated shall provide sufficient and adequate areas and/or receptacles on the premises for the separation and storage of recyclable products. All recycling receptacles shall be clearly labeled as to type of recyclable product to be deposited in the receptacle and the address of the property.
- E. Recyclable solid waste shall be segregated and packaged as required by the collector so as to be accepted for processing at a site determined by the collector, or at any other site or recycling solid waste facility as may be designated by the Town Council.
- F. Owners of commercial, industrial, business or nonresidential property shall make sure that all receptacles are maintained in a safe and sanitary manner.

§ 309-10. Location for disposal.

Every collector and every other person disposing of recyclable solid waste generated within the town shall dispose of recyclable solid waste as follows:

- A. The Town shall from time to time designate and publish which items of recyclable solid waste shall be disposed of at the center and which items shall be disposed of at other sites.
 - (1) All designated, preseggregated recyclable solid waste generated from residential property shall be taken directly to the center.
 - (2) All other preseggregated recyclable solid waste generated from residential property shall be taken to disposal sites designated by the Mayor's office in cooperation with the Director of Public Works.
 - (3) The collector shall keep and maintain records of the quantity and type of recyclable waste delivered to each disposal site, and the location and date of delivery of such items to the site.
 - (4) No recyclable solid waste from any other Town shall be disposed of at any Town disposal site, other than the center, unless express advance written permission is first obtained from the Town Council.

75. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

The collector shall comply with all requirements pertaining to such alternate disposal.

- (5) All other solid waste generated within the Town and collected from any other source shall be separated by the collector into recyclable solid waste and other solid waste. The recyclable solid waste shall be further segregated and packaged to be disposable at the center or at such other designated disposal sites for the particular type and category of recyclable solid waste, as designated and published by the Town.
- B. Any collector who is requested or contracted to transport residue remaining after the center or other recyclable solid waste disposal area has processed any portion of the Town's recyclable solid waste shall transport such solid waste to the solid waste disposal facility designated by the Town. The collector shall comply with all reporting and record-keeping requirements of the center and of any other recyclable solid waste disposal facility designated by the Town.
 - C. Until one or more sites have been designated for disposal of the Town's recyclable solid waste in accordance with the procedures of C.G.S. § 22a-220a, and until notice has been given under Subsection E requiring the use of any such disposal site, all recyclable solid waste shall be disposed of in accordance with the Town's existing solid waste plan and existing agreements, as those plans and agreements may be modified from time to time.
 - D. After a disposal site for the Town's recyclable solid waste has been designated, and after the Town has been notified in accordance with its contracts that the site is available for use, the Town Clerk or designee shall give notice of the requirements for solid waste disposal. After the notice is published, all persons collecting, transporting or disposing of recyclable solid waste in the Town shall comply with the requirements of that notice not later than the date specified for compliance in the notice.
 - E. Notice that a designated disposal site for recyclable solid waste is available for either partial or full use shall be published in the same manner as is required for hearings before ordinances are adopted by the Town. In addition, individual notice of those requirements shall be mailed to every person who is registered in the Town as a collector. The notice shall specify the date after which all persons disposing of recyclable solid waste in the Town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such as limitations on the amount of recyclable solid waste which may or must be delivered, or the dates or times at which delivery must be made.
 - F. In addition to designating a disposal site for recyclable solid waste, the Town may from time to time designate or identify additional sites for disposal of unacceptable waste, hazardous waste, or recyclable

solid waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations or drop-off sites for the convenience of residents, landfills, or any other type of facility deemed appropriate by the Town. If any person will be required to use a particular site, that site shall be designated in the manner provided in C.G.S. § 22a-220a.

§ 309-11. Enforcement.

- A. All recyclable solid waste is subject to inspection at curbside or designated pick-up locations by the collector and/or the Town to determine property separation and segregation of recyclable solid waste and solid waste as set forth in this article.
- B. The collector shall notify the Superintendent of Public Works of any violation of this article within 24 hours of its discovery. Notification shall be in a manner and fashion prescribed by the Superintendent of Public Works.⁷⁶
- C. The Superintendent of Public Works, upon receipt of a notice of violation from a collector, shall give written notice to the generator of the solid waste that a violation has occurred. Upon receipt of a second notice of violation as to the same generator, the Superintendent of Public Works shall issue a second notice of violation which shall advise the generator that subsequent violations shall be cause for penalties in accordance with this article, and that future recyclable solid waste from said dwelling unit shall not be collected at the sole option of the Town.⁷⁷

§ 309-12. Reporting requirements.

- A. Every collector shall obtain and utilize reporting forms provided by the Superintendent of Public Works.⁷⁸
- B. Every collector shall keep and maintain accurate records.
- C. Said records shall include all information requested, including, but not limited to, the following:
 - (1) The amount of recyclable solid waste derived from each municipality recorded by truckload;
 - (2) The disposal facility to which the waste is taken and the total tonnage disposed of at such facility(ies); and
 - (3) The amount of solid waste derived from a recycling facility which has processed the Town's recyclable solid waste, transported from that facility to the Bristol trash-to-energy facility.

76. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

77. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

78. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 309-13. Penalties for offenses.⁷⁹

Every person who violates any provision of this article shall be guilty of a violation, as defined in C.G.S. § 53a-27(a), and shall be subject to a maximum fine of \$250 for each violation. Every date that a person continues in violation of this article shall be deemed a separate violation.

79.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 309-13

WOLCOTT CODE

§ 309-13

Chapter 311
STORM SEWERS

ARTICLE I

Illicit Discharges and Connections
[Adopted 7-17-2018 by Ord. No. 97]

§ 311-1. Purpose and intent.

- A. The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the Town of Wolcott through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
- B. The objectives of this article are:
- (1) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
 - (2) To prohibit illicit connections and discharges to the MS4.
 - (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this article.

§ 311-2. Definitions.

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

AUTHORIZED ENFORCEMENT AGENCY — Employees or designees of the director of the municipal agency designated to enforce this article.

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT — The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY — Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS — Any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or

physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE — Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in § 311-8 of this article.

ILLICIT CONNECTIONS — Either of the following:

- A. Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system, including but not limited to any conveyances that allow any non-stormwater discharge, including sewage, process wastewater, and wash water, to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

INDUSTRIAL ACTIVITY — Activities subject to NPDES industrial stormwater permits as defined in 40 CFR 122.26(b)(14).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Town of Wolcott and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the EPA [or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)] that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORMWATER DISCHARGE — Any discharge to the storm drain system that is not composed entirely of stormwater.

PERSON — Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT — Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and

fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES — Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

STORM DRAINAGE SYSTEM — Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or -altered drainage channels, reservoirs, and other drainage structures.

STORMWATER — Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER MANAGEMENT PLAN — A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

WASTEWATER — Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

§ 311-3. Applicability.

This article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Planning and Zoning Commission of the Town of Wolcott.

§ 311-4. Administration and enforcement.

The Planning and Zoning Commission of the Town of Wolcott, herein referred to as "P&Z, Wolcott," shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the P&Z, Wolcott may be delegated in writing by the Chairman, or his designee, of the P&Z, Wolcott to persons or entities acting in the beneficial interest of or in the employ of the agency.

§ 311-5. Compatibility with other regulations.

This article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive

or imposes higher protective standards for human health or the environment shall control.

§ 311-6. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

§ 311-7. Minimum standards.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

§ 311-8. Prohibited discharges and connections.

A. Prohibition of illegal discharges.

- (1) No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater.
- (2) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
 - (a) The following discharges are exempt from discharge prohibitions established by this article: water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air-conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
 - (b) Discharges or flow from firefighting, and other discharges specified in writing by the P&Z, Wolcott as being necessary to protect public health and safety.
 - (c) Discharges associated with dye testing; however, this activity requires a verbal notification to the P&Z, Wolcott prior to the time of the test.

(d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(3) The local government may evaluate and remove any of the above exemptions if it is determined that they are causing an adverse impact.

B. Prohibition of illicit connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this article if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(4) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the P&Z, Wolcott.

(5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the P&Z, Wolcott, requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the P&Z, Wolcott.

§ 311-9. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water

through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§ 311-10. Industrial or construction activity discharges.

A. Submission of notice of intent (NOI) to the Town of Wolcott.

- (1) Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the P&Z, Wolcott prior to the allowing of discharges to the MS4.
- (2) The operator of a facility, including construction sites, required to have an NPDES permit to discharge stormwater associated with industrial activity shall submit a copy of the NOI to the P&Z, Wolcott at the same time the operator submits the original NOI to the EPA, as applicable.
- (3) The copy of the notice of intent may be delivered to the P&Z, Wolcott either in person or by mailing it to:

Notice of Intent to Discharge Stormwater
P&Z Commission

Town of Wolcott

10 Kenea Avenue

Wolcott, CT 06716
- (4) A person commits an offense if the person operates a facility that is discharging stormwater associated with industrial activity without having submitted a copy of the notice of intent to do so to the P&Z, Wolcott.

§ 311-11. Compliance monitoring.

- A. Right of entry for inspection and sampling. The P&Z, Wolcott shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article.
- (1) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the P&Z, Wolcott.
 - (2) Facility operators shall allow the P&Z, Wolcott ready access to all parts of the premises for the purposes of inspection, sampling,

examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- (3) The P&Z, Wolcott shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the P&Z, Wolcott to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The P&Z, Wolcott has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the P&Z, Wolcott and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (6) Unreasonable delays in allowing the P&Z, Wolcott access to a permitted facility is a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with an NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the P&Z, Wolcott reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.
- B. Search warrants. If the P&Z, Wolcott has been refused access to any part of the premises from which stormwater is discharged, and it is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the P&Z, Wolcott may seek issuance of a search warrant from any court of competent jurisdiction.

§ 311-12. Use of best management practices to prevent, control, and reduce stormwater pollutants.

The P&Z, Wolcott will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through

the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

§ 311-13. Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which is resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the P&Z, Wolcott in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the P&Z, Wolcott within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Failure to provide notification of a release as provided above is a violation of this article.

§ 311-14. Violations; warning and violation notices; penalties for offenses.

A. Violations.

- (1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) In the event the violation constitutes an immediate danger to public health or public safety, the P&Z, Wolcott is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or

restore the property. The P&Z, Wolcott is authorized to seek costs of the abatement as outlined in § 311-17.

- B. Warning notice. When the P&Z, Wolcott finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, the P&Z, Wolcott may serve upon that person a written warning notice specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the P&Z, Wolcott to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.
- C. Notice of violation. Whenever the P&Z, Wolcott finds that a person has violated a prohibition or failed to meet a requirement of this article, the P&Z, Wolcott may order compliance by written notice of violation to the responsible person.

(1) The notice of violation shall contain:

- (a) The name and address of the alleged violator;
- (b) The address, when available, or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (c) A statement specifying the nature of the violation;
- (d) A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action;
- (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (f) A statement that the determination of violation may be appealed to the P&Z, Wolcott by filing a written notice of appeal within 10 days of service of the notice of violation; and
- (g) A statement specifying that should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(2) Such notice may require, without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;

- (c) That violating discharges, practices, or operations shall cease and desist;
 - (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (e) Payment of a fine to cover administrative and remediation costs; and
 - (f) The implementation of source control or treatment BMPs.
- D. Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the P&Z, Wolcott may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
- E. Suspension of MS4 access.
- (1) Emergency cease-and-desist orders.
 - (a) When the P&Z, Wolcott finds that any person has violated, or continues to violate, any provision of this article, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the P&Z, Wolcott may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:
 - [1] Immediately comply with all ordinance requirements; and
 - [2] Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.
 - (b) Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the P&Z, Wolcott may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The P&Z, Wolcott may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the P&Z, Wolcott that the period of

endangerment has passed, unless further termination proceedings are initiated against the discharger under this article. A person who is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the P&Z, Wolcott within 10 days of receipt of the emergency order. Issuance of an emergency cease-and-desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

- (2) Suspension due to illicit discharges in emergency situations. The P&Z, Wolcott may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the P&Z, Wolcott may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.
 - (3) Suspension due to the detection of illicit discharge.
 - (a) Any person discharging to the MS4 in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The P&Z, Wolcott will notify a violator of the proposed termination of its MS4 access. The violator may petition the P&Z, Wolcott for a reconsideration and hearing.
 - (b) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the P&Z, Wolcott.
- F. Civil penalties. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 10 days, or such greater period as the P&Z, Wolcott shall deem appropriate, after the P&Z, Wolcott has taken one or more of the actions described above, the P&Z, Wolcott may impose a penalty not to exceed \$100 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- G. Criminal prosecution. For the intentional and flagrant violations of this article, the P&Z may refer the violation to the United States EPA for enforcement penalties under Sections 309 and 311 of the Clean Water Act.

§ 311-15. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the P&Z, Wolcott. The notice of appeal must be received within 10 days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within no less than 15 days and no more than 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or its designee shall be final.

§ 311-16. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the P&Z, Wolcott, then representatives of the P&Z, Wolcott shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

§ 311-17. Liability for cost of abatement.

- A. Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- B. Any person violating any of the provisions of this article shall become liable to the Town of Wolcott by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 8% per annum shall be assessed on the balance beginning on the 30th day following discovery of the violation.

§ 311-18. Violations deemed public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

§ 311-19. Remedies not exclusive.

- A. The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the P&Z, Wolcott to seek cumulative remedies.
- B. The P&Z, Wolcott may recover all attorney's fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

§ 311-20. When effective; repealer.

This article shall be in full force and effect 21 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this article are hereby repealed.

Chapter 313
STREETS AND SIDEWALKS

ARTICLE I

**Snow and Ice Removal
[Adopted 2-2-1988 by Ord. No. 59]****§ 313-1. Removing snow from sidewalks.**

The owner or person in possession and control of any premises abutting any public street or public place where there is any paved sidewalk shall cause all snow to be removed from such sidewalk within 24 hours after it has collected there.

§ 313-2. Removing or sanding ice on sidewalks.

The owner or person in possession and control of any premises abutting any public street or public place where there is any paved sidewalk shall remove all ice from said sidewalk or cover it with sand or other suitable substance within six hours after it has collected, or if such be at night, within six hours after sunrise; and shall renew such application as soon after as necessary to keep said sidewalk safe for travel.

§ 313-3. Municipal liability for ice and snow on public sidewalks.

The provisions of C.G.S. § 7-163a regarding municipal liability for ice and snow on public sidewalks are adopted as follows:

- A. Notwithstanding the provisions of C.G.S. § 13a-149 or any other Connecticut General Statutes or special act, the Town of Wolcott shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless such municipality is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street. The Town shall be liable only for its affirmative acts with respect to such sidewalk.
- B. Liability of owner of abutting property.
 - (1) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the Town had prior to the effective date of this article and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.
 - (2) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession or control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

§ 313-4. Throwing snow or ice into streets.

No person shall throw or put, or cause to be thrown or put, any snow or ice from private premises into any street or sidewalk in the Town in such a manner as to cause inconvenience or hazard to public travel.

§ 313-5. Enforcement.

The Police Department shall be responsible for the enforcement of this article.

§ 313-6. Penalties for offenses.⁸⁰

Any person who shall violate any of the foregoing provisions shall be deemed guilty of a misdemeanor, and shall be fined \$100 for each violation.

80.Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 313-6

CHARTER

§ 313-6

Chapter 320

TAXATION

ARTICLE I

**Exemption for Ambulance-Type Vehicles
[Adopted 10-7-1997 by Ord. No. 78]****§ 320-1. Exemption granted; authority; exception.**

Pursuant to Section 12-81c of the Connecticut General Statutes, the Town of Wolcott hereby adopts and authorizes a personal property taxation exemption for any ambulance-type motor vehicle as defined below in § 320-2, which is used exclusively for the purpose of transporting any medically incapacitated individual; excepting herefrom, however, any such vehicle used to transport such individual for profit.

§ 320-2. Definitions.

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

AMBULANCE-TYPE MOTOR VEHICLE — Any motor vehicle specially designed, equipped or significantly modified for the purpose of, and used exclusively for, transporting any medically incapacitated individual and which contains one or more of the following: a lift, ramp, or similar mechanical means of providing vehicle access, a stretcher, bed, or other special seating.

§ 320-3. Applicability.

This article shall become applicable for the October 1, 1998, Grand List and for successive Grand Lists thereafter.

§ 320-4. Application for exemption; term and renewal.

An applicant for a personal property tax exemption pursuant to this article shall file an application annually with the Tax Assessor, in such manner and requiring such information as requested by the Tax Assessor, on or before the October 1 annual assessment date for the assessment year for which such exemption is requested. For vehicles purchased after October 1 of the assessment year for which such exemption is requested, an application shall be filed no later than 60 days after the date of such purchase. An exemption, if granted, shall continue for the assessment year for which the exemption was requested so long as the vehicle is being used for the above-stated purpose, and must be renewed annually.

ARTICLE II

**Abatement for Surviving Spouses of Police Officers, Firefighters and
Emergency Medical Technicians
[Adopted 11-18-2003 by Ord. No. 86]**

§ 320-5. Purpose.⁸¹

The Town of Wolcott recognizes the valiant and courageous efforts of police officers, firefighters and emergency medical technicians (EMTs). Therefore, pursuant to Section 12-81x of the Connecticut General Statutes, the Town Council of the Town of Wolcott hereby establishes this article for the abatement of a portion of the property taxes due with respect to real property owned and occupied as the principal residence of the surviving spouse of a police officer, firefighter or EMT who dies in the line of duty.

§ 320-6. Abatement granted; amount and scope.

A qualifying surviving spouse shall receive a ten-percent assessment credit on his or her real property owned and occupied as his or her principal residence. This assessment credit will be in addition to any other credit that he or she is entitled to receive. If the inclusion of this credit causes the total real property assessment to be reduced to or below zero, there shall be no application of the remaining credit to any other assessment, be it real property, motor vehicle, or personal property.

§ 320-7. Restrictions.⁸²

If such surviving spouse shall remarry or cohabitate with an unrelated adult of the opposite sex, then the abatement shall cease as of the next Grand List. The death of the police officer, firefighter or EMT must have occurred while the deceased was a resident of the Town of Wolcott. Real property on which the abatement is being applied must be the primary residence of the surviving spouse. The abatement shall apply to real property only; and in lieu of ownership of real property, no substitutions shall apply.

§ 320-8. Definitions.

For purposes of this article only, the following definitions shall apply:

DIED IN THE LINE OF DUTY —

- A. A death which occurs as a direct and proximate result of a personal injury sustained while engaged in a line-of-duty activity, or which arose out of and as a result of such person's performance of a line-of-duty activity, including deaths caused by infectious disease contracted while performing line-of-duty activities or from exposure to hazardous materials while performing line-of-duty activities.

81. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

82. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Not included under this definition are deaths attributed to natural causes, except for a medical condition which arises out of a specific line-of-duty activity. Also not included under this definition are deaths which occur while engaged in illegal activity, deaths attributed to alcohol or controlled substance abuse, deaths caused by the gross negligence or misconduct of the decedent or deaths caused by the decedent's intention to bring about his or her own death.

EMERGENCY MEDICAL TECHNICIAN or EMT — A person who has successfully completed the requirements of the State of Connecticut, Department of Health Services, Office of Emergency Medical Services, and shall include EMT-P (Emergency Medical Technician-Paramedic) and MRT (Medical Response Technician), and who is employed by or a member of a volunteer, municipal, county, state or federal ambulance, fire or police department that is duly certified pursuant to C.G.S. § 19a-175. Individuals employed by privately funded institutions or corporations are not to be considered emergency medical technicians for the purposes of this article.⁸³

FIREFIGHTER — A person who is involved in the prevention and suppression of fires; or the enforcement of federal, state, county or municipal laws/codes concerning fire prevention, suppression or arson and who is employed by or a member of a volunteer, municipal, county, state or federal fire department that is duly authorized and empowered under law to engage in fire suppression and prevention activities. Individuals employed by privately funded institutions or corporations are not to be considered firefighters for purposes of this article.

LINE OF DUTY — Any action which is required or authorized by law, rule, regulation, or condition of employment or service, either as a volunteer or for which compensation is provided by the employing agency and which action is directly related to the protection of life and/or property of the citizenry. The term "line of duty" is not synonymous with "on duty." The surviving spouse of an "off-duty" police officer or firefighter, who dies as a result of responding to or returning from a fire or hazardous activity, shall be considered for such abatement.

POLICE OFFICER — A person who is employed in public safety or in crime control or reduction through the enforcement of criminal, traffic or juvenile laws and who is employed by a municipal, county, state or federal law enforcement agency and who is duly sworn and certified and has arrest powers granted by law. Individuals employed by privately funded institutions or corporations are not to be considered police officers for purposes of this article.

PRINCIPAL RESIDENCE — The home owned by and in which the surviving spouse resides for at least nine months of the year.

REAL PROPERTY — Real estate (land) which includes a livable structure (house, condominium, etc.).

83. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 320-9. Application required.

Any person claiming the abatement provided under this article for any assessment year and subsequent assessment years shall, not later than the 31st day of December following the first date of such assessment year, file with the office of the Assessor of the Town of Wolcott a written application claiming such exemption on a form approved for such purpose by the Assessor. Failure to file such application as prescribed herein with respect to any assessment year shall constitute a waiver of the right to such exemption for such assessment year, but not for subsequent assessment years.

§ 320-10. When effective.

This article shall take effect on the 21st day following publication and shall apply to the Grand List of October 1, 2003, and subsequent Grand Lists.

ARTICLE III

Veterans Exemption**[Adopted 9-5-2006 by Ord. No. 90]****§ 320-11. Exemption granted; amount; income requirements.**

The Town Council of the Town of Wolcott hereby authorizes, pursuant to Connecticut General Statutes § 12-81f, that any veteran entitled to an exemption from property tax in accordance with Subdivision (19) of Connecticut General Statutes § 12-81 shall be entitled to an additional exemption in the amount of \$10,000, provided the total of such veteran's adjusted gross income as determined for purposes of the federal income tax plus any other income not included in such adjusted gross income, individually if unmarried, or jointly if married, in the calendar year immediately preceding the assessment date with respect to which such additional exemption is allowed is not more than \$33,900 if such veteran is married or not more than \$27,700 if such veteran is not married. Said income requirements shall be increased or decreased in accordance with subsequent amendments to Connecticut General Statutes § 12-81f.

§ 320-12. Applicability to surviving spouse.

Any veteran's surviving spouse entitled to an exemption from property tax in accordance with Subdivision (22) of Connecticut General Statutes § 12-81 shall be entitled to an additional exemption, provided such surviving spouse's qualifying income does not exceed the maximum amount applicable to an unmarried person as provided under Connecticut General Statutes § 12-811. The exemption shall be applied to the assessed value of an eligible surviving spouse's property.

§ 320-13. Application for exemption.

Any veteran or spouse making a claim for such additional property tax exemption shall be required to file an application with the Assessor, on a form prepared by the Assessor for such purpose, not later than the assessment date with respect to which such additional exemption is claimed, provided when an applicant has filed for such exemption and received approval for the first time, such applicant shall be required to file for such exemption biennially thereafter, subject to the provisions of § 320-14 of this article. Each application shall include a copy of the veteran's federal income tax return, or in the event that a return is not filed such evidence related to income as may be required by the Assessor, for the tax year of such veteran ending immediately prior to the assessment date with respect to which such additional exemption is claimed.

§ 320-14. Qualification for exemption.

Any person who has submitted an application and been approved in any year for the additional exemption under § 320-11 or 320-12 shall, in the year immediately following approval, be presumed to be qualified for such

exemption. If, in the year immediately following approval, such person has qualifying income in excess of the maximum allowed under said § 320-11 or 320-12, such person shall notify the Assessor on or before the next filing date for such exemption and shall be denied such exemption for the assessment year immediately following and for any subsequent year until such person has reapplied and again qualified for such exemption.

ARTICLE IV

**Issuance of Permits and Certificates and Contract Payments to
Delinquent Taxpayers
[Adopted 9-2-2008 by Ord. No. 92]**

§ 320-15. Purpose and intent.

The purpose of the following article is to establish fair and equitable guidelines for all taxpayers and to aid in the efficient operation of municipal government and its agencies within the Town of Wolcott. It is the intent of the Town of Wolcott that all taxes must be paid in full before any contract is awarded, permits are issued, or vendors are paid. It is not the intent of this article to punish or penalize any taxpayer but rather to be fair to all paying taxpayers by encouraging the payment of outstanding taxes.

§ 320-16. Definitions.

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

DELINQUENT AMOUNTS — Any delinquent real or personal property taxes, any delinquent sewer assessments or usage charges, or any delinquent water assessments or usage charges, and any interest, fees and charges thereon.

PERSON — Any individual, firm, company, limited-liability company, partnership, association, society, corporation, group, or other entity or any officer, director, member (managing or otherwise), stockholder, agent, or partner of said firm, company, limited-liability company, partnership, association, society, corporation, group or other entity.

§ 320-17. Land use permits and certificates.

- A. No official or agent of the Town of Wolcott, or any member of any board, office, department, commission or agency thereof, shall issue a certificate of occupancy, zoning, building, inland wetlands, driveway or any other permit for the use of or improvements to real property to any owner thereof or other applicant from whom any delinquent amounts are owed to the Town of Wolcott or for any real property for which any delinquent amounts are owed to the Town, except as provided in § 320-19 below.
- B. At the time any such application for a certificate or permit is filed, the applicant shall submit to the appropriate Town official having authority to issue such certificate or permit sufficient written evidence from the Wolcott Tax Collector that there are no delinquent amounts due to the Town from the owner of the real property for which said application is made and from the applicant if other than the owner.
- C. This section shall not be deemed to apply to those applications for permits which involve repair or construction work ordered by a public

agency or for emergency work to be performed for public health and/or safety concerns, nor shall it apply to those applicants who are making improvements to their real property with loans or grants received under any state and/or federal rehabilitation programs.

§ 320-18. Contract payments.

No payment shall be made by the Treasurer of the Town of Wolcott or by any other Town official, department head, employee, board, commission or agency to any person who has sold goods or provided services to the Town or to any board, office, department, commission or agency thereof, if, at the time said payment is due, it is determined that said person owes delinquent amounts to the Town, provided that no such payment to be withheld shall exceed the delinquent amounts owed at the time of the withholding. Any such sums withheld pursuant to this section shall be paid to the Tax Collector and applied against the outstanding delinquent amounts owed by such person, first to any outstanding interest, fees and charges and then to the outstanding principal balance. This section shall not apply to the payment of wages to employees of the Town of Wolcott, or any board, office, department, commission, or agency thereof.

§ 320-19. Payment agreements.

- A. Notwithstanding anything provided hereinbefore to the contrary, no certificate or permit under § 320-17 hereof shall be withheld if the person owing said delinquent amounts has entered into a written agreement with the Town of Wolcott, by and through the Wolcott Tax Collector, which shall provide for an immediate payment to the Town of all outstanding interest, fees and charges included in said delinquent amounts and at least 1/2 of the principal balance owed, and a payment plan requiring the balance of said delinquent amounts to be paid in equal monthly installments over a period of no greater than 24 months from the date of said agreement. In the event any person owing delinquent amounts is unable to enter into such agreement with the Tax Collector as a result of severe financial hardship, such person may propose to said Tax Collector an alternate method for paying said delinquent amounts which, if acceptable to the Tax Collector, shall be subject to the approval of the Town Council. In either event, interest shall continue to accrue on said delinquent amounts at the rate allowed by law. Any such payment agreement shall be in addition to, and not in lieu of, any and all other collection methods and remedies available to the Tax Collector as allowed by law.
- B. In the event any person enters into a written agreement with the Tax Collector as provided hereinbefore, or proposes an alternate method of paying said delinquent amounts, which proposal is acceptable to the Tax Collector and approved by the Town Council, proof of any such agreement or approval shall be delivered to the appropriate Town official having authority to issue such certificate or permit prior to the issuance of such certificate or permit.

- C. The exception provided in Subsection A of this section and any agreement entered into pursuant thereto shall be for the sole purpose of allowing a person owing delinquent amounts to obtain a certificate or permit and shall not in any way constitute, or to be construed to constitute, an agreement by the Town of Wolcott or the Tax Collector to forebear the collection of said delinquent amounts during the period of the approved monthly payment plan. The Tax Collector shall continue to have the right to exercise all powers allowed by law to collect said delinquent amounts sooner than set forth in said agreement and at no time shall the Town be required to stay or forestall any other collection methods or remedies during such period.

§ 320-20. Project bids.

If the "person" as defined in § 320-16 owes any money to the Town of Wolcott, said person shall be deemed ineligible to bid any municipal project until such time as payment is made or arrangements are made in accordance with § 320-19C above.

§ 320-21. Enforcement.

The Treasurer and Tax Collector of the Town of Wolcott shall coordinate their activities so that the purpose and intent of this article may be carried out. All other officials, department heads and employees of the Town shall coordinate their activities with those of the Tax Collector and Treasurer in a like manner.

§ 320-22. Contract terms.

Any person entering into any contract with the Town of Wolcott or doing business with the Town shall be deemed to have expressly consented and agreed to the terms of § 320-18 of this article, which terms shall become an integral part of the contract or agreement between such person and the Town, even if not specifically set forth in said contract or agreement.

§ 320-23. Public bidding procedures.

All invitations to bid extended to prospective bidders in the award of municipal contracts subject to the public bidding procedure provided in Section 707(c) of the Town of Wolcott Charter shall include a reference to this article; provided, however, that the failure of any invitation to bid to include such reference shall in no way affect the validity of the invitation or the applicability of this article.

ARTICLE V

**Business Incentive Tax Abatement
[Adopted 10-6-2009 by Ord. No. 93]****§ 320-24. Purpose.**

The purpose of the tax incentive program is to attract new firms to the Town of Wolcott and to promote expansion of existing businesses and industry. It is the intent of the Town to provide and create jobs for local and area residents; to create long-term tax base growth through the replacement, reconstruction, expansion and remodeling of existing business and industrial facilities, where appropriate and environmentally sound; to encourage the construction of new facilities, when necessary; and to create the potential for generating new demands for existing local businesses through a "spin off" effect of major employers' business decisions. It is further the intent of the Town of Wolcott to encourage substantial investment in new equipment and other personal property subject to taxation within the Town.

§ 320-25. Qualifying businesses; standards.

- A. The following types of businesses, consistent with Town codes, shall receive priority consideration for development incentives:
- (1) Manufacturing firms as defined in the Economic Development and Manufacturing Assistance Act of 1990, as amended (C.G.S. § 32-220 et seq.).
 - (2) Facilities designed for the management and administrative support of business activity located elsewhere.
 - (3) High technology firms.
 - (4) Wholesale/Distribution firms.
 - (5) New retail businesses.
- B. Notwithstanding the listing of the priority businesses, all companies shall meet the following standards:
- (1) Possession of a good, recent environmental "track record"; or, through relocation to an area with appropriate infrastructure, begins meeting its environmental responsibilities.
 - (2) Construction cost of \$100,000 or more in new or rehabilitated facilities.
 - (3) Creation of at least three new permanent, full-time jobs for new construction and/or remodeling and renovation of 5,000 square feet or less; in addition, there must be at least one new, permanent, full-time job for each additional 1,500 square feet (example: 6,500

square feet equals four new jobs, 8,000 square feet equals five new jobs, etc.).

- (4) Provision of a solid financial base and growth potential through the preparation of a business plan which demonstrates possession of the capital necessary for reasonable business growth.
- (5) The applicant will be the sole occupant of the percent of the total square footage of the improvement for which the abatement is requested for the full term of the abatement.

§ 320-26. General requirements.

Applicants for tax incentives under this program will be considered under the following circumstances:

- A. The proposed project must be located in an appropriate zone as defined in the Town of Wolcott's Zoning Regulations, subject to approval of the land use boards and commissions.
- B. If the applicant is a tenant, the tax benefits must be reflected in the lease and the lease must be for at least the term of the tax abatement period. The lease must be on file in the Land Records of the Wolcott Town Clerk's Office (C.G.S. § 12-64).
- C. There is no delinquency in any taxes or service charges due the Town of Wolcott. The applicant must be in compliance with Article IV, Issuance of Permits and Certificates and Contract Payments to Delinquent Taxpayers, of this chapter.
- D. The project should have a clear economic benefit to the Town of Wolcott as follows: The benefits derived by the Town shall exceed the total cost to the Town over the economic life of the investment or project, not to exceed seven years.

§ 320-27. Local employment considerations.

To the extent feasible, the applicant shall commit to the utilization of Town-based businesses and Town residents during both the construction and operation phases. The following guidelines are offered to assist in achieving these goals:

- A. To the extent feasible, the applicant shall commit to hire Town residents for new positions created as a result of the development project.
- B. Applicants shall estimate the number of anticipated new hires, the skills required and the timing of such new hires.
- C. Applicants shall provide a copy of their affirmative action/hiring statement or plan.

§ 320-28. Application procedure.

- A. All tax abatement requests shall be made in writing on a form prescribed by the Town of Wolcott. Two copies of the application must be submitted simultaneously, one to the Mayor and the other to the Planning and Zoning Office.
- B. The application for tax abatement shall first be referred to the Tax Incentive Committee. This committee shall consist of the following: the Mayor or his/her designee; a member of the Economic Development Commission; a representative of the Planning and Zoning Commission; the Assessor; the Tax Collector; a Town Council liaison (nonvoting member of the committee).⁸⁴
- C. Said committee shall review the application to determine if the application conforms to and complies with the Town's requirements. Each completed application shall be considered on an individual basis. Within 30 days of the receipt of the application, the committee shall forward a recommendation to the Town Council.

§ 320-29. Tax abatement agreement.

- A. Pursuant to Section 12-65b of the Connecticut General Statutes, as amended, the Town may enter into a written agreement with the owner or lessee of real property, fixing the assessment of the real property and all improvements thereon or therein to be constructed. Within the parameters of Section 12-65b of the Connecticut General Statutes, as amended, a business may be granted partial exemption from real property taxation for a term of years which may vary in accordance with the scale and/or economic impact of the new development.
- B. The fixed assessment period shall commence with the first fiscal year of the Town of Wolcott for which a tax list is prepared on October 1 immediately following the issuance of a certificate of occupancy for any construction. The assessment of the real property for the period prior to the affixed assessment period shall be determined in the normal course pursuant to state and local laws and ordinances.
- C. A business which has been granted a tax abatement will report to the Tax Incentive Committee and the Town Council annually on or by April 30 on a form prescribed by the Town of Wolcott to ensure that it is in compliance with the terms of the tax abatement agreement.
- D. Pursuant to the Manufacturing Assistance Act,⁸⁵ the Town will assist all qualified businesses to obtain tax relief from the state on equipment or personal property used in manufacturing as defined in Section 12-65h of the Connecticut General Statutes, as amended. Machinery and equipment must qualify for five- or seven-year depreciation for federal tax purposes. New tangible personal property acquired by lease or

84. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

85. Editor's Note: See the Economic Development and Manufacturing Assistance Act of 1990, C.G.S. § 32-220 et seq.

purchase must be used predominantly in the manufacture or production of goods, research or development design and engineering of manufactured products.

§ 320-30. Amount of abatement.

Within the parameters of C.G.S. § 12-65b, as amended, a business will be granted partial exemption from real estate taxation on improvements for a term of years which will vary in accordance with the scale of development. The number of years of partial exemption will be determined in accordance with Table A. The percentage of partial exemption for each fiscal year following the certificate of occupancy for the new improvement will be determined in accordance with Table B.

Table A	
Number of Years of Partial Tax Abatement Based on the Value of Real Estate Improvements	
Number of Years	Value of Improvements
3	\$100,000 to \$2,999,999
5	\$3,000,000 to \$5,999,999
6	\$6,000,000 to \$9,999,999
7	\$10,000,000 and over

Table B							
Value of Improvements	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
\$100,000 to \$999,999	50%	30%	10%	None	None	None	None
\$1,000,000 to \$1,999,999	50%	35%	20%	None	None	None	None
\$2,000,000 to \$2,999,999	50%	40%	25%	None	None	None	None
\$3,000,000 to \$5,999,999	70%	60%	45%	30%	15%	None	None
\$6,000,000 to \$9,999,999	80%	70%	60%	45%	30%	15%	None
\$10,000,000 and over	90%	80%	70%	60%	45%	30%	15%

§ 320-31. Agreement termination.

- A. All agreements shall contain a provision that any business granted tax incentive abatement shall repay the Town the dollar amount of any

incentive contained in such agreement if such business does not meet obligations contained in such agreement.

- B. Any agreement entered into pursuant to this program shall not be subject to assignment, transfer or sale. In the event that any such property whose owner or lessee has entered into an agreement with the Town of Wolcott is assigned, transferred or sold, then and in that event, the agreement shall terminate as of the effective date of said assignment, transfer, or sale, and the full amount of the tax that would otherwise be due to the Town of Wolcott shall immediately become due and payable.

§ 320-32. Construction schedule.

After approval of any application by the Town Council, construction shall commence within six months and shall be completed and a certificate of occupancy issued within 24 months. Any extension from this requirement must be approved by the Tax Incentive Committee and the Wolcott Town Council.

§ 320-33. Town Council authority.

- A. Any and all decisions to grant an incentive, pursuant to the terms of this article, shall be within the sole and absolute discretion of the Town Council of the Town of Wolcott.
- B. The Wolcott Town Council is not required by this program to grant tax abatement. Each applicant will be considered on an individual basis.

Chapter 325**TOBACCO PRODUCTS****§ 325-1. Use restricted on school grounds or at school functions.**

No person shall use any tobacco products within any school buildings or on any school grounds, or on transportation provided by the Board of Education, or during the course of any trips sponsored by the Board or under the supervision of the Board or its authorized agents, or while attending any school function or taking part in any other activity on said premises; nor shall any person transport any tobacco product onto school grounds with intent to consume it there, or to use it for any other purpose while attending a public function conducted thereon.

§ 325-2. Definitions.

For purposes of this chapter, tobacco products are defined to include cigarettes, cigars, pipe tobacco and chewing tobacco.

§ 325-3. Penalties for offenses.

Any person violating any of the provisions of this chapter shall, for each such offense, be punished by a fine of \$25.

Chapter 338**VEHICLES**

ARTICLE I

**Winter Parking Ban
[Adopted 1-24-1978 by Ord. No. 39]****§ 338-1. Parking restrictions.**

It shall be unlawful for the owner or operator of any vehicle to park said vehicle on any street in the Town of Wolcott during all snow, sleet, ice, freezing rain or hail storms and/or until the highway has been cleared.

§ 338-2. Notice to remove; removal and storage of vehicles in violation.

Where reasonably practicably, the Police Department shall notify the owner, operator or other person in charge of a vehicle in violation of § 338-1 to remove the vehicle immediately. If the vehicle is not moved within a reasonable time, members of the Police Department are authorized to remove, or have removed by a commercial towing service, any vehicle parked in violation of § 338-1 to a local garage or place of safety, or to a garage designated or maintained by the Police Department within the Town of Wolcott. Such removal shall be at the risk and expense of the owner of the vehicle. Cars so removed shall be stored in a safe place and shall be restored to the owner or operator upon payment of a reasonable fee for said storage and towing.

§ 338-3. Issuance of tickets; penalties for offenses.⁸⁶

Any member of the Police Department is further authorized to issue a parking ticket for failure to remove such vehicle which is parked in violation of § 338-1 of this article. Said parking ticket shall be issued by attaching the same to the subject vehicle, and the ticket shall direct the owner or operator or other person in charge thereof to appear at the office of the Police Department within 72 hours, where a sum not to exceed \$100 shall be paid to the Town of Wolcott for each offense. A receipt shall be issued for all such money received.

§ 338-4. Exceptions.

The provisions of this article shall be deemed not to apply to any motor vehicle which is ordered to be held stationary by order of any member of the Police Department.

86. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 338-4

WOLCOTT CODE

§ 338-4

Chapter 346

WATER

ARTICLE I

**Water Main Extensions
[Adopted 7-19-1988 by Ord. No. 61]****§ 346-1. Purpose and scope.**

It is the purpose of this article to provide for the levying of per-foot benefit assessments upon land and/or buildings in the Town of Wolcott which are benefited by the extension of water mains, which may be funded, in part, by the Town of Wolcott, as determined by ordinance of the Town Council, and to provide for and further define the authority of the Wolcott Sewer and Water Commission regarding water main extensions and water system operation pursuant to the provisions of Sections 7-234 through 7-244a, inclusive, of the Connecticut General Statutes. Said assessments shall include areas within the Town of Wolcott used for industrial or commercial purposes and partly for industrial or commercial purposes and partly for residential purposes or into residential areas or into areas zoned for residential use, pursuant to the provisions of Sections 7-137c, 7-137d and 7-139 through 7-145, inclusive, of the Connecticut General Statutes, as amended. When appropriating such funds, the procedure herein set forth shall be followed.

§ 346-2. Definitions; word usage.

- A. For the purpose of this article, the following terms shall have the meanings indicated:

COMMERCIAL USE — Any use of a structure as a place for the exchange of commodities, services or commercial recreation activities.

INDUSTRIAL USE — Any use of a structure as a place to manufacture, fabricate, repair, build, package, assemble, store, demolish, process or transform the quality or state of any goods.

INSPECTOR — Any employee, agent, or officer of the Town assigned by the Sewer and Water Commission to examine and test material and work furnished by a contractor, to observe the construction of a water main or water service or any appurtenance, to assist the contractor in the clarification of specifications and methods of construction, to make measurements and keep records, to report to the Engineer and Sewer and Water Commission on the performance and progress of the contractor relative to the work, all as and only as instructed by the Engineer and Sewer and Water Commission. No inspector shall act as assistant to or foreman for a contractor. Inspectors shall have no power to waive specifications of these rules and regulations or to otherwise deviate from the original covenants of any agreements or contracts.

MAIN — A pipe carrying potable water for general distribution and located within a Town right-of-way or property or located within property to become a Town right-of-way or property.

MAY — Is permissive.

OPEN SPACE OR FARM LAND USE — An open space or farm land use of any vacant property that is covered by Section 12-107b of the Connecticut General Statutes.

OTHER USE — Any use which cannot be defined under this article as a residential, commercial, industrial or open space or farm land use.

PERMIT — The document issued by the Sewer and Water Commission to a duly authorized contractor authorizing extension of mains or connection of private water service. A permit binds the contractor to current rules and regulations of the Wolcott Sewer and Water Commission.

RESIDENTIAL USE — Any use of a structure as the living quarters of any person or group of persons.

RULES AND REGULATIONS — The Rules, Regulations, Standards and Specifications for Water Main and Water Service Installations in the Town of Wolcott, as amended, which have been adopted by the Sewer and Water Commission of the Town of Wolcott.⁸⁷

SEWER AND WATER COMMISSION — The authority over public water in the Town of Wolcott or its authorized representative.

SHALL — Is mandatory.

TOWN ENGINEER — The appointed engineer of the Town of Wolcott.

WATER MAIN SYSTEM — Includes all pipes, pumping stations, storage tanks, hydrants and appurtenances within the Town's rights-of-way and includes the metering equipment on all properties.

WATER SYSTEM OPERATOR — The qualified individual appointed by the Sewer and Water Commission who is responsible for the proper operation, maintenance, record-keeping, inspection and cross-connection control for the whole distribution system.

- B. Word usage. Whenever herein used and the context so permits, the singular shall be construed to include the plural and the masculine or neuter shall be construed to include both and the feminine gender, and each owner or owners and his or their respective heirs, successors and assigns shall be jointly and severally bound.

§ 346-3. Land, buildings, and owners subject to benefit assessment.

Notwithstanding the provisions of any special act, any owner or owners of lands or buildings which abut such main shall reimburse the Town of Wolcott his/their proportionate share as determined by the Wolcott Town Council, except that where the Town of Wolcott and the Commissioner of Energy and Environmental Protection concur in determining that the need for such extension is in response to a community pollution problem as defined by Section 22a-423 of the Connecticut General Statutes, the Wolcott Town Council may waive such reimbursement.

87. Editor's Note: See Ch. 460, Water Mains and Service Installations.

§ 346-4. Costs to be recovered.

All costs shall be proportioned in such a way as to ultimately leave the Town of Wolcott free of any cost of the extension of the water main and expenses incidental thereto except where any portion of such water service is to be used for a municipal purpose, in which instance the municipality shall contribute a fair portion of the expense representing such municipal share. In the case of land zoned for other than residential, commercial or industrial purposes, or classified pursuant to Sections 12-107a to 12-107e, inclusive, of the Connecticut General Statutes as farm land, forest land or open space land, on the last completed grand list of the Town of Wolcott, which exceeds by more than 100% the size of the smallest lot permitted in the lowest density residential zone allowed under the Town of Wolcott Zoning Regulations, assessment of such excess land shall be deferred until such time as such excess land shall be built upon or a building permit is issued therefor or until approval of a subdivision plan of such excess property by the Planning and Zoning Commission, whichever event occurs first, at which time assessment may be made as herein provided. The Town of Wolcott shall place a caveat on the land records in each instance where an assessment is deferred.

§ 346-5. Method and timing of assessment.

- A. Subject to reasonable allowances by the Wolcott Town Council for particular situations, the benefits assessed each parcel or piece or land abutting said water main shall be determined for each phase of the extension on a per-lineal-foot basis as follows:
- (1) Cost per lineal foot: quotient derived by dividing the total number of lineal feet of all properties abutting the water main by the difference between the total project cost and the project grants and/or municipal share (if any).
 - (2) Calculation of assessable lineal feet for each property: quotient derived from dividing by two the sum of lineal feet constituting front and back property lines. In the case of lots abutting two streets, i.e., corner lots, the total lineal feet are calculated by dividing by two the sum of lineal feet abutting each street.
- B. Such benefit assessments shall represent a reasonable proportion of the total cost of such water mains and appurtenances, including, but not limited to, engineering, rights-of-way acquisition, bonding costs and interest, legal fees, construction administration and inspection, permits, testing, disinfection, pumping stations, storage tanks, valves, hydrants, blow-off and air/vacuum manholes and restoration of ground surface and features.
- C. Such benefit assessment shall be laid by resolution of the Wolcott Town Council after completion of construction of the extension of the water main and after the water system is capable of delivering a potable water

supply to the abutting property owners. **[Added 3-16-1993 by Ord. No. 70]**

§ 346-6. Notice of hearing on assessment.

A public hearing on any assessment under this article shall be provided. Due notice of the time and place for said hearing shall be signed by the Wolcott Town Clerk and published, at least five days before the date scheduled for such hearing, in a newspaper having a general circulation in the Town, and a copy of such notice shall be mailed to the owner of each property affected thereby.

§ 346-7. Property owner's right to appeal.⁸⁸

Pursuant to Section 7-137c of the Connecticut General Statutes, as amended, within 60 days of an assessment under this article, the owner of any property so assessed may appeal to the Superior Court for the Judicial District of Waterbury from the valuation of his assessment, by service of process made in accordance with the provisions of Section 52-57 of the Connecticut General Statutes. Such appeal shall be a privileged case and shall not stay any proceeding under this article. The Court shall have the power to grant such relief as to justice and equity appertains, upon such terms and in such manner and form as appear equitable.

§ 346-8. Liability for assessment; lien.

- A. The owner of real property subject to such a water main assessment shall be liable for and shall be billed for payment of such assessment. Such assessment, together with interest thereon, as defined by the Connecticut General Statutes, shall constitute a lien upon the property being assessed and such lien may be foreclosed, and such charges may be collected in the manner provided in Section 7-137d of the Connecticut General Statutes and such other statutes which are applicable.
- B. The water main assessment is not assumable and any balance due thereon, together with interest and lien fees, shall be paid in full immediately upon the transfer of title to the property.

§ 346-9. Payment and collection of charges.

The water main assessment shall be collected by the Tax Collector of the Town of Wolcott. The Wolcott Sewer and Water Commission shall, subject to the provisions of the Wolcott Town Charter, establish rules and regulations regarding the payment method and due date of such assessment and may, if it so desires, provide for installment payments of such assessments. The amount of the annual interest rate shall be set by resolution adopted by the Town Council and shall be applied to the balance due on assessment payments unpaid for a period exceeding 30 days of the notice of payment

88. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

due. Said rules and regulations shall be incorporated into and become a part of this article.

§ 346-10. Connection of private water service to water main.

- A. Where a water main is available, the property owner abutting the street where the water main is located may connect a private water service to the water main.
- B. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public water main or appurtenance thereof without first obtaining a written permit from the Sewer and Water Commission. Any person proposing a new private water service connection to the public water main or any change in an existing private service connection shall notify the Sewer and Water Commission at least 45 days prior to the proposed connection or change.
- C. Classes of connection.
 - (1) There shall be seven classes of private water service connection permits:
 - (a) Single residential: service connection for a single-family residential building to a main fronting the property.
 - (b) Single commercial: service connection for a single commercial building to a main fronting the property.
 - (c) Single industrial: service connection for a single industrial building to a main fronting the property.
 - (d) Multifamily residential: service connection for a single multifamily building to a main fronting the property.
 - (e) Subdivision and multiple industrial/commercial: service connections to a main fronting the property for multiple buildings requiring multiple services and that may also require main extensions onto private property that is planned to become a Town right-of-way.
 - (f) Subdivision and industrial/commercial requiring main extension: any service type requiring main extensions along a Town right-of-way or property.
 - (g) Fire service: service connection for a single building to a main fronting the property for the purpose of sprinkler protection and fire protection only.
 - (2) In any case, a property owner or his duly authorized agent shall make application on a special form furnished by the Sewer and Water Commission. The permit application shall be supplemented with any plans, specifications, or other information considered

pertinent in the judgment of the water system operator. A permit and inspection fee in an amount according to the rate schedule adopted by the Wolcott Town Council pursuant to Section 7-239 of the Connecticut General Statutes, as amended, shall be paid to the Town at the time the application is filed.

- D. All costs and expenses incident to the installation of a private water service to the water main shall be borne by the property owner. No permit will be issued to any contractor until he has filed with the Town a certificate of public liability and property damage insurance and a performance bond in amounts specified by the Town Attorney of the Town of Wolcott. Any insurance and performance bond required by the Town shall be approved by the Treasurer of the Town of Wolcott. Such insurance shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the water main extension for a period of one year from the date of its completion. The performance bond shall cover defects in materials, workmanship and pavement restoration for all work within Town property and rights-of-way for a period of one year from the date of its completion.
- E. A separate and independent private water service shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private water service is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the private water service from the front building may, at the discretion of the Sewer and Water Commission, be extended to the rear building, provided an acceptable right-of-way is recorded on the Wolcott Land Records.
- F. Old private water services may be used in connection with new buildings only when they are found, upon examination and test by the water system operator, to meet all requirements of this article.
- G. The construction methods and materials for the installation of a private water service shall conform to the requirements of the state and local building and plumbing codes and the adopted rules and regulations of the Sewer and Water Commission, as amended.⁸⁹
- H. The applicant for a private water service connection permit shall notify the water system operator at least two working days prior to construction activity commencing.
- I. All excavation for private water service 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 Town Engineer. When Town and/or state police are required for maintenance and protection of traffic on Town or state rights-of-way, then the contractor shall secure their services and pay their cost.

89. Editor's Note: See Ch. 460, Water Mains and Service Installations.

§ 346-11. Payment for water usage.

A property owner agrees to pay all charges for water use according to the rate schedule adopted by the Town Council in accordance with Section 7-239 of the Connecticut General Statutes, as amended, and on file with the Sewer and Water Commission, from the date a service is turned on by the water system operator to the date it is shut off by the water system operator and the meter removed.

§ 346-12. Protection from damage.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the water main system. No person shall bypass or attempt to bypass any meter installation. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§ 346-13. Right to enter private property.

- A. The water system operator, the Town Engineer, the Sewer and Water Commissioners and those duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, meter reading, sampling, testing meter reading, meter changeover, meter removal, service shutoff and cross-connection inspection per Connecticut Health Code Sec. 19-13-B37 through 19-13-B39, inclusive, and as amended in accordance with the provisions of this article.
- B. While performing the necessary work on private properties referred to in Subsection A above, all duly authorized employees of the Town shall observe all reasonable safety rules applicable to the premises established by the contractor. The contractor shall be held harmless for injury or death to the Town employees and the Town shall indemnify the contractor against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the contractor and arising out of any inspection or testing operation, except as such may be caused by negligence or failure of the contractor to maintain safe conditions as required in § 346-10 and the rules and regulations of the Wolcott Sewer and Water Commission, as amended.⁹⁰

§ 346-14. Penalties for offenses.

- A. Any person found to be violating any provision of this article, except § 346-12, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

90. Editor's Note: See Ch. 460, Water Mains and Service Installations.

- B. Any person who shall continue any violation beyond the time limit provided for in Subsection A shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in an amount not exceeding \$250 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.⁹¹
- C. Any person violating any of the provisions of this article shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

§ 346-15. Amendments.

This article may be amended by the Wolcott Town Council from time to time, and at any time as it deems necessary, subject to the Charter of the Town of Wolcott, its ordinances and the statutes of the State of Connecticut.

§ 346-16. Rules and regulations.⁹²

The Sewer and Water Commission shall be empowered to promulgate from time to time, and at any time it deems necessary, and in accordance with the Charter of the Town of Wolcott, its ordinances and the statutes of the State of Connecticut, rules and regulations for the purpose of facilitating the provisions of this article. Said rules and regulations shall be incorporated into and become a part of this article.

91. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

92. Editor's Note: See Ch. 460, Water Mains and Service Installations.

ARTICLE II

Water Conservation**[Adopted 2-26-2002 by Ord. No. 82]****§ 346-17. Findings and authority.**

The Town of Wolcott recognizes water as a valuable resource and hereby adopts the following article under the provisions of Town Charter Section 306(c) and (f).

§ 346-18. Purpose and applicability.

- A. The Sewer and Water Commission shall monitor the Town's available water supplies to ensure that a flow of water is provided which will be adequate to:
- (1) Meet the health and sanitation requirements of those residents of the Town who are supplied by water from the Town's water system;
 - (2) Provide sufficient fire-fighting capacity; and
 - (3) Provide a reserve sufficient to meet the foregoing requirements and meet such emergencies and contingencies as may exist from time to time.
- B. The provisions of this article shall apply to only connections supplied by the Waterbury water system.

§ 346-19. Definitions.

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

BASE RATE — The fee for water per 100 cubic feet (CCF) consumed by a service connection as determined by the Sewer and Water Commission.

COMMISSION — The Town of Wolcott Sewer and Water Commission, or its duly authorized representative(s).

DROUGHT — A prolonged period of deficient precipitation.

EXCESSIVE USE AVERAGE FLOW — The average daily water consumption for an individual service for the period of June 1 through September 30 minus the non-peak seasonal average flow multiplied by two.

EXCESSIVE USE RATE — The base rate multiplied by two.

NON-PEAK SEASONAL AVERAGE FLOW — The average daily water consumption for an individual service for the most recent period of October 1 through May 31.

PEAK SEASONAL AVERAGE FLOW — The average daily water consumption for an individual service for the period of June 1 through September 30 minus 1.25 times the non-peak seasonal average flow.

PERCENT UNACCOUNTED-FOR WATER — The percentage determined by dividing "unaccounted-for water" by the "total production water" gallons, as defined by the Public Utilities Regulatory Authority of the State of Connecticut in the report required under Section 16-27 or 16-29 of the Connecticut General Statutes.⁹³

PERSON — Any individual, corporation, trust, partnership or association, or other entity.

SEASONAL RATE — The base rate multiplied by two.

UNACCOUNTED-FOR WATER — "Total non-revenue (unaccounted-for) water" gallons as defined by the Public Utilities Regulatory Authority of the State of Connecticut in the report required under Section 16-27 or 16-29 of the Connecticut General Statutes.⁹⁴

WATER USERS or WATER CONSUMERS — All public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

§ 346-20. Water conservation measures.

A. The Commission shall, no later than April 15 of each year, calculate percent unaccounted-for water for the preceding calendar year. If percent unaccounted-for water is greater than or equal to 10%, a leak detection survey of the water system will be conducted. Any leaks revealed by the leak detection survey will be repaired within one year of the completion of the survey.

- (1) Records of estimated water loss due to main breaks and the type of breaks will be kept for the purpose of identifying problem areas in the system. Records shall describe the type, cause, and remedial measures taken for each break in the Town of Wolcott water system pursuant to the requirements and standards of the American Water Works Association (AWWA) as they appear in AWWA M36, Water Audits and Loss Control Programs.

B. Meter testing.

- (1) Meters will be tested at the following intervals:

Meter Size/Type (inches)	Testing Interval (years)
6 and larger	Annually
4	2
3	3
2	6

93. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

94. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Meter Size/Type (inches)	Testing Interval (years)
1.5	6
1 and smaller	15

- (2) Testing of the water service meters shall be completed in accordance with AWWA testing and accuracy standards appearing in Water Meters-Selection, Installation, Testing and Maintenance (AWWA M6).
- C. A water conservation kit including a low-flow shower head, two low-flow faucet aerators, two toilet tank displacement devices, leak detection tablets, and a conservation handbook shall be provided to all current residential customers within two years of the effective date of this article. Additional water conservation kits will be provided at cost to customers upon request.
- D. A water conservation informational brochure containing information regarding rebate programs for water-efficient appliances, which are available through the Connecticut Light and Power Company, and information on water-efficient landscaping shall be provided annually to all customers.
- E. Meter readings shall be analyzed for unusually high usage. Any individual meter reading greater than three times the previous annual average meter reading shall be reread. The Town will leave a notice of high usage and leak detection tablet package at the door of any single-family residential customer with a meter reading of 50,000 cubic feet or more in any quarter. The Commission will provide notice of high usage to nonresidential customers on a case-by-case basis.
- F. The Town of Wolcott shall replace all water meters on existing service connections, at or before the fifteen-year anniversary date for each service meter, with state-of-the-art metering equipment.
- G. Hydrants shall be inspected, tested and maintained per the requirements of American Water Works Installation, Field Testing, and Maintenance of Fire Hydrants (AWWA M17). Inspection and testing shall be performed semi-annually. Any hydrants found to be leaking shall be repaired or replaced.

§ 346-21. Drought response.

- A. In the event of a drought or other water supply emergency, the Commission shall closely monitor water supplies in the Town of Wolcott and surrounding communities. The Commission shall have the authority to impose water use restrictions, and to establish penalties, fines and other appropriate enforcement mechanisms. The Town's water supply drought response shall consider regional drought conditions and, upon

declaration by the Commission, shall proceed through the following drought response stages, listed in order of increasing limitations:

- (1) Water Supply Alert.
 - (2) Water Supply Advisory.
 - (3) Water Supply Emergency - Phase I.
 - (4) Water Supply Emergency - Phase II.
 - (5) Water Supply Emergency - Phase III.
- B. When the Commission declares a Water Supply Alert, the Town shall take measures to curtail all noncritical uses of water by facilities and employees of the Town of Wolcott.
- C. When the Commission declares a Water Supply Advisory, the Town shall take the following measures:
- (1) The Commission shall request all consumers to reduce consumption by 10%, through broadcast and news media.
 - (2) The Commission shall develop a mandatory conservation plan with appropriate enforcement mechanisms.
- D. When the Commission declares a Water Supply Emergency - Phase I, the Town shall take the following measures:
- (1) Continue all measures previously initiated under the Water Supply Alert and Water Supply Advisory.
 - (2) Restrict outdoor nonconsumptive uses, including lawn watering, car washing, swimming pool filling (both bulk and residential), and street sweeping.
 - (3) Restrict serving of drinking water in restaurants to only consumers requesting water.
 - (4) Request larger users to reduce consumption an additional 5%.
- E. When the Commission declares a Water Supply Emergency - Phase II, the Town shall take the following measures:
- (1) Continue all measures under Water Supply Emergency - Phase I.
 - (2) Impose a second stage of mandatory conservation to reduce consumption by a total of 20% from the previous non-drought average.
- F. When the Commission declares a Water Supply Emergency - Phase III, the Town shall take the following measures:
- (1) Continue all measures under Water Supply Emergency - Phase I and Phase II.

- (2) Institute water rationing, 40 gallons per day for residential customers, and a 25% reduction from the previous non-drought average for commercial and industrial customers.
- G. Notice of the restrictions imposed by the above shall be published in a newspaper having a general circulation in Wolcott at least three days before the effective date of such restrictions, and may be promulgated by such other means as the Town Council deems desirable.
- H. The Commission may impose restrictions in addition to those previously imposed. Any additional restrictions adopted by the Commission shall be published in accordance with the provisions noted above and may be promulgated by such other means as the Town Council deems desirable.
- I. The restrictions set forth in this section shall not apply to any use of water necessary to maintain an adequate level of health or sanitation standards, as determined by the Director of Health, for any persons using water from the Town's system. Any such persons who consider that the restrictions imposed upon them adversely affect their health or sanitation may make an application for a certificate of exemption from the Director of Health. The Director of Health, after considering the circumstances of such persons and applying the standards necessary for the preservation of the public health, may issue a certificate of exemption from the restrictions set forth in this article and shall notify the Sewer and Water Commission of any such exemptions.
- J. The restrictions set forth in this article shall not apply to any fire-fighting or civil defense emergency.
- K. Any person who uses water during any phase of drought response or other water supply emergency from an outdoor faucet or spigot which is not connected to the Town's water system may apply to the Sewer and Water Commission for a certificate evidencing such fact, and upon inquiry from a person charged with the enforcement of such ordinance shall make such certificate available to the enforcement officer.

§ 346-22. Penalties for offenses.⁹⁵

- A. Any person violating any provision of the restrictions imposed by this article shall be fined not more than \$250. In the case of a continuing violation, each day's continuance thereof shall be deemed a separate and distinct offense.
- B. If there has been a violation of any provision of the restrictions imposed by this article by the same person on three separate occasions, the Sewer and Water Commission may, after such notice and hearing as may be required by the Public Utilities Regulatory Authority for termination of such service to such person, enforce such restriction

95. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

by reducing or discontinuing the supply of water to the residence or business owned or occupied by such person.

§ 346-23. Termination of drought response stages.

- A. Upon determination by the Commission that the regional drought conditions and water supplies available to the Town's water system are such that a drought response stage may be lifted, the Commission shall publish a notice of termination of the drought response stage in a newspaper having a substantial circulation within the Town, and may promulgate such notice by other means as it deems desirable.
- B. This article shall not be construed as prohibiting the taking of action which may be necessary to ensure the safe and secure operation of the Town's water system in the interval between the occurrence of an event giving rise to drought response or other water supply emergency and imposition of any water conservation measures or restrictions by the Commission. The Sewer and Water Commission or its Chairman shall take such action as may be necessary to ensure the safe and secure operation of the Town's water system during such intervals.

§ 346-24. Billing.

- A. For the period of October 1 through May 31, each service connection shall be billed at the base rate non-peak seasonal average flow.
- B. For the period of June 1 through September 30, each service connection shall be billed at the base rate for all flows up to 1.25 times the non-peak seasonal average flow.
- C. For the period of June 1 through September 30, each service connection with excessive water use will be billed the excessive use rate of the non-peak seasonal average flow multiplied by two.

Division 2: Regulations**Chapter 400****INLAND WETLANDS AND WATERCOURSES****§ 400-1. Findings and intent; title; authority to enact, amend and enforce.**

- A. The inland wetlands and watercourses of the Town of Wolcott are an indispensable and irreplaceable but fragile natural resource with which the citizens of the Town have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface water and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the Town of Wolcott and has imperiled and will continue to imperil the quality of the environment, thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forevermore. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the Town. It is, therefore, the purpose of these regulations to protect the citizens of the Town by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the Town's potable freshwater supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the Town and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the Town the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

- B. These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Wolcott."
- C. The Conservation, Inland Wetlands and Watercourses Commission of the Town of Wolcott shall implement the purposes and provisions of these regulations and the Inland Wetlands and Watercourses Act in the Town of Wolcott.⁹⁶
- D. These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.
- E. The Commission shall enforce the Inland Wetlands and Watercourses Act and shall issue, issue with terms, conditions, limitations or modifications, or deny permits for all regulated activities in the Town of Wolcott pursuant to Sections 22a-36 to 22a-45a, inclusive, of the Connecticut General Statutes, as amended.

§ 400-2. Definitions.

As used in these regulations, the following terms shall have the meanings indicated:

ACT — The Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45a, inclusive, of the Connecticut General Statutes, as amended.

AGENCY — The Conservation, Inland Wetlands and Watercourses Commission of the Town of Wolcott.

APPLICANT — Any person, as defined in this § 400-2, wishing to undertake as activity regulated by the Conservation, Inland Wetlands and Watercourses Commission of the Town of Wolcott.

BOGS — Areas distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.

CLEAR-CUTTING — The harvest of timber in a fashion which removes all trees down to a two-inch diameter at breast height.

CLEARING AND GRUBBING — The removal of all vegetation, including stumps.

COMMISSION — The Conservation, Inland Wetlands and Watercourses Commission of the Town of Wolcott.

COMMISSION MEMBER — A member of the Conservation, Inland Wetlands and Watercourses Commission of the Town of Wolcott.

COMMISSIONER OF ENERGY AND ENVIRONMENTAL PROTECTION — The Commissioner of the State of Connecticut Department of Energy and Environmental Protection.

CONTINUAL FLOW — A flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the

96. Editor's Note: See C.G.S. §§ 22a-36 through 22a-45a, inclusive.

low-flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

DEPOSIT — Includes, but shall not be limited to, fill, grade, dump, place, discharge or emit.

DESIGNATED AGENT — The Chairman of the Conservation, Inland Wetlands and Watercourses Commission and/or any other individual(s) designated by the Conservation, Inland Wetlands and Watercourses Commission to carry out its functions and purposes.

DISCHARGE — Emission of any water, substance, or material into wetlands or watercourses, whether or not such substance causes pollution.

DISTURB THE NATURAL AND INDIGENOUS CHARACTER OF THE WETLAND OR WATERCOURSE — To alter the inland wetlands and watercourses by reason of removal or deposition of material, clearing the land, altering or obstructing water flow, or pollution.

ESSENTIAL TO THE FARMING OPERATION — That the proposed activity is necessary and indispensable to sustain farming activities on the farm.

FARMING — Use of land for the growing of crops, raising of livestock or other agricultural use.

FEASIBLE — Able to be constructed or implemented consistent with sound engineering principles.

INLAND WETLANDS AND WATERCOURSES MAP, TOWN OF WOLCOTT, CONNECTICUT — Those maps which are approved by the Commission and listed in Appendix A of these regulations showing general locations and boundaries of the inland wetlands and watercourses in the Town of Wolcott, Connecticut.⁹⁷

LICENSE — The whole or part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Conservation, Inland Wetlands and Watercourses Commission.

MANAGEMENT PRACTICE — A practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.

97. Editor's Note: Appendix A is included as an attachment to this chapter.

MARSHES — Areas with soils that exhibit aquatic moisture regimes and are distinguished by the absence of trees and shrubs and the dominance of soft-stemmed herbaceous plants. The water table in marshes is at or above the ground surface throughout the year and areas of open water six inches or more in depth are common, but seasonal water table fluctuations are encountered.

MATERIAL — Any substance, solid or liquid, organic or inorganic, including, but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.

MUNICIPALITY — The Town of Wolcott.

NURSERIES — Land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.

PERMIT — The whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations and the Act or other municipal, state and federal law.

PERMITTEE — The person to whom a permit has been issued.

PERSON — Any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

POLLUTION — Harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

PRUDENT — Economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity, provided cost may be considered in deciding what is prudent, and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

REGULATED ACTIVITY — Any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses, and any earth moving, removal or deposition of material, obstruction, construction, clear-cutting or clearing and grubbing within areas of the Town prone to intermittent flooding and the areas adjacent to wetlands and watercourses located within the following horizontal distances of the wetlands and watercourses, not all of which may be specifically delineated on the maps entitled "Inland Wetlands and Watercourses Maps, Town of Wolcott, Connecticut" due to imperfections in printing and mapping scale, as well as within any area defined as an "Upland Review Area"; but shall not include the specified activities in § 400-4 of these regulations.

- A. New Britain Reservoir: 500 feet from the high water mark.
- B. Southington Reservoir #2: 500 feet from the high water mark.

- C. All watercourses feeding directly into the above-cited reservoirs: 100 feet from mid-channel.
- D. Chestnut Hill Reservoir: 100 feet from the high water mark.
- E. Scovill Reservoir: 100 feet from the high water mark.
- F. All watercourses and water bodies not listed above: 100 feet from the boundary.
- G. Wetlands: 100 feet from the boundary.

REGULATED AREA — "Wetlands" and "watercourses" as defined in these regulations.

REMOVE — Includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear cut timber, bulldoze, dragline or blast.

RENDERING UNCLEAN OR IMPURE — Any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.

SIGNIFICANT IMPACT ACTIVITY — Any activity, including, but not limited to, the following activities which may have a major effect or significant impact:

- A. Any activity involving deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system.
- B. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
- C. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support desirable fisheries, wildlife, or other biological life; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
- D. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
- E. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area.
- F. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
- G. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

SOIL SCIENTIST — An individual duly qualified in accordance with standards set by the federal Bureau of Personnel Management.

SUBMERGED LANDS — Those lands which are inundated by water on a seasonal or more frequent basis.

SWAMPS — Areas with soils that exhibit aquatic moisture regimes and are distinguished by the dominance of wetland trees and shrubs.

TOWN — The Town of Wolcott.

TRANSFER — The reallocation of a valid inland wetlands and watercourses permit to conduct a regulated activity in a regulated area to a new owner of the property on which the regulated activity is to occur. A transfer permit is required.

UPLAND REVIEW AREA — Any area surrounding wetlands and watercourses, determined by a municipal inland wetlands commission for the purpose of informing the public and managing application reviews, in which commission regulation shall be assumed until determined otherwise. While requiring a permit for specified activities within defined upland review boundaries, wetland commissions still maintain their authority to regulate proposed activities located in more distant upland areas if they find that the activities are likely to impact or affect a wetland or watercourse.

WASTE — Sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the wetlands or watercourses of the Town.

WATERCOURSES —

- A. Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes.
- B. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:
 - (1) Evidence of scour or deposits of recent alluvium or detritus;
 - (2) The presence of standing or flowing water for a duration longer than a particular storm incident; and
 - (3) The presence of hydrophytic vegetation.

WETLANDS — Land, including submerged land not regulated pursuant to Sections 22a-28 to 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soil Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquatic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

WETLANDS RESTORATION ACTIVITY — Activity pursued to restore a damaged, polluted, and/or altered wetland to its natural state and function.

§ 400-3. Inventory of regulated areas.⁹⁸

- A. The map of regulated areas entitled "Inland Wetlands and Watercourses Map, Wolcott, Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Commission. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types and the location of watercourses. The Commission may use aerial photography, remote-sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- B. Any owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands and Watercourses Map may petition the Commission to change the designation in accordance with § 400-15 of these regulations. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. The Commission may require such an owner to provide an accurate delineation of regulated areas in accordance with § 400-15 of these regulations.
- C. The Commission or its designated agent(s) shall maintain a current inventory of regulated areas within the Town. The Commission may amend its map as more accurate information becomes available. Any person may petition for an amendment to the map. Petitioners shall bear the burden of proof for all requested map amendments. Such proof may include, but not be limited to, aerial photography, remote sensing imagery, resource mapping or other available information. Such map amendments are subject to the public hearing process outlined in § 400-15 of these regulations.
- D. The Commission and/or its designated agent shall routinely monitor and maintain a general surveillance of the regulated areas within the Town to ensure that no unauthorized regulated activities occur and that permitted activities occur within permit limitations.
- E. The Commission may require that the designation of the regulated area boundary, as referenced on the map accepted by the Commission at the time a permit is granted, shall be recorded on the deed to the property along with the following deed restriction: "It has been determined by the Wolcott Conservation, Inland Wetlands and Watercourses Commission that Wetlands or Regulated Areas as defined by the Wolcott Inland Wetlands and Watercourses Regulations are present on the

98. Editor's Note: See Appendix A, included as an attachment to this chapter.

property. Any activity in the Wetland and/or Regulated Area must have prior approval/permitting by the Conservation, Inland Wetlands and Watercourses Commission of the Town of Wolcott."

§ 400-4. Permitted uses as of right and nonregulated uses.

- A. The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- (1) Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation and activities conducted by or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourses restoration or enhancement or mosquito control. The provisions of this subsection shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, or the mining of topsoil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.
 - (2) A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to Subsection (b) of Section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. Any person claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his or her right hereunder.
 - (3) Boat anchorage or mooring, not to include dredging or dock construction.
 - (4) Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.

- (5) Construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies, except as provided in Sections 22a-401 through 22a-411a of the Connecticut General Statutes.
 - (6) Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subsection, "maintenance" means the removal of accumulated leaves, soil, and other debris, whether by hand or machine, while the pipe remains in place.
- B. The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:
- (1) Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
 - (2) Outdoor recreation, including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross-country skiing where otherwise legally permitted and regulated.
- C. All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Commission in accordance with § 400-6 of these regulations.
- D. To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse that may disturb the natural and indigenous character of the wetland or watercourse shall, prior to commencement of such operation or use, notify the Commission on a form provided by it, titled "Notification of Intent to Conduct a Permitted or Nonregulated Activity," and provide the Commission with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse.

The Commission or its designated agent shall rule that the proposed operation or use is a permitted or a nonregulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Commission following the meeting at which the request was received. The designated agent for the Commission may make such ruling on behalf of the Commission at any time.

§ 400-5. Activities regulated by state.

- A. In addition to any permit or approval required by the Commission, the Commissioner of the Department of Energy and Environmental Protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:
- (1) Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the Connecticut General Statutes, as amended.
 - (2) Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349a of the Connecticut General Statutes, as amended.
 - (3) Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to Sections 22a-359 through 22a-363 of the Connecticut General Statutes, as amended, or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
 - (4) Diversion of water, including withdrawals of surface water or groundwater in excess of 50,000 gallons per day or any piping, culverting, channelization, relocation, damming or other alteration of the location of flow of any surface waters of the state where the tributary watershed area above the point of such alteration is 100 acres or larger, pursuant to Sections 22a-365 through 22a-378a of the Connecticut General Statutes, as amended.
 - (5) Discharges into the waters of the state pursuant to Section 22a-430 of the Connecticut General Statutes, as amended.
 - (6) Discharge of fill or dredged materials into the wetlands and watercourses of the state pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.
- B. The Commissioner of the Department of Energy and Environmental Protection shall have exclusive jurisdiction over regulated activities in or affecting wetlands or watercourses, undertaken by any department, commission or instrumentality of the State of Connecticut, except any

local or regional board of education, pursuant to Section 22a-39 or 22a-45a of the Connecticut General Statutes.

- C. The Commissioner of the Department of Energy and Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the Connecticut General Statutes, as amended.
- D. The Commissioner of the Department of Energy and Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Energy and Environmental Protection under Section 22a-402 of the Connecticut General Statutes or a dam construction permit issued by the Commissioner of Energy and Environmental Protection under Section 22a-403 or 22a-41 of the Connecticut General Statutes. Any person receiving such dam repair or removal order or dam construction permit shall not be required to obtain a permit from a municipal wetlands commission for any action necessary to comply with said dam order or to carry out the activities authorized by said dam permit.

§ 400-6. Permit required for regulated activities.

- A. No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Conservation, Inland Wetlands and Watercourses Commission of the Town of Wolcott.
- B. The Commission shall regulate any operation within or use of a regulated area involving removal or deposition of materials, or any obstruction, construction, alteration or pollution of such regulated area and any other regulated activity, unless such operation or use is permitted or nonregulated pursuant to § 400-4 of these regulations.
- C. The Commission shall regulate any operation or activity outside of the regulated area which has resulted in materials or pollution, as defined in § 400-2 of these regulations, entering, or being in immediate danger of entering, a regulated area. This provision shall come into effect automatically when the soil erosion and sediment control plan of any project or activity within the Town is found to be inadequate or nonexistent and as a result has immediately endangered any regulated area within or bordering upon the Town, including the storm drainage system.
 - (1) Under this section, all activity on the site shall stop upon discovery of the incursion, either voluntarily or as a result of an action taken in conformance with § 400-14C of these regulations. Once stopped, the project shall not be allowed to continue until an adequate soil erosion and sediment control plan is prepared and an inland wetlands and watercourses permit is applied for and issued.
 - (2) This provision shall not take effect if:

- (a) The danger to the regulated area is contained within 24 hours of its inception; and
 - (b) The soil erosion and/or sediment control barriers are modified, repaired or replaced within 48 hours, as dictated by the incident; and
 - (c) The Conservation, Inland Wetlands and Watercourses Commission is notified of the failure and the Commission or its designated enforcement agent approves the plan to remove the offending material or pollution from the vicinity of the regulated area.
- (3) If wetlands restoration activity is deemed to be required by the Commission, a permit will be mandatory.
- D. Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in § 400-14 of these regulations, fee adjustments as prescribed in § 400-19 of these regulations and any other remedies as provided by law.

§ 400-7. Application requirements.

- A. Any person intending to conduct a regulated activity or to renew or amend a permit to conduct such activity shall apply for a permit on a form provided by the Commission. The application shall contain the information described in this section and any other information the Commission may reasonably require. Application forms may be obtained in the offices of the Commission.
- B. If an application to the Town of Wolcott Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Chapter 124, 124b, 126 or 126a, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Commission in accordance with this section. Any changes or modifications required for approval by the Planning and Zoning Commission which vary from an application approved by the Conservation, Inland Wetlands and Watercourses Commission must be submitted and described within a new application to the Conservation, Inland Wetlands and Watercourses Commission.
- C. The application shall contain such information as is necessary for a fair and informed determination thereon by the Commission.
- D. A prospective applicant may request the Commission to determine whether or not a proposed activity involves a significant impact activity.
- E. All applications shall include the following information in writing or on maps or drawings:

- (1) The applicant's name in printed form, as well as a signature sign-off, home and business mailing addresses and telephone number(s);
- (2) The name, address and phone number(s) of any agent contracted by the applicant (i.e., consultant, soil scientist, engineer) shall also be listed within the application form, with a printed identification of the primary contact's name and also including a sign-off by that contact for each such agent;
- (3) The owner's name, mailing address and telephone number and written consent of the landowner if the applicant is not the owner of the land upon which the subject activity is proposed;
- (4) The applicant's interest in the land;
- (5) The geographical location of the land which is the subject of the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, the area(s) (in acres or square feet) of wetlands or watercourses to be disturbed, soil type(s), and wetland vegetation;
- (6) The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity, including, but not limited to, measures to:
 - (a) Prevent or minimize pollution or other environmental damage;
 - (b) Maintain or enhance existing environmental quality; or
 - (c) In the following order of priority: restore, enhance and create productive wetland or watercourse resources;
- (7) Alternatives considered and subsequently rejected by the applicant and why the alternative as set forth in the application was chosen; all such alternatives shall be diagrammed on a site plan or drawing;
- (8) A site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses, the boundaries of which shall be clearly marked and color coded (wetlands identified by green coloring, watercourses by pink, and regulated areas by yellow) and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses; the site plan should also include specific proposed locations at which permanent markers described in § 400-11I(11) will be subsequently placed, as condition of permit issuance, to clearly demarcate the boundary of regulated areas;
- (9) Names and mailing addresses of adjacent landowners;

- (10) Statement by the applicant that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;
 - (11) Authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, both before and after a final decision has been issued;
 - (12) A completed DEEP reporting form; the Commission shall revise or correct the information provided by the applicant and submit the form to the Commissioner of the Department of Energy and Environmental Protection in accordance with Section 22a-39-14 of the Regulations of Connecticut State Agencies;
 - (13) Any other information the Commission deems necessary to the understanding of what the applicant is proposing;
 - (14) Submission of the appropriate filing fee based on the fee schedule established in § 400-19 of these regulations;
 - (15) Local or street on-site blow-up map section included on map/site plan;
 - (16) The Town Engineer shall note upon those plans which he reviewed the date of that review.
- F. If the proposed activity involves a significant impact activity as determined by the Commission, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:
- (1) Site plans for the proposed activity and the land which will be affected thereby which show existing and proposed conditions, wetland and watercourse boundaries, marked and color coded (green for wetlands boundaries, pink for watercourses and yellow for regulated area boundaries), land contours, boundaries of landownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the land and the proposed activity, prepared by a professional engineer, land surveyor, architect or landscape architect licensed by the state, or by such other qualified person;
 - (2) Engineering reports and analyses and additional drawings to fully describe the proposed activity, including any filling, excavation, drainage or hydraulic modifications to a watercourse and the proposed erosion and sedimentation control plan;
 - (3) Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Natural Resources Conservation Service; the wetlands shall be delineated in the field

by a soil scientist and the soil scientist's field delineation shall be depicted on the site plans;

- (4) A description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;
- (5) A description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;
- (6) Analysis of chemical or physical characteristics of any fill material; and
- (7) Management practices and other measures designed to mitigate the impact of the proposed activity.

G. Certifications.

- (1) The applicant shall certify whether:
 - (a) Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - (b) Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - (c) Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or
 - (d) Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- (2) A copy of all drainage and run-off calculations used to reach the above conclusions shall be included with the application.

H. Twelve copies of all application materials shall be submitted to comprise a complete application unless an applicant is otherwise directed, in writing, by the Commission.

I. Any application to renew or amend an existing permit shall be filed with the Commission in accordance with § 400-8 of these regulations at least 65 days prior to the expiration date of the permit. Any application to renew or amend such an existing permit shall contain the information required under this § 400-7, provided:

- (1) The application may incorporate the documentation and record of the prior application;
 - (2) The application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
 - (3) The application shall state the reason why the authorized activity was not initiated or completed within the time specified in the permit;
 - (4) The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or use of the land for which the permit was issued;
 - (5) The Commission may, prior to the expiration of a permit, accept an untimely application to renew such permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity.
- J. Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than 10 years.
- K. Installation of environmentally protective measures such as silt fences and tracking pads shall be completed at the time of application and before the permit can be granted.

§ 400-8. Application procedures.

- A. All applications shall be submitted to the Conservation, Inland Wetlands and Watercourses Commission of the Town of Wolcott.
- B. When an application to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse is filed and any portion of such wetland or watercourse is within 500 feet of the boundary of another municipality, the applicant shall give written notice of the application by certified mail, return receipt requested, on the same day to the inland wetlands commission of such other municipality.
- C. Notification of adjoining municipalities.
 - (1) The Commission shall, in accordance with Connecticut General Statutes Section 8-7d, notify the Clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:

- (a) Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - (b) A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;
 - (c) A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or
 - (d) Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.
- (2) Notice of the pendency of such application shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application.
- D. When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in Section 16-1 of the Connecticut General Statutes, the applicant shall provide written notice of the application to the water company, provided such water company has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands commission of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of the application. The water company, through a representative, may appear and be heard at any hearing on the application. Documentation of such notice shall be provided to the Commission.
- E. The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission, provided such meeting is no earlier than 10 business days after receipt, or 35 days after such submission, whichever is sooner.
- F. At any time during the review period, the applicant shall provide such additional information as the Commission may reasonably require. Requests for such additional information shall not stay the time limitations as set forth in § 400-11B of these regulations.
- G. All applications shall be open for public inspection.
- H. Incomplete applications may be denied.

§ 400-9. Public hearings.

- A. The Commission shall not hold a public hearing on an application unless the Commission determines that the proposed activity may have a significant impact on wetlands or watercourses or a petition signed by at least 25 persons requesting a hearing is filed with the Commission not later than 14 days after the submission of such application or the Commission finds that a public hearing regarding such application would be in the public interest. The Commission may issue a permit without a public hearing, provided no petition provided for in this section is filed with the Commission on or before the 14th day after the date of receipt of the application. Such hearing shall be held no later than 65 days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.
- B. Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than 15 days and not fewer than 10 days, and the last not less than two days before the date set for the hearing, in a newspaper having a general circulation in each town where the affected wetland and watercourse is located. Said legal notice shall give adequate information about the nature of the proposed activity and the general location of the property, sufficient to apprise those who may be affected by the proposed activity so as to enable them to prepare intelligently for the hearing. Notice shall be mailed to persons who own land that is adjacent to the land that is the subject of the hearing or be provided by posting a sign on the land that is the subject of the hearing.
- C. Each application involving a significant activity shall be accompanied by a list of names and addresses of the owners of all properties or portions of properties situated within 100 feet of the site of the proposed activity, as indicated on the most recent records on file in the Town of Wolcott Tax Assessor's office. The applicant shall mail notification of said pending application to at least one owner of record of each of said properties not more than 15 days but not less than 10 days prior to the date set for the public hearing. The text of said notice shall be the public hearing notice provided by the Commission, including a general description of the proposed activity. Evidence of such mailings, in the form of U.S. Postal Office Certificates of Mailing accompanied by a copy of the materials mailed, shall be submitted to the Commission, together with the duplicate list of the above-noted property owners not less than five days prior to the public hearing date. Failure to comply with any of the procedures required herein shall be deemed a valid basis for denial of the application, but shall not result in an automatic denial. In the case of the properties held in joint or multiple ownership, notification to a condominium officer or director, a corporate officer, a partner or other persons having a partial ownership fee interest in the property shall be considered adequate notification to all co-owners or parties in interest. These written notification requirements are in addition to any statutorily mandated public notice requirements. Therefore, the Commission shall

be the sole judge of the adequacy of notice in the event of any dispute as to proper and adequate notification, incorrect address or the inadvertent failure of a property owner to be notified. Furthermore, any deficiency, whether perceived or real, in the above-noted notification procedure shall not be construed as an automatic invalidation of any decision of the Commission on that application and shall not be considered jurisdictional.

- D. In the case of any application which is subject to the notification provisions of § 400-8C of these regulations, a public hearing shall not be conducted until the Clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

§ 400-10. Considerations for decision.

- A. The Commission may consider the following in making its decision on an application:
- (1) The application and its supporting documentation.
 - (2) Public comments, evidence and testimony.
 - (3) Reports from other agencies and commissions, including but not limited to the Town of Wolcott:
 - (a) Planning and Zoning Commission.
 - (b) Building Official.
 - (c) Health Officer.
 - (4) The Commission may also consider comments on any application from the New Haven County Natural Resources Conservation District, the Regional Planning Commission or other regional organizations (i.e., Council of Elected Officials), agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.
 - (5) Non-receipt of comments from agencies and commissions listed in Subsection A(3) and (4) above within the prescribed time shall neither delay nor prejudice the decision of the agency.
- B. Criteria for decision. In carrying out the purposes and policies of Sections 22a-36 to 22a-45a, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including, but not limited to:
- (1) The environmental impact of the proposed regulated activity on wetlands or watercourses;

- (2) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity, which alternatives would cause less or no environmental impact to wetlands or watercourses;
 - (3) The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
 - (4) Irreversible and irretrievable loss of wetlands or watercourses resources which would be caused by the proposed activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity, including, but not limited to, measures to:
 - (a) Prevent or minimize pollution or other environmental damage;
 - (b) Maintain or enhance existing environmental quality; or
 - (c) In the following order of priority: restore, enhance and create productive wetland or watercourse resources;
 - (5) The character and degree of injury to, or interference with, safety, health or the reasonable use of property, which is caused or threatened by the proposed regulated activity; and
 - (6) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
- C. In the case of an application which received a public hearing, a permit shall not be issued unless the Commission finds that the proposed alteration or destruction of wetlands and watercourses is unavoidable and that a feasible and prudent alternative to the alteration or destruction of wetlands and watercourses does not exist. In making this finding, the Commission shall consider the facts and circumstances set forth in § 400-10 of these regulations. This finding and the reason therefor shall be stated in the record of the decision by the Commission.
- D. In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Commission shall propose on the record, in writing, the types of alternatives which the applicant may investigate, provided this subsection shall not be construed to shift the burden from the

applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

- E. In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the Commission in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of these regulations and Sections 22a-36 to 22a-45a, inclusive, of the Connecticut General Statutes.
- F. The Commission may require additional technical assistance in evaluating an application submitted or a modification to an application if it finds that the nature and intensity of the activity may constitute a significant activity and that the expertise required to review such application is outside that of the Commission. The expense of the additional technical assistance shall be estimated by the Commission, based on a preliminary estimate prepared by an outside consultant, and the estimated cost of reviewing the application times 150% shall be paid by the applicant and deposited with the Commission or its designated agent. Such deposit shall be made prior to review of the application, or at any time during the review process. Upon completion of the technical review and final action by the Commission on the application, the Commission shall determine the costs incurred for the review and refund any excess monies to the applicant. Applicants shall not be responsible for costs incurred for technical assistance which exceed 150% of the Commission estimate.
- G. For all applications considered "significant impact activity" as defined in § 400-2 or as determined by the Commission, a documented evaluation of that application shall be provided by the Town Engineer, which shall be considered by the Commission in its decision-making.

§ 400-11. Decision process and permit.

- A. The agency, or its duly authorized agent acting pursuant to § 400-12 of these regulations, may, in accordance with § 400-10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would:
 - (1) Prevent or minimize pollution or other environmental damage;
 - (2) Maintain or enhance existing environmental quality; or
 - (3) In the following order of priority: restore, enhance and create productive wetland or watercourse resources.

- B. No later than 65 days after receipt of an application, the Commission may hold a public hearing on such application. The hearing shall be completed within 45 days of its commencement. Action shall be taken on applications within 35 days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within 65 days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such application. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Commission shall be withdrawn by the applicant or denied by the Commission.
- C. The Commission shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall, as applicable and in accordance with § 400-10 of these regulations, incorporate a statement relative to the consideration of feasible and prudent alternatives.
- D. The Commission shall notify the applicant and any person entitled to such notice of its decision within 15 days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit to be published in a newspaper having general circulation in the Town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen-day period, the applicant may provide for the publication of such notice within 10 days thereafter.
- E. If an activity authorized by an inland wetland permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under Chapter 124, 124b, 126 or 126a of the Connecticut General Statutes, the Commission shall file a copy of the decision and report on the application with the Town of Wolcott Planning and Zoning Commission within 15 days of the date of the decision thereon.
- F. Any permit issued by the Commission for the development of land for which an approval is required under Chapter 124, 124b, 126 or 126a of the Connecticut General Statutes shall be valid until the approval granted under such chapter expires or for 10 years, whichever is earlier. Any permit issued by the Commission for any other activity shall be valid for not less than two years and not more than five years.
- G. No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission.

- H. If a bond or insurance is required in accordance with § 400-13 of these regulations, the Commission may withhold issuing the permit until such bond or insurance is provided.
- I. General provisions in the issuance of all permits:
- (1) The Commission has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - (2) All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town of Wolcott, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
 - (3) If the activity authorized by the Commission's permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception under Chapter 124, 124b, 126 or 126a of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
 - (4) In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.
 - (5) Permits are not transferable without the prior written consent of the Commission.
 - (6) Permits for activities involving the filling or removal of earth materials from a single site shall be limited to a maximum volume of 200 cubic yards of material per year under the Commission's authority. Activities involving filling or removal of earth materials in excess of 200 cubic yards per site in a regulated area per year shall require permits from both the Conservation, Inland Wetlands and Watercourses Commission and the Planning and Zoning Commission.
 - (7) The Building Inspector of the Town of Wolcott shall receive a copy of every inland wetlands and watercourses permit. A certificate of occupancy shall not be provided for any property for which an inland wetlands and watercourses permit has been issued unless either the Commission or its designated agent has:
 - (a) Signed the portion of the permit acknowledging the satisfactory completion of the activity; or

- (b) Provided written authorization for the certificate of occupancy to be issued.
- (8) There shall be no underground oil tanks or bulk storage tanks located in any regulated area or within 50 feet of any regulated area boundary.
- (9) Upon receiving a permit, the applicant shall mark the outer boundary of all regulated areas using continuous construction ribbon, shall ensure that the ribbon is in place before any activities commence, and shall keep it in good repair for the duration of the project. No disturbance or activity, either permanent or temporary, is allowed within the marked area other than that shown on the plans approved by the Commission. This flagging must be set so as to be visible above basic ground-level vegetation.
- (10) A copy of the plans approved by the Commission must be kept at the job site during all activity.
- (11) The boundary of a regulated area(s) adjacent to permitted construction or other development shall be marked at every thirty-five-foot interval (unless otherwise instructed by the Commission). The marking shall consist of a six-foot-long pressure-treated four-by-four post installed at two-foot depth marked (in writing or upon some other equivalent, permanent marking, to be provided by the Commission, such as an engraved medallion, with wording indicating the presence of the regulated area boundary at this location) on the side facing away from the regulated area to indicate the presence of the regulated area.
- (12) All permits shall have as a condition of the permit a deed restriction requirement in order to ensure the awareness of this regulated status by future owners of the property. The following must be incorporated as a deed restriction for the permitted property: "It has been determined by the Wolcott Conservation, Inland Wetlands and Watercourses Commission that Wetlands or Regulated Areas as defined by the Wolcott Inland Wetlands and Watercourses Regulations are present on the property. Any activity in the Wetland and/or Regulated Area must have prior approval/permitting by the Conservation, Inland Wetlands and Watercourses Commission of the Town of Wolcott."
- J. Unless specifically stated by the Commission in writing on the permit issued, all subdivision and residential housing subdivision permits shall be granted for the construction of roadways and drainage systems only. The development of individual lots containing regulated areas within the subdivision shall be reviewed and permitted on a lot-to-lot basis.
- K. There shall be no additions to, deletions from, changes, alterations, modifications or substitutions regarding any matter, condition or material considered by the Commission, or affecting either a regulated activity or a regulated area once a permit is issued. The occurrence

of any of these actions shall automatically render the permit null and void, unless the Commission is informed of the change immediately and approves the change before work involving the change occurs.

§ 400-12. Action by duly authorized agent.

- A. The Commission may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses, provided such agent has completed the comprehensive training program developed by the Commissioner of the Department of Energy and Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under § 400-7E of these regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in §§ 400-8, 400-9 and 400-11 of these regulations, such agent may approve or extend such an activity at any time.
- B. Any person receiving such approval from such agent shall, within 10 days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the Town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Commission within 15 days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting, provided such meeting is no earlier than three business days after receipt by such Commission or its agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with § 400-7 of these regulations. Only at this time may the applicant initiate this activity, if such approval is reiterated by the Commission.

§ 400-13. Bond and insurance.

- A. Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond with such surety, in such amount and in a form approved by the Commission.
- B. The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit.
- C. The Commission may require the applicant to certify that it has public liability insurance against liability which may result from the proposed operation or use of the wetlands or watercourses covering any and

all damage which might occur within two years of completion of such operations, in an amount commensurate with the regulated activity. This amount will be determined by the Commission.

§ 400-14. Enforcement.

- A. The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property, except a private residence, and issue notices of violation or cease-and-desist orders and carry out other actions or investigations necessary for the enforcement of these regulations. Such actions shall only be taken with the prior approval, on a case-by-case basis, of the Commission or its Chairman. In carrying out the purposes of this section, the Commission or its duly authorized agent shall take into consideration the criteria for decision under § 400-10B of these regulations.
- B. The Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.
- C. If the Commission or its designated agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the Commission or its duly authorized agent may:
 - (1) Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within 10 calendar 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 by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the municipality. 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 subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended.
 - (2) Suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application, including application plans. Prior to revoking or suspending any permit, the Commission shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Commission shall hold a hearing to provide the

permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail within 15 days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the municipality.

- (3) Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation, including, without limitation, halting work in wetlands or watercourses. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Subsection C(1) or other enforcement proceedings as provided by law.
- D. Illegal work in a regulated area will subject the person who commits, takes part in, or assists in the violation to a civil penalty of up to \$1,000 per day for each offense. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees. Money collected pursuant to this section shall be used to restore the affected areas to the condition prior to the violation wherever possible.

§ 400-15. Amendments.

- A. These regulations and the Inland Wetlands and Watercourses Map for the Town of Wolcott may be amended, from time to time, by the Commission in accordance with changes in the Connecticut General Statutes or regulations of the Connecticut Department of Energy and Environmental Protection, or as new information regarding soils and inland wetlands and watercourses becomes available.
- B. An application filed with the Commission which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of such Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply:
 - (1) To the establishment, amendment or change of boundaries of inland wetlands or watercourses; or

- (2) To any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- C. These regulations and the Town of Wolcott Inland Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner of the Department of Energy and Environmental Protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except map amendments, at least 35 days before the public hearing on their adoption. (Note: Application fee schedules shall be adopted as Commission regulations or as otherwise provided by Town ordinance.)
- D. Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, Wolcott, Connecticut," shall contain at least the following information:
- (1) The petitioner's name, mailing address and telephone number;
 - (2) The address, or location, of the land affected by the petition;
 - (3) The petitioner's interest in the land affected by the petition;
 - (4) Map(s) showing the geographic location of the land affected by the petition and the existing and the proposed wetland(s) and watercourse(s) boundaries on such land in accurate detail, together with the documentation supporting such proposed boundary locations, and the reasons for the requested action;
 - (5) The names and addresses of adjacent property owners; and
 - (6) A map showing proposed development of the property.
- E. Any person who submits a petition to amend the Inland Wetlands and Watercourses Map, Wolcott, Connecticut, shall bear the burden of proof for all requested map amendments. Such proof may include, but is not limited to, professional interpretation of aerial photography and remote-sensing imagery, resource mapping, soils mapping, or other information acceptable to the agency. If such person is the owner, developer or contract purchaser of the land which is the subject of the petition, or if such person is representing the interests of such an owner, developer or purchaser, in addition to the information required in Subsection D the petition shall include:
- (1) The name, mailing address and telephone number of the owner(s) of such land and owner's agent or other representative;
 - (2) The names and mailing addresses of the owners of abutting land;
 - (3) Documentation by a soil scientist of the distribution of wetland soils on said land. Such documentation shall at a minimum include the

report of the soil scientist documenting the location of wetland soils on the land and a map of the land indicating the flag locations set by the soil scientist and defining the boundaries of wetland soil types; and

- (4) Map(s) showing any proposed development of the land in relation to existing and proposed wetland and watercourse boundaries.
- F. Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.
- G. A public hearing shall be held on petitions to amend the Inland Wetlands and Watercourses Map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two days, the first not more than 15 days nor less than 10 days, and the last not less than two days, before such hearing. A copy of such proposed boundary change shall be filed in the office of the Town Clerk for public inspection at least 10 days before such hearing.
- H. Within 90 days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the Commission shall hold a public hearing to consider the petition. The Commission shall act upon the changes requested in such petition within 60 days after the close of the hearing. The petitioner may consent to one or more extensions of the periods specified in this subsection for the holding of the hearing and for action on such petition, provided the total extension of any such period shall not be for longer than the original period as specified in this subsection, or may withdraw such petition. The failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.
- I. The Commission shall make its decision and state, in writing, the reasons why the change in the Inland Wetlands and Watercourses Map was made.

§ 400-16. Appeals.

- A. Appeal on actions of the Commission shall be made in accordance with the provisions of Section 22a-43 of the Connecticut General Statutes, as amended.
- B. Notice of such appeal shall be served upon the Commission and the Commissioner of the Department of Energy and Environmental Protection.

§ 400-17. Conflicts and severability.

- A. If there is a conflict among the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word,

clause, sentence, section, part, subsection, subdivision or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

- B. If there is a conflict between any provisions of these regulations and the provisions of the State's Inland Wetlands and Watercourses Act, the provisions of the Act shall govern.

§ 400-18. Other permits.

Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the Town of Wolcott, the State of Connecticut or the government of the United States, including any approval required by the Connecticut Department of Energy and Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

§ 400-19. Application fees.

- A. Method of payment. All fees required by these regulations shall be submitted to the Commission by certified check or money order payable to the Town of Wolcott at the time the application is filed with the Commission.
- B. No application shall be granted or approved by the Commission unless the correct application fee is paid in full or unless a waiver has been granted by the Commission pursuant to Subsection G of these regulations.
- C. The application fee is not refundable.
- D. Fee schedule. Fees shall be set from time to time by action of the Town Council.
- E. Exemption. Boards, commissions, councils and departments of the Town of Wolcott are exempt from all fee requirements.
- F. Waiver.
 - (1) An applicant whose proposed activity is not considered to be a significant impact activity (as defined by § 400-2 of these regulations) may petition the Commission to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its determination under this subsection. The Commission may waive all or part of the application fee if the Commission determines that:
 - (a) The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from

initiating the activity solely or primarily as a result of the amount of the application fee; or

- (b) The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

- (2) The Commission shall state upon its record the basis for all actions under this subsection.

G. When it has been determined by the Commission that an applicant has initiated a regulated activity prior to receiving the Commission's approval, all applicable Conservation, Inland Wetlands and Watercourses Commission application fees are to be doubled.

H. No fee will be charged for any activity consisting solely of site maintenance activity (e.g., repair of a lakefront retaining wall).

§ 400-20. Records retention and disposition.

The Commission and the Town Clerk for the Town of Wolcott shall retain complete administrative records of Commission actions and dispose of such records in accordance with the current retention/disposition schedules maintained by the Connecticut State Library.

§ 400-21. When effective.

These regulations, including the Inland Wetlands and Watercourses Maps, application forms, fee schedule and amendments thereto, shall become effective upon filing in the office of the Town Clerk and publication of a notice of such action in a newspaper having general circulation in the Town of Wolcott.

Chapter 425

SEWER INSTALLATION

§ 425-1. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used herein shall be as follows:

BUILDING PUMP CONNECTION — The pump and discharge piping connecting a building or septic tank with a sewer main and used in instances where a standard gravity building sewer cannot be utilized because the elevation of the first floor is too low. Pumps required for the lower level of buildings which discharge into a gravity building sewer servicing the remainder of the building are not classified as "building pump connections."

BUILDING SEWER — That part of the building's sanitary pipe system starting five feet outside the inner face building wall to its connection with the public sewer system and conveying the sewage of one building site.

CONTRACTOR — An individual, partnership, or corporation engaged in the field of construction to whom or which the Sewer and Water Commission or its authorized agent shall have issued a license to install and repair sewers and building sewers during the period when such license is valid.

DEVELOPER — The individual, partnership, or corporation executing the application form for approval of a final site or subdivision plan.

ENGINEER — The Engineer for the Sewer and Water Commission, or an individual, partnership, or corporation duly appointed by the Town to undertake the duties and exercise the authority herein conferred upon the Engineer, and also the representatives of the Town Engineer when acting within and limited by the particular duties and powers assigned to each.

INSPECTOR — Any employee, agent, or officer of the Town assigned by the Sewer and Water Commission to examine and test material and work furnished by a contractor, to observe the construction of a building sewer or any part thereof, to assist the contractor in the interpretation of specifications and methods of construction, to make measurements and keep records for the Engineer and to report to the Engineer on the performance of the contractor relative to the work, all as and only as instructed by the Engineer. No inspector shall act as assistant to or foreman for a contractor. Inspectors shall have no power to waive specifications of these rules and regulations or to otherwise deviate from the original covenants of any agreements or contracts.

OWNER — The person or persons, firm, corporation, or partnership having title to the property to be served by the sewer.

ROAD — That portion of the public right-of-way used for vehicular travel.

SEWER — Any accepted portion of the public sewer system of the Town of Wolcott.

SEWER AND WATER COMMISSION — The Sewer and Water Commission of the Town of Wolcott as provided by ordinances of said Town and the General Statutes of the State of Connecticut.

STREET — The entire width of a public right-of-way used as a highway.

SUBDIVISION — A subdivision as defined in the Subdivision Regulations of the Town.

TOWN — The Town of Wolcott acting through any authorized representative.

§ 425-2. References.

The current editions and addenda of the noted reference manuals are hereby incorporated into these regulations:

- A. Manual for Uniform Traffic Control Devices (MUTCD), 2009 Edition, U.S. Department of Transportation, Federal Highway Administration.
- B. Connecticut Public Health Code, Connecticut Department of Public Health.
- C. On-Site Sewage Disposal Regulations and Technical Standards for Subsurface Sewage Disposal Systems, Connecticut Department of Public Health.
- D. 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, Connecticut Department of Energy and Environmental Protection.
- E. Standard Specification for Roads, Bridges and Incidental Construction, Form 816, Connecticut Department of Transportation.
- F. State Building Code, Connecticut Department of Public Safety.

§ 425-3. Compliance with rules and regulations.

- A. Prior to the submission of any final plan to the Planning and Zoning Commission of the Town of Wolcott for approval of a site development including any subdivision or for final site plan approval for industrial, residential, or commercial use as required by said Planning and Zoning Commission for projects to be connected into the public sewer system or located near public sewers, copies of the proposed plan, with its location within the Town of Wolcott, shall be submitted to the Sewer and Water Commission of said Town or its delegated agent in order that said Sewer and Water Commission may make a determination as to whether or not said plans may be subject to and comply with the rules, regulations, and requirements of the Sewer and Water Commission. Any changes to the plans shall require the Commission's approval.
- B. The Sewer and Water Commission or its designated agent shall have the right to require such additional information as it deems necessary to determine whether or not the proposed use of the land set forth in the plan should include a requirement that such proposed land use shall have to conform and be subject to the requirements, rules, and regulations of the Sewer and Water Commission. Said determination by the Sewer and Water Commission shall be based upon its present and future plans for sanitary sewer systems, upon an evaluation of the effect of said proposed land use upon the general health and welfare of the area.
- C. Upon determination that such proposed land use as set forth in said plan should be subject to the requirements, rules, and regulations of the Sewer and Water Commission, the Sewer and Water Commission or its designated agent shall set such requirements as it deems necessary, according to its authority, to be followed in the development of said land, including but not limited to the requirement that the development of said land conform to the rules and regulations of the Sewer and Water Commission. A requirement for immediate tie-in with existing

sewers and a provision for future tie-in to a sewer system may be required.

- D. In order for the Sewer and Water Commission to be satisfied that its requirements shall be complied with, the Sewer and Water Commission shall have a right to require a surety bond to cover such requirements, agreements, or any other documentation it deems necessary to assure compliance, and no certificate of occupancy shall be issued by the building authority of the Town of Wolcott within said area until such time as the requirements have been met.
- E. Any and all plans and any and all further information required to be submitted to the Sewer and Water Commission shall be at the expense of the individual, firm, partnership, corporation or other legal entity submitting the proposed land use. Any technical or professional assistance which the Sewer and Water Commission shall be required to engage to assist it shall also be at the sole expense of the individual, firm, partnership, corporation or other legal entity submitting the proposed land use. The developer shall provide the Sewer Department with sufficient funds to cover the Town's costs. The amount shall be determined by the Town. Any surplus will be refunded.

§ 425-4. Licenses, permits and fees.

- A. A contractor must be duly licensed by the State of Connecticut to install and repair sewers or building sewers.
- B. A permit for any connection to a sewer shall be obtained from the Sewer and Water Commission or its authorized agent. This permit shall specify residential, commercial, apartment or industrial waste, the name and address of the owner, the location of the sewer connection and the name and address of the contractor to whom it is issued. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Engineer. Application approvals will expire one year after issuance. Permit extensions will be reviewed on a case-by-case basis by the Commission. Any changes to the plans shall make the permit void unless approved by the Commission.
- C. The owner is responsible for obtaining all state approvals, including but not limited to the Connecticut Department of Energy Environmental Protection (DEEP), Department of Public Health (DPH) and/or Department of Transportation (DOT). Approvals from the City of Waterbury may also be required. No work shall begin until all permits have been obtained. Floor drains, oil/water separators and grease traps shall be approved by the state and receiving municipality (City of Waterbury). The owner shall provide copies of permits to the Town.
- D. All facilities where food preparation occurs shall comply with the state regulations for the handling of fats, oils and grease (FOG). Specifically, Class III and Class IV food service facilities, as defined in Section

19-13-B42 of the Public Health Code, must comply with the General Permit for the Discharge of Wastewater Associated with Food Preparation Establishments. Refer to § 425-14 of these regulations.

- E. Fees for the permits, including inspection fees, as outlined herein, shall be established by the Sewer and Water Commission. Refer to the fee schedule.

§ 425-5. Bonds and insurance.

- A. Insurance requirements. The contractor shall be protected by and shall pay the premium on policies of insurance coverage for public liability. Said policies are to be issued by an insurance company licensed in the State of Connecticut. Insurance requirements are stipulated by the Town of Wolcott and are subject to change. The current requirements are public liability insurance, including contractual liability and completed operations coverage for bodily injury and property damage, in an amount no less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate; automobile liability insurance in an amount no less than \$1,000,000, with combined single limit for bodily injury and property damage; workers compensation insurance as required by state law; employers liability insurance of \$1,000,000 per occurrence; excess umbrella liability insurance of \$3,000,000; and a maximum deductible per policy of \$5,000. Special coverage for blasting shall be provided when needed. All of the above policies will be endorsed to include a thirty-day prior notice of cancellation, termination, or modification to the Town of Wolcott. All insurance policies shall name the Town of Wolcott, its officials, employees, agents, and servants of the aforementioned as additional insureds. Copies of the above policies must be received in the Town of Wolcott Finance Office prior to any contractor performing any work on Town of Wolcott property. Certificates of insurance shall also be provided to the Sewer and Water Commission before any work begins.
- B. Bond requirements. The contractor shall provide the Sewer Department with a performance bond in an amount deemed adequate by the Department for the faithful performance and completion of the work contemplated.
 - (1) The bond may be:
 - (a) Issued by an approved security company licensed in the State of Connecticut; or
 - (b) In the form of a certified check made payable to the Town of Wolcott Sewer Department; or
 - (c) A savings passbook with a signed withdrawal slip for a joint account in the name of the Town and the applicant; or
 - (d) An irrevocable letter of credit from a bank.

- (2) Said performance bond shall not exceed one year, unless an extension of time is applied for by the contractor and granted by the Department.
 - (3) Upon written request of the applicant for the reduction or release of the bond, an inspection shall be performed and determination made that work was satisfactorily completed. Before release of any bond:
 - (a) A certified Mylar "as-built" must be received and accepted; and
 - (b) A maintenance bond must be posted for a time period and amount deemed adequate by the Department.
- C. Liability for costs and expenses. All costs and expenses incidental to the installation, connection and maintenance of each building sewer and/or building pump connection shall be borne by the owner and the issuance of a permit shall be contingent upon the owner indemnifying the Town and/or Commission against any loss or damage that may be caused, directly or indirectly, by the installation of the building sewer and/or building pump connection.

§ 425-6. General requirements and provisions.

- A. The contractor or his agent shall under no circumstances start work on a sewer or building sewer project until the provisions of §§ 425-3, 425-4 and 425-5 are fulfilled and required permits are obtained. These permits are to be available at the site of the work during its continuance for inspection by agents of the Sewer and Water Commission.
- B. All work performed under the provisions of these rules and regulations shall be subject to the inspection and approval of an inspector. The contractor shall provide safe access for each inspection. Any work completed without a permit or prior notification to the inspector may be rejected. At the time of discovery, all fees and charges will be back-charged to the date or estimated date of connection.
- C. Maintenance of traffic. At least one-way traffic shall be maintained in roads at all times. Under unusual circumstances, the Town or its designated official may, in writing, permit the temporary closing of a road, in which case the contractor shall, prior to such closing, notify the Police and Fire Departments and the Town of the location of, and approximate duration of, such closing and shall again notify these departments when the road is reopened to traffic. A traffic controller or police officer, as required by the Police Department, shall be provided at the contractor's expense when fewer than two lanes of traffic are maintained or when necessary or advisable in the opinion of the Police Department.
- D. Adequate barricades and, when necessary in the opinion of the Engineer, inspector, or an authorized police official, lights and red

flags shall be erected and maintained in the street until all work is completed.

- E. The contractor shall schedule his hours of work so as not to allow open trench conditions on Saturdays, Sundays or holidays, nor at any other time in excess of 48 hours without special permission from the Engineer.
- F. The contractor shall schedule work for a normal work day so that the work may be inspected. Arrangements shall be made in advance with the inspector when work is to be done outside the normal work day and the contractor shall pay for any overtime inspection costs. The contractor shall give the inspector two days' notice before any laying of any building sewer pipe.
- G. The contractor is responsible for complying with all OSHA requirements.
- H. The quality of the sewer or building sewer installation shall be the responsibility of the contractor. It shall not rest with the inspector.
- I. All buried piping shall be supported throughout its entire length.

§ 425-7. Extension of public sewers.

- A. The Town shall furnish to the developer, in writing, the Town's specifications and standard details and its bond and liability insurance requirements for the construction and installation of public sewers.
- B. The developer shall prepare at his expense and submit to the Sewer and Water Commission for its approval all drawings required for the construction and installation of sewers. All such drawings shall be drawn to a horizontal scale of one inch equals 40 feet with profiles drawn at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical, and each shall bear the seal of a Connecticut registered professional engineer.
- C. Proposed sewers must be located within public road rights-of-way. If it is necessary to locate sewers outside the right-of-way, the developer shall demonstrate to the Commission that locating the sewers in these areas is necessary. The Commission will require special provisions for the construction of off-road sewers.
- D. Except as otherwise provided in this section, the developer shall provide an estimate for constructing and installing the sewers prepared by a professional engineer. The estimate shall be submitted to the inspector for approval. At his request, the developer may be permitted by the Sewer and Water Commission to construct and install the sewers with his own forces, provided he shall fulfill all of the obligations of a contractor set forth in these rules and regulations.
- E. The developer shall be responsible for:

- (1) The contractor's construction and installation of the sewers in connection with the specifications, details, drawings, and proposals approved by the Sewer and Water Commission; and
 - (2) The contractor's compliance with all applicable ordinances, rules, and regulations of the Town pertaining to the opening of public highways and streets; and
 - (3) The contractor providing any and all bonds required.
- F. The developer shall provide the Sewer Department with a sufficient amount of funds to cover the Town's engineering, supervision and inspection costs and expenses incurred in connection with the approval, construction, and installation of the sewers. The amount shall be determined by the Department. If additional funds are required, the developer shall provide the Town with additional funds within 48 hours of the request. Upon completion and acceptance of the sewers, any surplus funds will be returned to the developer. The Town's costs shall be based on an hourly basis and expenses.
- G. Construction and installation of the sewers shall not be commenced until the developer is in receipt of written authorization from the inspector, which authorization shall not be given until the inspector is satisfied that all requirements of the developer's contract with the Town have been satisfied and all necessary bonds, insurance, and permits have been obtained and are in force and effect.
- H. The developer shall give the inspector and Town immediate written notice of the commencement of actual construction and installation of sewers.
- I. The contractor shall employ a Connecticut professional land surveyor to establish all lines and grades for construction and installation of the sewers, subject to verification at any time and from time to time by the inspector. Upon the request of the inspector, the developer shall provide needed measurements in the field to complete inspections. This work shall be at the developer's expense.
- J. No opening into any existing portion of the public sewer system of the Town shall be made except in the presence of the inspector. All materials installed and work performed under the provisions of these rules and regulations shall be subject to the inspection and approval of the inspector, and the inspector shall be afforded safe access for inspection purposes.
- K. If the sewers are not constructed and installed to the satisfaction of the inspector in accordance with the specifications, details, drawings and proposal approved by the Sewer and Water Commission and the inspector, the Town may plug or disconnect the sewers at the point of their connection to the existing public sewer system of the Town and may continue such stoppage or disconnection until the sewers have been so constructed and installed.

- L. When the sewers as constructed and installed have been approved in writing by the engineer and "as built" plans drawn to the scale specified in § 425-7B of these rules and regulations in reproducible form, each bearing the seal of a Connecticut registered professional engineer and licensed surveyor and showing complete details of the sewers and all their appurtenances, have been presented to the Engineer, the sewers shall be accepted by the Sewer and Water Commission as part of the public sewer system of the Town. Upon approval of the as-built plans, the developer shall provide the Town with three paper copies, one Mylar, and one digital copy (PDF) of the plans. To ensure that the format is acceptable, as-built drawing requirements are in printed format and can be obtained from the Sewer Department.
- M. If the public sewers fall outside the public road right-of-way, an easement in favor of the Town shall be provided. This easement shall be in a form acceptable to the Town's legal counsel. The developer shall provide the Town with a deed with a metes and bounds description and a Mylar easement map. The map shall be prepared by a Connecticut licensed surveyor. Upon the Town's approval of the easement document, the developer shall file the deed and map on the land records and provide the Sewer Department with a copy of the deed stamped by the Town Clerk. Sanitary sewer easements must be a minimum 25 feet wide but additional width may be required for special situations.
- N. Notwithstanding any acceptance of the sewers aforesaid, the developer shall continue to be responsible for the satisfactory operation and maintenance of the sewers until other related construction has been completed and all of the development has been accepted by the Town.
- O. Sewers will not be accepted by the Town until as-built drawings have been approved and easements have been executed.
- P. All sanitary sewer easements must remain fully accessible at all times to ensure access for repairs and maintenance. At no time shall any building of any structure be permitted on any sewer easement.

§ 425-8. Building sewers.

- A. A separate, independent building sewer shall be provided for every building; except 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. All state permits must be obtained where more than one building is connected to a building sewer.
- B. The owner shall submit to the inspector for his approval plans prepared by a professional engineer of the proposed building sewer installation for all multifamily, commercial, and industrial buildings. Plans and

calculations for required oil/water separators and grease traps shall also be submitted.

- C. Old building sewers may be used in connection with new buildings only when they are found on examination and test by the inspector to meet all requirements of this chapter. An internal video inspection is required. A copy of the video shall be provided to the inspector.
- D. No person shall make connection of roof downspouts, sump pumps, foundation drains, area drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is in turn connected directly or indirectly to a public sanitary sewer.
- E. The requirements of local plumbing and building codes shall be observed with respect to piping and fixtures inside or immediately adjacent to buildings and within the area of jurisdiction of said codes, subject only to the general requirements of these rules and regulations. Pipe more than five feet outside of the inner walls of any building or similar structure shall conform to the requirements of these rules and regulations as to permits, materials and workmanship.
- F. Any abandonment of existing wells or on-site sewage disposal systems shall be in accordance with the Public Health Code and approved by the Chesprocott Health District.

§ 425-9. Construction specifications for sanitary sewer extensions.

- A. All sewer pipes shall be of ductile iron pipe (DIP) cement-lined Class 52, reinforced concrete pipe (RCP), or polyvinyl chloride (PVC) SDR-35 (ASTM D3034-73) of the sizes and classes as shown on the plans and approved by the Engineer. The contractor shall submit to the Engineer for approval the manufacturer's name with details of the pipe, fittings, and joints. Each section of pipe delivered to the job site shall be marked with the manufacturer's name, the date of manufacture and the pipe class.
- B. Sanitary sewers shall have minimum three feet of cover. The Town may require mains exceeding 15 feet in depth to be upgraded to pressure-rated pipe.
- C. Sanitary sewers shall maintain minimum ten-foot separation from water mains and water service connection laterals.
- D. Sewers shall cross under water mains by 18 inches. If separation is less, sewer pipe shall be upgraded to pressure-rated pipe and encased in concrete.
- E. PVC gravity sewers and fittings shall be SDR-35 PVC conforming to ASTM D3034 with integral bell "push-on" type rubber-gasketed joints conforming to ASTM D3212.

- F. RCP shall confirm to WWA C302 with steel reinforcing, design strength and strength testing as per ASTM C-76. All concrete sewer pipes shall be bell-and-spigot or tongue-and-groove expansion joint.
- G. Bituminous lining.
- (1) All concrete pipe shall be coated on the inside with Koppers "Super Service Black" bitumastic coating. The Bitumastic Super Service Black shall conform to the following requirements:
 - (a) Weight per gallons, pounds: 11 to 13 weighting cup.
 - (b) Ash, percent by weight: 36 to 41.
 - (c) Ignition: flash point degrees Fahrenheit, minimum 95 ASTM D-56.
 - (2) The interior of each pipe shall be given two coats of Super Service Black. It shall be applied with spray equipment in accordance with the manufacturer's recommendations. The first coat shall dry to touch in from three hours to six hours under normal atmospheric conditions. The second coat shall be applied not less than 24 hours nor more than 48 hours after the first coat is applied. The coating shall cover evenly the entire interior of the pipe, the bell or groove, and exterior of the spigot or tongue.
- H. Joints shall conform to the requirements of ASTM C-443 amended to date.
- (1) Each length of pipe shall be provided with bell-and-spigot or tongue-and-groove ends formed in the concrete wall which shall enclose the gasket on all surfaces when the joint is in final position. Tongue or spigot ends of pipe shall be a grooved type to hold the O-ring gasket in place or have a precast insert.
 - (2) All surfaces on which the rubber gasket may bear during closure of the joint and at any degree of partial closure, except within the gasket groove, shall form an angle of not more than 2° with the longitudinal axis of the pipe. The spigot surface shall have a retaining groove so that the gasket, when compressed, will be enclosed on all four sides. The gasket shall be the sole element utilized in sealing the joint.
 - (3) The gasket, when confined within the preformed retaining groove, shall not be stretched more than 30% of its original length. Gaskets shall be of such size that when the inner surface of the bell and the outer surface of the spigot come into contact at some point in their periphery, the deformation in the gasket shall not exceed 50% at the point of contact and, at the diametrically opposite points across the pipe, shall not be less than 10% of the standard gasket diameter. Stretched gasket diameters shall be calculated as 1/2% reduction in diameter for each 1% stretch actually used.

Determination of percent of gasket deformation in an off-center joint shall be based on the most unfavorable limits of the pipe manufacturer's tolerances. To ensure conformance with the above joint design requirements, all gaskets must be volumetrically measured.

- (4) Prior to acceptance of the pipe, manufacturers must submit joint drawings showing all pertinent joint dimensions, tolerance limits, gasket nominal diameter, and allowable gasket dimensional tolerances. The manufacturer must also submit detailed calculations to show that the above joint design requirements are reasonably attained under typically "worst" conditions. That is:
 - (a) Bell ID at gasket seat to manufacturer's maximum tolerance.
 - (b) Gasket retaining groove OD to manufacturer's maximum tolerance.
 - (c) Joint opened to acceptable limit.
 - (5) Failure of the pipe or gasket dimensions, including tolerances, to come within the allowable dimensional limits will be cause for rejection of the pipe.
 - (6) Pipe shall not be delivered to the project until the manufacturer demonstrates to the satisfaction of the Engineer that the manufacturer's production methods, repair procedure and quality control measures are sufficient to assure that all pipes meet the dimensions and tolerances shown on the manufacturer's calculations required above.
- I. "O" ring rubber gaskets.
- (1) All rubber gaskets shall be of circular cross section. All rubber gaskets shall be molded or extruded and cured in such a manner that any cross section will be dense, homogenous, and free of porosity, blisters, pitting, and other imperfections. The gaskets shall be extruded or molded to the specified size within a diametrical tolerance of $\pm 1/64$ inch or $\pm 1.5\%$ of the diameter, whichever is larger. The rubber gasket shall be fabricated from a high-grade rubber compound. The basic polymer shall be natural rubber, synthetic rubber, or a blend of both acceptable to the purchaser.
 - (2) The compound used shall conform to the requirements for physical properties of rubber gaskets as given in Section 4.10.1 of ASTM C-361.
- J. Methods of test. The properties enumerated in Section 4.10.1 of ASTM C-361 shall be determined from tests performed from the cord. Tests for determination of the physical properties of the rubber cord shall be made in accordance with the test procedures outlined in Section

4.10.2 of ASTM C-361. Prior to acceptance of the pipe, manufacturers must submit certified test reports which show that the rubber cord used meets all requirements for rubber gaskets given above.

- K. Elbows, where indicated on the plans, shall be segmented or mitred bends in accordance with the details on the plans or as specified elsewhere. The removal of concrete to achieve the bend or mitre shall be made while the concrete is still green; the concrete will be cured. The reinforcement will then be cut and welded back together with the halves held at the proper angle and an approved epoxy mortar applied to fully fill the gap between pipe halves to a true cylindrical surface. Materials shall conform to those used for the reinforced concrete sewer pipe. Joints shall be as on the main sewer pipe.
- L. Tees. Tee branches with bells to take connections shall be integrally formed or cast into the pipe or constructed in a method similar to that for elbows with rewelded reinforcement and epoxy mortar. Additional steel reinforcement surrounding the bell or tees shall be placed in accordance with manufacturer's details, subject to the approval of the Engineer.
- M. Increases-reducers. Materials shall be in accordance with the reinforced concrete sanitary sewer pipe with the exception that the increases-reducers shall be concentric about the horizontal axis and symmetrical about the vertical axis of the pipe, with uniform and gradual varying dimensions to/from the larger-diameter pipe from/to the smaller-diameter pipe. Joints shall be as those of the main sewer pipe.
- N. Cast-iron sewer pipe (CIP) shall conform to AWWA Specification C-106, Class Wall unless otherwise specified.
- O. Joints shall be rubber gasket joints of either the push-on type or mechanical joint unless otherwise specified on the plans. These joints shall conform to AWWA Specification C-111 and as approved by the Engineer.
- P. Fittings shall be called for on the plans or required to complete the work and shall conform to the requirements of AWWA Specification C-110 and as approved by the inspector. Joints on all fittings shall be of the same type as used on the main pipeline unless otherwise noted on the plans.
 - (1) Tees for capped outlets shall be installed and capped where called for on the plans.
 - (2) Pipe joints and end caps shall be made in the manner set forth by the manufacturer.
 - (3) All cutting of cast-iron pipe shall be done with a pipe cutter or saw and all cut edges smoothed with a file.

Q. Cement lining.

- (1) Except as otherwise specified, all cast-iron pipe and fittings shall be cement-lined in accordance with AWWA Standard C-104.
- (2) Cement lining for pipe and fittings shall conform to the requirements of American Standard A21.4, latest revision, with a minimum thickness of the lining of 1/8 inch.
- (3) Cast-iron fittings shall be in accordance with American Standard A21.10 for cast-iron fittings and shall be cement-lined.

R. Precast concrete manhole sections.

- (1) Precast concrete sections shall conform to the ASTM Specifications for Precast Reinforced Concrete manhole sections, Designation C478-72, with "o" ring joints, conforming to ASTM 361.
- (2) Manhole steps for precast concrete section manholes shall project six inches inside manhole and shall be aluminum safety type cast in manhole sections 12 inches on center. Prior to placing the steps into the section forms, the parts of the steps that are to be embedded in concrete shall be thoroughly cleaned and given a protective coating of an approved heavy-bodied, bituminous material.
- (3) Joints between poured concrete manhole base and precast concrete manhole section shall be sealed with rubber "O" ring gasket. Precast concrete manhole bases will be allowed as an alternative to poured concrete bases only in special cases.

S. Brick masonry. All brick used in the construction of manholes shall conform to the provisions of ASTM Specification C-32, Grade MA Sewer Brick. The outside of all brick work below the ground surface level shall be covered with a layer of mortar of not less than one inch in thickness and bituminous-coated.

T. Manhole frames and covers. Manhole frames and covers for each manhole shall be bituminous-coated cast iron with a minimum weight of 575 pounds and shall conform to the details of the standard frame and cover used for sanitary sewers in the Town of Wolcott.

U. Manholes located off roadways shall be equipped with two locking nuts for securing cover. Vented covers shall be provided at the high-point manholes in each street.

§ 425-10. Construction specifications for building sewers.

A. Pipes shall be cast- or ductile iron or polyvinyl chloride (PVC). Iron pipe shall be extra-heavy or service-weight cast-iron pipe of four-inch or six-inch inside diameter. Pipes for one-, two-, and three-family dwellings shall consist of four-inch cast-iron pipe, extra-heavy or service-weight. All larger multiple-family dwellings, industrial, commercial, office

complexes shall have a minimum pipe size of six inches and comply with the following.

- B. Maximum number of fixture units that may be connected to any portion of the building sewer:

Pipe Diameter (inches)	Fall per Foot			
	1/16 Inch	1/8 Inch	1/4 Inch	1/2 Inch
4		180	216	250
6		700	840	1,000
8	1,400	1,600	1,920	2,300

- C. All sewers shall be designed and constructed to give mean velocities, when flowing full, of not less than 2.0 feet per second, based upon Manning's formula.
- D. All cast- and ductile iron pipe and fittings shall meet the latest specifications of the American Society of Testing Materials and the Cast Iron Pipe Institute.
- E. Iron pipe jointing method shall consist of braided or twisted hemp or oakum, with hot-poured lead or waterproof gaskets. The oakum is first packed tightly around the annular space between the bell and spigot of adjoining pipe. Molten lead is then poured into this space, and finally the lead is tamped or caulked to complete the joint. Neoprene joint gaskets may be used. Gasket ring fits into head ring of hub; gasket lip overhangs. Both seals inside the gasket must be lubricated. Fittings and pipe may be driven, pulled, pushed or bounced into hub. Spigot must pass through both seals and seat.
 - (1) No-hub systems may be used. Detach neoprene gasket from the shield. Slide shield around the spigots to be joined. Position the gasket on spigot. Push spigots together inside sleeve until both are firmly seated against separator ring. Slide the steel shield into position directly over sleeve.
 - (2) Be sure spigots are touching separator ring. Tighten both screws alternately until both are tight at least four foot-pounds torque. Shield is made of Type 304 stainless steel. A torque wrench shall be used to tighten all clamps on all shields.
- F. Table 11.4.2 of the National Plumbing Code ASA A40.8 1955 shall be referred to for fixture unit valves.
- G. PVC pipe shall be unplasticized PVC plastic gravity sewer pipe with integral wall bell and spigot joints for the conveyance of domestic sewage.

- (1) Pipe and fittings shall meet extra-strength minimum of SDR-35 of the requirements of ASTM Specification D3034-73 or Virgin Type 1. Grade 1, polyvinyl chloride compounds as defined and described in ASTM Specification D-1734 for "Rigid Poly (Vinyl Chloride) Compounds and Chlorinated Poly (Vinyl Chloride) Compounds."
- (2) Joints shall be the bell and spigot type subject to the approval of the Engineer, sealed with a rubber "O" ring gasket, and when assembled must be able to withstand a hydraulic pressure internally of at least 10 psi.
- (3) Lengths and joints. Pipe lengths shall not exceed 13 feet for eight-inch and larger pipe. Each length of pipe shall have a bell and spigot or shall have furnished with it a separate jointing sleeve or coupling with rubber rings compressed into place to make a watertight closure. The rubber rings shall consist of a molded and vulcanized rubber compound resistant to common ingredients of groundwater and sewage and which will endure permanently under the conditions likely to be imposed by this use, and shall conform to ASTM Specification D-1869 to date.

H. Use of asbestos cement pipe is prohibited.

§ 425-11. Installation of sanitary sewers.

- A. Sewers shall be laid with uniform slope between manholes.
- B. Sewers on 20% slopes or greater shall be avoided where possible. If required, pipes shall be securely anchored with concrete or equal. A professional engineer shall determine spacing of anchors.
- C. Sewers shall be laid with straight alignment between manholes. Alignment shall be checked by either laser beam or lamping.
- D. When a smaller sewer joins a larger one, the invert of the larger one should be lowered sufficiently to maintain the same energy gradient.
- E. The spacing between manholes shall not exceed 300 feet.
- F. Drainage pipes and box culverts. Drainage pipes and box culverts shall be located at least five feet horizontally from sewer pipes, and at least 18 inches vertically from sewer pipes. Storm drain crossings must be reviewed on a case-by-case basis by the Department in order to ensure that future maintenance is possible. In some cases, the Department may require additional manholes and sections of sewer pipe to avoid crossing drainage pipes and box culverts.
- G. Trench excavations.
 - (1) Trenching shall proceed in accordance with the latest manual on safety in construction as published by the Associated General Contractors and OSHA. Excavation shall conform to the form and grade of the bottom of the pipe or the foundation required. Special

care must be given to the forming of the required bedding. To accomplish this, no earth shall be excavated by machinery nearer than six inches to the finished subgrade, and the last six inches of excavation in earth shall be carefully removed by hand labor to the exact lines and grade required, immediately prior to laying pipe or underdrain or bottom of structure.

- (2) If the excavation is carried lower than the required grade, the extra space shall be filled up to the proper grade with well-compacted sand, gravel, broken stone, or concrete.
- (3) The width of existing paved street surface, cut or disturbed, shall be kept as small as practicable to accommodate the work.

H. Rock excavation.

- (1) Rock shall be excavated well in advance of the construction of sewers, pipe lines, or other structures to ensure that all necessary blasting is kept at a reasonable distance from newly completed work. On straight-away sewer laying, rock excavation shall not be done less than 20 feet in advance of pipe laying or construction of other structures.
- (2) Special care shall be taken when rock to be excavated is within six feet of existing utilities.
- (3) If explosives are used, all requirements of local and state laws and regulations must be complied with and all necessary permits and licenses obtained by the contractor at his expense.

I. Replacing unsuitable foundations. Where the soil in the subgrade is found to be soft, loose, or unsuitable as a foundation base for the sewer or its appurtenant structures, it shall be removed to such a depth and width as necessary, and shall be replaced with a suitable crushed stone which shall have sound durable particles free from vegetable or other deleterious substances. All crushed stone shall have not more than 10% by weight passing a No. 4 mesh sieve.

J. Sheeting.

- (1) Whenever the presence of incipient slides is noted during excavation and the nature of the ground and subsurface soil conditions, depth of excavation, proximity of traffic require, and whenever the proximity of other pipes, ducts, pavements, conduits, drains, or structures require it, the contractor shall furnish and set in place sheeting, shoring, timbering, and bracing sufficient to maintain openings or proper width in which to build the structures and sewers required.
- (2) No sheeting or shoring shall be removed which is in contact with any pipe, conduit, or structure, or which has been driven below the

invert of any sewer being constructed. Sheet piling driven below the invert of the sewer shall be cut off one foot above the pipe.

K. Dewatering.

- (1) All trench excavation and pipe laying shall be performed under dry conditions. No masonry of any kind shall be placed in water, and no water shall be allowed to flow over or rise up on fresh concrete.
- (2) A six-inch minimum layer of crushed stone of suitable size shall be placed to serve as a drain at all locations where water is present in the trench. In addition, the contractor shall use pumps, wells, underdrains, or any other effective means to assure the above.

L. Laying sewer pipe.

- (1) All pipe, when in place, shall be precisely true to the lines and grade specified on the approved construction plans. All pipe shall be laid upgrade wherever possible without any breaks in the line between manholes or other structures.
- (2) Where underdrain, special foundation, special bedding or haunching is not required, pipe shall be bedded in conformity with Class "C" bedding as defined by the American Concrete Pipe Association. The grade of the soil base shall be measured and checked at least once for each length of pipe, and in any case at intervals of not more than four feet apart, immediately before pipe is laid upon it. The base must be such that the barrel of the pipe will be evenly supported for its entire length, except for a distance of not over four inches outside each end of each pipe joint. In general, pipe must not be supported by lumps of soil, sills, shims, etc. Bed must be formed to correct grade before pipe is placed on it. Pushing fine material under any pipe laying on its bed, in order to bring it up to grade or line, will not be permitted.
- (3) Where foundation of crushed stone or a stone drain is required, the top of the gravel or stone shall be brought carefully to the proper grade for the barrel of the pipe and shall be well tamped or compacted.
- (4) In trenches excavated through rock, the rock shall be removed so that no projecting points or spurs or rock project within nine inches of the sides of the pipe or six inches of the bottom of the pipe. The bottom of the trench will then be filled with crushed stone and brought to grade as described above.
- (5) Suitable devices must be used to force pipes together so that they will fit and will satisfy the manufacturer's requirements. Details of gasket, attachment, and joint formation will, in general, follow directions of manufacturer of the joint material and of the pipe.

- (6) Connections to existing manholes will be made with a minimum amount of interference to flow of sewage in existing system. Upon completion of the connection operation, the inside of the manhole shall be left in a clean, smooth condition. The opening around the new pipe shall be sealed with brick masonry and parged on its outside surface. Care shall be exercised in backfilling around the new pipe to ensure that there is no settlement of the pipe adjacent to the manhole.
- (7) Open ends of sewers or pipe under construction shall be kept closed with temporary stoppers at night and at other times when they need not be open in order to exclude foreign matter and flows of water which might be detrimental to newly made joints or other portions of the work under construction. Sewer must be clean and free from sediment and foreign objects when completed. The contractor may be required to clean sewers that may have become obstructed, in part or whole, by sediment or foreign materials entering through his work.

M. Backfilling.

- (1) Immediately after the pipes have been laid, set to line and grade and jointed, backfill shall be carefully placed tightly and tamped on each side and over the top of the pipe. Care must be taken in placing and tamping the backfill so as not to disturb or damage the pipe, connections, or joints. Fine granular material shall be placed on both sides of pipe in thin layers and well tamped. Space under joints must be completely filled. Suitable tools shall be used to ram the fill tightly under and against the rounded sides of the pipe so that all space on each side of each pipe is entirely filled with well-compacted material.
- (2) Backfill in streets and highways shall be compacted to a minimum density of 90% of the maximum dry density as determined by AASHTO T-180, Method D. In roads where excavated material contains clay, mud, or silt, the excavated material will be removed from the job and replaced with suitable gravel.
- (3) Compaction of trench backfills in streets or other paved areas shall be required and may be accomplished by mechanical tamping or water jetting. Water jetting may be used to consolidate backfill where trenches have been excavated in sand, gravel, or any similar material which is free draining, but shall not be used to consolidate backfill in any trench excavated in impervious material such as clay.
- (4) Depending on the material and weather conditions, it may be necessary to supplement mechanical compaction methods by control of moisture in the material.

- N. When the contractor has completely refilled a trench, such portion of the trench that is in the street limits shall be maintained in a safe condition for public travel for a period of time not to exceed 180 days

or until permanent pavement is installed. The inspector shall be the sole judge of what constitutes a condition comfortable for public travel, and the contractor shall give his immediate attention to the correction of any settlements or bumps in the trench or area adjacent thereto. If the contractor shall not have corrected such settlements or bumps within four hours of notification, the Town will make such repairs as the inspector may deem necessary and the cost of such repairs will be assessed against the contractor. A cold-patch surface will be placed immediately on the excavated portions of the road and maintained until a permanent surface is constructed. The permanent surface must be a minimum of eight inches of gravel, nine inches of processed stone, and three inches of bituminous concrete compacted and rolled in two layers.

O. Leakage.

- (1) The leakage into the sanitary sewer system shall not exceed 150 gallons per inch of diameter per mile of pipe per 24 hours; except on the public water supply watershed areas where the leakage shall not exceed 50 gallons per inch of diameter per mile of pipe per 24 hours.
- (2) The contractor shall be responsible for performing the necessary tests to ascertain that the infiltration is within the above specified limits.
 - (a) Infiltration test: to be used where groundwater is one foot or more above the top of the pipe.
 - (b) Exfiltration: to be used where groundwater is less than one foot above the top of the pipe. The pipe is plugged at the lower end and the amount of water which must be added to maintain a head of two feet above the top of the pipe in the upper manhole is measured.
 - (c) Exfiltration: use of pneumatic testing system in conformance with the low-pressure air test for sanitary sewers, as outlined in the ASCE Proceedings, Volume 90 No. SA2, April, 1964.
- (3) Should the sections under test fail to meet the requirements, the contractor shall locate and repair leaks and retest.

§ 425-12. Installation of building sewers.

- A. Work on building sewers shall in every case proceed from the sewer towards the structure involved. Any variations in this procedure shall require the permission of the inspector. Pipe laying shall proceed in accordance with the best accepted practices true to line and grade.
- B. All paved roads, driveways, and sidewalks shall be saw cut prior to excavation, providing a straight, strong edge.

- C. The trench shall be of ample width at the bottom to accommodate the pipe to be placed and any work on the structure that conditions necessitate. Tunneling under existing structures may be permitted when approved in writing by the inspector, but in no case shall any tunnel exceed 10 feet in length.
- D. Trench procedures shall generally be carried out in accordance with § 425-11G through K, M and N above. Additional provisions are specified below.
- E. When sheeting is necessary to ensure proper installation in consideration of the safety of personnel and the public, the contractor shall furnish and place such sheeting in accordance with good practice and OSHA.
- F. Where water is encountered in a trench, sufficient sump pumps shall be positioned and adequate pumping equipment made available so that the installation of any building sewer or appurtenance shall be done in dry conditions. In no event shall water be allowed to enter the sewer or building sewer from the trench. Required erosion controls shall be installed and maintained as required.
- G. Water service and building sewer pipes shall be laid in separate trenches per the Public Health Code.
- H. Building sewer pipes shall be laid in locations that comply with the Public Health Code requirements for separation from water supply wells.
- I. Where a hub location is given in a permit, such location shall be used for the location of the connection. If a deviation from the connection location indicated on the permit is desired, such deviation shall first be requested in writing by the owner of record of the property involved and shall further be approved by the Engineer. A sewer connection location is an indication of location in the field. If a connection location as indicated is not found, a tap-in will be permitted. The Sewer and Water Commission assumes no liability for any inaccuracy in any map regarding the location of any connection.
- J. All pipes must be cleaned before laying. This can be accomplished by swabbing.
- K. When connections are made to hubs, 1/8 bends shall be used to align the connections.
- L. Cleanouts must be provided at all changes in alignment and on straight runs at intervals not to exceed 75 feet. An exterior cleanout shall be required approximately 10 feet from the structure served where the inside cleanout is less than two feet above the lowest floor of the structure served.

- M. When the material at the base of a trench is unsuitable as a foundation for the building sewer pipe, such material shall be removed and replaced with crushed stone or gravel not containing pieces larger than three inches in diameter. If an excavation is deeper than the desired depth, the trench shall be brought to grade with compacted crushed stone or gravel not containing pieces larger than three inches in diameter. In no case may loose fill from an excavation be used to bring a trench up to the pipe grade.
- N. Backfilling. If at any time during excavation the material being excavated is not suitable for backfill in the opinion of any inspector, such material shall immediately be removed from the site by the contractor at his expense. Unsatisfactory material shall include, but not be limited to, boulders, clay, muck, and frozen ground. Where unsatisfactory material is removed, it shall be replaced by sand or gravel not containing pieces larger than three inches in diameter in accordance with CDOT Form 816. All backfill shall be free of wood, construction debris, boulders, clay, muck, or frozen material. All backfill shall be compacted around the pipe. Under no circumstances shall backfill be permitted around and over the pipe until the pipe, joints, lines, elevations, and workmanship have been inspected and approved by the inspector or his designate.

§ 425-13. Building sewer pump systems.

- A. Any building sewer which is installed to serve a facility below the first-floor elevation and which cannot use gravity flow to discharge into the sewer may be subject to back-up and flooding from the sewer system. If the owner installs such a building sewer with a pump system, the owner will be responsible for any and all damage that may occur from backups and flooding of his property.
- B. All building sewer systems requiring the use of pumps and force mains shall be designed by a professional engineer licensed in the State of Connecticut. The pump system shall include: a twenty-four-hour-capacity wet well, automatic on-off controls, high-level alarm, check valves, minimum 1 1/4 inch diameter force main. The size and type of pump shall be based upon flow and head requirements. All multifamily pump systems shall contain two alternating pumps.
- C. A separate and independent building pump connection shall be provided for each building. Any building that requires the use of a pump, or the first-floor elevation of which is below the gutter-line elevation of the roadway in which the sewer main is located, shall have installed on the building sewer connection an outside air vent and a backwater valve (check valve).
- D. Pumping equipment, subject to review and approval, may be a 1) grinder pump, 2) submersible pump (non-clog type), or 3) pneumatic ejector system as selected by the owner. The pneumatic ejector system shall be used only in conjunction with a septic tank. The system shall

be capable of providing a minimum of two feet per second and a maximum of five feet per second velocity in the discharge piping. The system shall include a storage tank with capacity sufficient to handle at least 24 hours' flow during outage of the pump. The system shall also be equipped with suitable check valves and shutoff valves to prevent backflow from the discharge piping to the storage tank and/or wet well. The discharge piping shall have air release valves as required at the high points in the piping.

- E. Discharge piping from the pump installation to the building property line shall be PVC pipe, Series SDR 21 or SDR 26; DIP, Class 52 or higher; or polyethylene (PE) pipe, PE 2306, all with a pressure rating of 100 pounds per square inch.
- F. The minimum cover for the discharge pipe shall be four feet. The pipe shall be placed on six inches of compacted granular material. The granular material shall be carried a minimum of three inches above the top of the pipe and compacted. The remainder of the trench may be back-filled with excavated material, tamping in twelve-inch layers. The discharge pipe shall be laid on a continuous upgrade from the building to the terminal point as closely as practical. Where changes in grade are necessary, air release valves or air release vacuum valves may be required.
- G. PE pipe shall be joined with nylon insert couplings and four stainless steel Loxon Straps (two on each end of the pipe) and wrapped with polyethylene material. No joints shall be wrapped before they have been inspected by the Sewer and Water Department. The joining of PVC pipe shall be by butt fusion. The ductile iron pipe shall have bell-and-spigot joints with an approved rubber gasket. No joints shall be covered with earth until they have been inspected.
- H. Where the Town has installed a six-inch service connection to the owner's property line, an approved adapter and FERNCO couplings shall be used to join the pressure and gravity pipes at the end of the service connection and on the owner's property. Where a service connection from the property line to the street sewer has not been constructed, the owner shall construct a building sewer from the property line to the public sanitary sewer in accordance with these regulations.
- I. Prior to discharge of sewage, the owner shall provide the Town with a certification by a professional engineer or licensed plumber stating that a start-up test and inspection of the pump station has been completed and it has been constructed in accordance with the approved plans and design.

§ 425-14. FOG compliance.

- A. FOG interceptors (also known as "grease traps") shall be provided when they are necessary for the proper handling of liquid wastes containing

fats, oil or grease in excessive amounts; provided, however, that such interceptors shall not be required for private living quarters or dwelling units.

- B. All newly constructed commercial or industrial buildings connected to the municipal sewer system shall be served by an external FOG interceptor. The design for such FOG interceptor shall be submitted for approval by the Sewer and Water Commission.
- C. All existing commercial or industrial buildings that house food preparation establishments, including all Class III and Class IV food service establishments as defined under Section 19-13-B42 of the Public Health Code and including all restaurants, hotel, hospital, school and church kitchens, fast-food take-out, cafeterias, catering establishments, bars and clubs, shall be served by a FOG interceptor or alternate FOG management equipment.
- D. Where installation of an external FOG interceptor is not feasible, a regulated establishment shall install internal FOG management equipment. The property owner shall submit a proposed design for the FOG management equipment to the Sewer and Water Commission.
- E. Upon installation of a FOG interceptor or alternate FOG management equipment in accordance with the approved design, the FOG interceptor or the FOG management equipment shall be operated and maintained by the property owner.
- F. All external FOG interceptors shall be easily accessible for cleaning and inspection. FOG interceptors shall be constructed of impervious, noncorrosive materials capable of withstanding abrupt and extreme changes in temperature, and capable of sustaining H-20 vehicle loading. FOG interceptors shall be of substantial construction, watertight and equipped with manhole frames and easily removable twenty-four-inch covers which, when bolted in place, shall be watertight. Each unit shall provide for access at each end of the chamber.
- G. An external FOG interceptor shall be installed on a separate building sewer servicing only flows from the kitchen or food preparation areas. Except as otherwise authorized by the authority, the inlet and outlet piping shall be PVC ASTM D1785 Schedule 40 with rubber compression gaskets or solvent weld couplings. The joints must meet ASTM 3212 specifications. A tee pipe fitting shall be utilized on the interceptor's inlet and outlet pipes. The tee-pipe of the inlet and outlet shall extend to within 12 inches of the bottom and at least five inches above the liquid level of the tank.

§ 425-15. Enforcement; penalties for offenses.

- A. Any person, firm, corporation, developer, or other legal entity who or which violates any provision of these rules and regulations shall be

liable to the Town of Wolcott for any expense, loss, or damage which may be caused by reason of such violation.

- B. Any person violating any provision of these rules and regulations shall be given a written notice by the inspector stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The person shall, within the period of time stated in such notice, correct such violation.
- C. Any person who shall continue any violation beyond the time limit provided for in Subsection B above shall be subject to such penalties as may be provided by ordinance of the Town of Wolcott.
- D. Failure of a contractor to comply with any one of these rules and regulations shall be cause for revocation of any permit issued by the Sewer and Water Commission or its agent. When such action is taken by the Sewer and Water Commission, and any sewer or building sewer work remains to be completed by the contractor, the Sewer and Water Commission or its agent shall be empowered to complete the work or to employ any contractor deemed competent for such completion. The cost for such completion may be claimed against the contractor and/or his performance bond.
- E. No person who has violated any provisions of these rules and regulations or whose permit has been revoked as herein provided, or who has refused or neglected to make good to the satisfaction of the Sewer and Water Commission any defective or imperfect work, or who has refused or neglected to pay any fees, fines, or penalties imposed under the provisions of these rules and regulations shall receive a renewal of his permit until all his defaults shall have been fully remedied and satisfied.

§ 425-16. Interpretation.

In the event of any question as to the interpretation of any of the preceding rules and regulations, the decision of the Sewer and Water Commission or its agents shall be final.

Chapter 430

STREET CONSTRUCTION AND ACCEPTANCE

ARTICLE I
General Provisions

§ 430-1.1. Purpose.

This document sets forth the policies, rules, procedures, standards and specifications adopted by the Town Council of the Town of Wolcott essential for the execution of the responsibilities granted to the Council by the Connecticut General Statutes for the administration and enforcement of the construction and maintenance of streets in the Town of Wolcott.

§ 430-1.2. Title.

This document is entitled "Regulations Pertaining to the Construction and Acceptance of Streets" and may hereinafter be cited as the "Street Regulations."

§ 430-1.3. Definitions.

Certain words used in these regulations are defined and explained as follows:

FORM 815 — A document entitled "State of Connecticut, Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction," and any subsequent revisions or issues, and is made part of these regulations.⁹⁹

MAYOR — The Mayor of Wolcott, who can designate an agent to be responsible for the inspection and supervision of construction as carried out under these regulations and who would be responsible for the issuance of permits and performance of duties under the direction of the Mayor.

STREET — An existing "state highway" as defined by Section 13a-1 of the Connecticut General Statutes, as amended; an existing public highway, street or road accepted by the Town of Wolcott by use or pursuant to Section 13a-48 of the Connecticut General Statutes; as amended; and a proposed public or private highway, street or road in a subdivision or resubdivision for which a Record Subdivision Map has been approved by the Planning and Zoning Commission.

- A. ARTERIAL STREETS — All state-numbered routes within the Town of Wolcott.
- B. SECONDARY STREET — A street of considerable existing or potential continuity that carries or will carry vehicular traffic generally through one section of Town to an arterial street or another secondary street, as determined by the Planning and Zoning Commission.
- C. LOCAL RESIDENTIAL STREET — A public or private street that carries or will carry vehicular traffic, usually for a short distance, to an arterial or secondary collector street as determined by the Planning and Zoning Commission.

99. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Commission. If a local residential street is of limited length and with no potential for continuity and extension, with the approval of the Planning and Zoning Commission and the Mayor said street may be constructed to the standards for a minor street.

- D. MINOR STREET — Including a private lane, shall mean a public or private street that carries or will carry vehicular traffic, usually for a very short distance, to an arterial, secondary or local residential street as determined by the Planning and Zoning Commission. A private lane shall provide access to no more than eight building lots.

TOWN — The Wolcott Planning and Zoning Commission relative to all subdivision activity; and the Mayor or his designated agent for all other activity.

ARTICLE II

Application and Implementation Procedures**§ 430-2.1. Applicability.**

The provisions specified herein are applicable to:

- A. The construction of streets for which a subdivision map has been approved by the Wolcott Planning and Zoning Commission;
- B. The reconstruction of pavement, drainage or other improvements within or relating to any existing Town street; and
- C. The construction of new streets by the Town.

§ 430-2.2. Maps.

Maps showing street rights-of-way and rights-of-way or easements for drainage shall:

- A. Be drawn in ink on good-quality Mylar on sheets having a size prescribed by Section 7-31 of the Connecticut General Statutes, as amended, and shall be to a scale of at least one inch equals 40 feet;
- B. Bear the seal of a registered land surveyor licensed to practice in the State of Connecticut; and
- C. Be accurate to the standards of a Class A-2 transit survey of the Connecticut Association of Land Surveyors and shall be so stipulated on the maps.

§ 430-2.3. Plans.

Plans of improvements and profile maps shall be prepared on 24 inches by 36 inches sheets, at a plan scale of one inch equals 40 feet and a profile horizontal scale of one inch equals 40 feet and a profile vertical scale of one inch equals four feet, unless otherwise directed by the Town Engineer, and shall bear the seal of a professional civil engineer licensed to practice in the State of Connecticut.

§ 430-2.4. Application for street construction permit; fee.

Application for a street construction permit shall be made in writing to the Town and shall include the following documents:

- A. Two copies of the maps showing the street right-of-way and drainage easements and two copies of the construction plans for street, drainage and other related improvements. Plans and maps submitted to the Planning and Zoning Commission as part of a subdivision application may be substituted for the purpose of this requirement;
- B. A fee of \$150 (does not apply to street construction within an approved subdivision); and¹⁰⁰

- C. In the event that such proposed construction is within or relates to an existing Town street, evidence of workmen's compensation and contractors' liability insurance with the Town named as an insured shall be presented.

§ 430-2.5. Issuance of permit.

A street construction permit shall be issued in writing by the Town subject to:

- A. The completion of plans for the construction of streets, drainage and other necessary plans requested and approved by the Town and which also may be required to be approved by the Planning and Zoning Commission;
- B. Payment to the Town of Wolcott of an inspection fee of 1.0% of the construction costs estimated by the Town (does not apply to that construction already covered by an approved subdivision); and
- C. The filing of a performance bond in an amount specified by the Town and in a form approved by the Town Attorney.

§ 430-2.6. Permit term.

The street construction permit shall be valid for a period of time that the Town deems necessary for the completion of construction. Permits may be extended for a period not to exceed one year upon written approval of the Town. Upon the expiration of the extended time period, the Town shall either require reapplication for the uncompleted work or pay for the completion of the work by calling the performance bond.

§ 430-2.7. Performance bond.

The applicant shall execute an agreement and file a bond with the Town, said bond to be in an amount and with surety and conditions satisfactory to the Town, securing to the Town of Wolcott the actual construction, installation, and completion of all improvements to the satisfaction of the Planning and Zoning Commission and Mayor, including, without limitation, streets, drainage, placing of monuments and so forth, within a period not to exceed five years from the filing of the bond. Said bond shall be in form and amount and with a surety acceptable to the Town and Town Attorney and shall be either a letter of credit, executed by a financial institution licensed to do business in the State of Connecticut, or shall be a cash bond. Said bond shall be for a term of not less than two years with provisions for automatic extensions for each year thereafter for a total period of at least five years.

§ 430-2.8. As-built plans.

Upon the completion of any road or drainage improvements and prior to the final release of the bond, the applicant shall file with the Town construction plans showing the streets, drainage and other subdivision improvements as built and also showing the location of any sewer water mains, underground electric and telephone utilities. In lieu of such submission, the applicant's land surveyor and/or engineer may update and certify the Mylar construction plans submitted under §§ 430-2.2 and 430-2.3 of the regulations and approved by the Town. Such filing shall also include a certification, signed and sealed by a land surveyor and/or engineer licensed to practice in the State of Connecticut, as appropriate, that such surveyor and/or engineer has inspected all construction work and all improvements have been completed in accordance with plans and specifications approved by the Town.

§ 430-2.9. Acceptance of streets.

- A. Upon completion of improvements, a petition may be made in writing to the Town for the acceptance of a street by the Town Council. Such petition shall be signed by the owner(s) of the street and shall include the following:
- (1) A copy of a map to be filed in the Town Clerk's office showing all street and drainage rights-of-way or easements;
 - (2) A Mylar tracing showing as-built street, drainage and other improvements certified by a professional civil engineer and a licensed surveyor as appropriate;
 - (3) Conveyance deeds and certificates of title for the rights-of-way of the street and drainage structures and of any easements in support thereof, unless furnished at the time of subdivision approval. In addition to conveyances and certificates of title, such petition shall include:
 - (a) A waiver of mechanic's liens;
 - (b) Letter from the Tax Collector indicating full payment of taxes due; and
 - (c) Any other certificates and documents required by Town Counsel.
- B. Upon receipt of the required documents, the Town shall review said documents for accuracy and completion and shall refer them to the Town Council with a recommendation for acceptance. The Town Council shall then place the petition for acceptance on the call of the next regular meeting; provided, however, that all requirements of these regulations and, if applicable, the Subdivision Regulations, have been fulfilled.

§ 430-2.10. Release of bond.

Before the release of the performance bond provided for in § 430-2.7 of these regulations:

- A. The streets, street improvements and street drainage shall have been inspected and approved by the Town and accepted by the Town Council;
- B. As-built plans shall have been filed with the Town pursuant to § 430-2.8; and
- C. The applicant shall execute an agreement and file a bond to guarantee maintenance of streets, drainage and other improvements in accordance with these regulations. The maintenance bond must be in effect for a period of one year from the release of the performance bond. If the applicant fails to correct any deficiencies identified during the maintenance period, in a timely fashion and in a manner acceptable to the Town, the Town, at its sole discretion, may authorize the performance of such corrective maintenance, the cost of which will be reimbursed from said bond.

§ 430-2.11. Liability insurance.

The manufacturers and contractors liability insurance specified under § 430-2.4C shall include no less than the following:

- A. Public liability limits of \$3,000,000.¹⁰¹
- B. Property damage limits of \$3,000,000, including blasting and underground damage resulting from the use of mechanical equipment, on work covered by this document.¹⁰²
- C. Coverage with respect to all subcontractors doing any part of the work covered by the permit.
- D. If the policy is changed or canceled during the policy period, the policy shall provide that written notice will be given to the Mayor and/or the Planning and Zoning Commission of the Town of Wolcott at least 30 days before the effective date of such change or cancellation period.
- E. The Town of Wolcott shall be named as an additional insured.
- F. Such additional coverage as requested by the Town.

§ 430-2.12. Inspection procedures.

The Mayor, the Town Engineer and, where appropriate, the Planning and Zoning Commission shall have free access to the construction work at all times and shall be authorized to take material samples, corings and other tests as deemed necessary to determine compliance with the standards of

¹⁰¹Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁰²Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

these regulations. They may require the applicant, at his own expense, to have such tests made and certified by a Connecticut licensed professional engineer.

§ 430-2.13. Notifications and inspections.

- A. The applicant or contractor for the street, drainage or other subdivision improvements shall notify the Town in writing of his intention to start any construction project at least five days prior to starting the work. Should the applicant or such contractor close down the construction project for a period exceeding one week, due to weather conditions or other cause, the applicant or such contractor shall notify the Town in writing of such closing; he shall notify the Town in writing of his own intention to resume the project at least two working days prior to resuming the work. In addition, the applicant or such contractor shall give timely written notice to the Town for inspection purposes at least 48 hours before each of the following stages of work:
- (1) Commencement of site clearance and after the limit of clearing has been flagged;
 - (2) Commencement of excavation and grading of streets, and installation of embankments;
 - (3) Commencement of installation of drainage and other utilities;
 - (4) Commencement of backfilling structures and drainage pipes, facilities and other utilities;
 - (5) Commencement of placement of the rolled gravel base course on the subgrade of a street; and
 - (6) Commencement of construction of each stage of the paved surface of a street.
- B. The Town or its agent shall have two working days in which to inspect the completed work in each of the above stages of the project prior to approving the work. No work shall be commenced on succeeding stages of construction until the required inspection has been made and approval given in writing by the Town. The Town may issue a stop-work order and may suspend the street construction permit if, in its judgment, the construction project or any stage thereof is not being carried out in accordance with these regulations or if unforeseen field circumstances are encountered for which the approved plans are insufficient. The Town shall withdraw such order and reinstate the permit when it is determined that there is compliance with these regulations.

§ 430-2.14. Barricades and protection of excavations.

When any excavation is made within the right-of-way of any Town street, the applicant or his contractor shall provide a railing or suitable barricade

so as to enclose such excavation or material placed in the right-of-way. The railing or barricade shall be continued and maintained during the entire time such excavation is exposed or open. A sufficient number of lighted flashing warning lights approved by the Town shall be provided for public safety, and affixed to some part of such railing or barricade or in such other proper manner over or near such excavation and excavated material, and so kept from the beginning of the twilight of the evening through the whole of the night, and every evening and night during the time such excavation shall be open, exposed or in a state of repair. The applicant or his contractor shall comply with any order of the Town for provision of barricades and shall furnish a Town police officer in uniform when so ordered.

§ 430-2.15. Maintenance of safe passage.

The applicant or his contractor shall provide safe and convenient passage for public travel around or over any excavation in a Town street or highway and shall keep such passage free from earth, stones, trenches or any other material which may hinder travel of pedestrians or vehicles. The applicant or his contractor shall comply with any order of the Town for protection of safe passage. Street gutters shall not be obstructed in any manner so as to prevent or retard flow of water therein.

ARTICLE III
Standards and Specifications

§ 430-3.1. Design and construction standards.

The design and construction of streets, drainage and other improvements shall conform to the standards specified in Article III herein, except as follows:

- A. Alternate standards. The Town, with the advice of the Planning and Zoning Commission, may approve alternate design and construction standards when:
 - (1) Such standards are prepared by a professional engineer licensed by the State of Connecticut; and
 - (2) The Town determines that such standards will be in accord with the purpose and intent of this document and the Planning and Zoning Commission recommends such alternate standards.
- B. Other streets. The Town, in the case of construction within or in support of an existing Town street, may approve other or lesser design and construction standards as deemed appropriate to be consistent with other improved portions of such streets.

§ 430-3.2. Street design.

The following standard shall apply to the construction of streets:

- A. Right-of-way. Streets shall have a minimum width of 50 feet for the right-of-way, except that with the approval of the Planning and Zoning Commission and the Town, private lanes may have a minimum right-of-way width of 30 feet.
- B. Turnaround.
 - (1) A turnaround shall be provided at the closed end of all dead-end streets. Standards for such turnarounds are as follows and as shown on Exhibit A:¹⁰³
 - (a) Radius of right-of-way: 60 feet.
 - (b) Radius of (pavement) travelway: 50 feet.
 - (2) At the sole discretion of the Town and the Planning and Zoning Commission, the radius of the travelway (pavement) of a local residential or minor street may be reduced to a lesser dimension when deemed appropriate.
- C. Width of travelway.

103Editor's Note: Exhibit A is included as an attachment to this chapter.

- (1) Streets shall be designed with the following width of pavement measured between curb faces or from edge to edge when no curb is provided:
 - (a) Secondary streets: 30 feet.
 - (b) Local residential streets: 28 feet.
 - (c) Minor streets and private lanes: 24 feet.
 - (2) At the sole discretion of the Town and the Planning and Zoning Commission, the pavement width of all or portions of a secondary street may be increased to as much as 36 feet.
- D. Gradient. The minimum grade for all streets shall be 1.0%. The maximum grade for any street shall not exceed the following:
- (1) Secondary streets: 10%.
 - (2) Local residential streets: 10%.
 - (3) Minor streets and private lanes: 12%.
 - (4) Turnarounds: 4%.
- E. Vertical curvature. Appropriate vertical curves for transition, including superelevated curves meeting acceptable engineering standards, shall be established on all streets and at street intersections to ensure adequate sight distance in accordance with the classification of the street. Except at intersections, vertical curves shall provide a minimum sight distance of 200 feet along the edge of pavement. Where any street approaches an intersection, a transition area, having a maximum grade of 3%, shall be provided for a minimum of 50 feet measured from the right-of-way line of the street intersection.
- F. Horizontal alignment. Connecting curves between tangents shall be provided for all deflection angles. Minimum tangents not less than 100 feet in length shall be provided between curves on secondary and local residential streets and the minimum radius of curvature at the center line of streets shall be as follows:
- (1) Secondary street: 200 feet.
 - (2) Local residential street: 150 feet.
 - (3) Minor street and private lane: 125 feet.
- G. Intersections.
- (1) New street intersections shall be at least 200 feet from any existing intersection, or other proposed intersection, or shall be part of an existing or proposed intersection. The minimum sight distances at intersections shall be as follows:
 - (a) Secondary street: 450 feet.¹⁰⁴

- (b) Local residential street: 250 feet.
 - (c) Minor street and private lane: 200 feet.
- (2) The Town and/or Town Engineer may require a greater distance if, in their sole discretion, conditions of alignment, gradient and/or operating speed of the roadway so warrant. Streets shall intersect at 90° angles where feasible, but in no instance less than 70°. Where unusual topographic conditions warrant, the Town may, through written approval, allow modification of this standard. Intersections of right-of-way lines shall be connected with a curve having a radius of 20 feet. Edges of pavement at intersections shall be connected with a radius of 30 feet.
- H. Cross section. Streets shall be designed with a cross-section as specified in Exhibit B.¹⁰⁵
- I. Street name. Streets shall bear names which are appropriate to the character of the Town and which do not duplicate or too closely approximate in spelling or sound existing street names in the Town of Wolcott. All street names shall be subject to the approval of the Planning and Zoning Commission.
- J. Curbing. Bituminous concrete lip curbing or equal shall be used under the following conditions:
- (1) Wherever sidewalks are used.
 - (2) Road gradient exceeds a 7% grade.
 - (3) Road fills over five feet high.
 - (4) All nonresidential areas.
 - (5) Where required by the Town.
- K. Sidewalks. Sidewalks may be required by the Planning and Zoning Commission for the following conditions:
- (1) Within one-half mile of public schools and non-public schools specified by the Planning and Zoning Commission.
 - (2) Retail areas.
 - (3) Public bus stops.
 - (4) Within 500 feet of public parks.
 - (5) Where required by the Planning and Zoning Commission.
- L. Guide rails. Guide rails shall be used:

104Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

105Editor's Note: Exhibit B is included as an attachment to this chapter.

- (1) Where the proposed edge of pavement is four feet or higher over the adjacent ground and the side slope is 3:1 (horizontal to vertical) or greater within 25 feet of the edge of pavement.
- (2) Where water bodies over three feet deep are located along the shoulder.
- (3) At bridge abutments, utility poles, and other fixed obstructions.

§ 430-3.3. Street construction.

Streets shall be constructed in accordance with the following standards and procedures:

- A. Survey and field layout. Instrument surveys shall be made, maintained and recorded as follows:
 - (1) A center-line survey of the street shall be run in the field and suitable construction ties established to all control points. Stations shall be established to all control points. Stations shall be established at fifty-foot intervals and at all points of curvature and points of tangency. Offset hubs shall be provided as part of the center-line survey.
 - (2) A construction stake shall be placed perpendicular to the tangent, or radial in the case of curves, at each station on both sides of the streets and clear of all construction. The construction stake shall be marked with the station, offset to center line and cut or fill to profile grade as measured from a line clearly marked on the stake.
 - (3) A stake sheet showing the stations, profile grade, stake offsets and grades, and cuts or fills shall be prepared and presented to the Town before the formation of subgrade.
 - (4) Permanent benchmarks shall be established throughout the duration of the project and recorded with the Town throughout the length of the project at one-thousand-foot intervals or as directed by the Town. The datum for benchmarks shall be Town, state, or U.S.G.S. datum; an assumed datum may be used only with permission in writing from the Town.
 - (5) Grade stakes shall be protected and preserved until the construction work is approved by the Town.
- B. Clearing and grubbing. The area of the right-of-way required to be regraded in accordance with the standard cross section shall be cleared of trees, stumps, brush, roots, large rocks, ledge and other unsuitable materials, except that trees suitable for street trees or buffer plantings shall be left standing as directed by the Town, or approved as part of the subdivision plan.
- C. Preparation of subgrade. The subgrade will be prepared as follows:

- (1) All trees and roots shall be stripped to below the pavement. All soft spots, peat, loam, organic material, spongy soil, boulders, ledge and other unsuitable material shall be removed and replaced by material conforming to Form 815, Section M.02.07. Where ledge rock is encountered, it shall be removed to a depth of 18 inches below subgrade and the area backfilled with gravel.
 - (2) Embankments shall be constructed of suitable fill material deposited in successive layers not exceeding 12 inches in depth after compaction; embankments to an elevation of three feet above free water surface at the time of filling shall be constructed of rock and/or free-draining material conforming to Form 815, Section M.02.07. No stone over five inches in its greatest dimension shall be placed within 18 inches of the elevation of the subgrade.
 - (3) The subgrade shall be compacted by distributing the hauling equipment over the area by the use of a tread type of equipment, or power rollers of at least 16 tons, or by other means approved by the Town. The subgrade shall be brought to a uniform surface to conform to the shape of the required cross section.
 - (4) Where rock fill is used, fill shall be installed in lifts no greater than three feet to the desired depth.
 - (5) The Town may require the installation of underdrains beneath the street pavement or in the right-of-way where necessary to protect the stability of the pavement.
- D. Rolled gravel base course. The rolled gravel base course shall be constructed as follows:
- (1) On the prepared and approved subgrade, a two-course rolled gravel base shall be constructed having a compacted depth of eight inches where the subgrade is earth. Where ledge or rock is encountered, the rolled gravel base shall have a depth of 12 inches. The gravel material and construction methods shall conform to Form 815, Section M.02.02, Gradation B. The rolled gravel base shall be constructed as per Section 3.02 of Form 815.
- E. Processed aggregate course. The processed aggregate course shall be placed on the compacted rolled gravel base. The processed aggregate shall have a compacted depth of six inches and the materials and method of construction shall conform to Form 815, Sections 3.04 and M.05.
- F. Binder course. The binder course shall consist of Class 1 bituminous concrete placed on the approved processed aggregate base course. The binder course shall have a compacted depth of 1 1/2 inches. Construction materials and methods shall conform to Form 815, Sections 4.06 and M.04. The binder course shall be installed when the air temperature is not less than 40° F. and rising and there is no frost in the ground.

G. Surface course.

- (1) The surface course shall consist of Class 1 bituminous concrete placed on the approved binder course. Construction methods and materials shall conform to Form 815, Sections 4.06 and M.04. The surface course shall not be constructed until all the utilities under the paved surface have been in place and backfilled through one winter season (November 1 through March 1).
- (2) In lieu of waiting through the winter season, the surface course may be placed at any time provided:
 - (a) Continuous compaction tests were conducted by a certified testing laboratory during the backfill of all utilities and the compaction tests meet the applicable requirements of Form 815;
 - (b) The air temperature is not less than 40° and rising; and
 - (c) There is no frost in the ground.

H. Curbs. Where necessary, bituminous concrete curbs shall be constructed on the outer edge of the completed pavement. Curbs shall be machine-formed, having a cross section approved by the Town, a height of six inches and a base width of nine inches. The curb material method of construction shall conform to Form 815, Sections 8.15 and M.04.01. Where driveways exist or are planned, depressed curbing must be installed.

I. Slopes. Cut or fill slopes beyond the sidewalk area shall not exceed one foot of rise or fall for each three feet of horizontal distance, but the Mayor may require a variation in the degree of slope to whatever extent is necessary to maintain the stability of the bank under the particular conditions. All earth surfaces of slopes and other disturbed areas shall be covered with a minimum of four inches of topsoil and suitably seeded or planted to prevent soil erosion. The Town may require the removal or lowering of embankments adjacent to street intersections in order to assure adequate sight distance at the intersection. No cut or fill sections beyond the right-of-way shall extend into property outside the subdivision or property not owned by the applicant, unless appropriate slope rights are obtained for the Town; in the absence of such slope rights, appropriate retaining walls shall be constructed within the subdivision to prevent encroachment upon adjoining property.

J. Guide rails. Guide rails shall consist of metal beam rails, shall conform to Form 815, Section M.10.02, and shall be installed in accordance with Form 815, Section 9.10. Metal beam anchorages shall conform to Section 9.11 of Form 815.

- K. Site clean-up. All large rocks, boulders, felled trees, stumps and brush shall be removed from the street right-of-way and shall be deposited and suitably covered at an approved location on the property.

§ 430-3.4. Storm drainage design.

Storm drainage for streets shall be planned and designed in accordance with the following standards:

A. General.

- (1) Storm drainage systems shall be designed by a qualified professional civil engineer, licensed by the State of Connecticut, and reviewed and approved by the Town.
- (2) Unless otherwise approved by the Town, roads and driveways shall be designed so that there will be no discharge of storm drainage to the travel surface of an existing or proposed road, nor into the immediate area of a water supply well or sewage system. Surface drainage shall not be permitted to discharge directly to adjacent land without a drainage easement. The minimum drainage easement width is 20 feet.
- (3) Where a new project has frontage on an existing road, sufficient improvements shall be made by the developer in the road to ensure proper channeling of gutter flows, and existing drainage deficiencies shall be corrected to control erosion, flooding and other hazards.

B. Culvert design. The following average storm return frequencies shall be the minimum standard used for drainage designs:

- (1) Ten-year: all enclosed drainage within roads, from catch basins to outlets, etc.
- (2) Twenty-five-year: all through culverts under roadways, for streams, and swales, and ditches.
- (3) Fifty-year: major streams with watersheds of between one square mile and 10 square miles.
- (4) One-hundred-year: all bridges in general, or all culverts in particular which are major waterways, rivers, etc., which are subject to seasonal flooding, and as otherwise determined by the Town, or with watersheds larger than 10 square miles, plus cross culverts on dead-end roads.

C. Discharge. The discharge of all stormwater shall be into suitable streams or rivers or into Town drains of adequate capacity. In subdivisions and property adjoining the proposed subdivision, proper easements and discharge rights shall be secured by the applicant for the Town before approval of the final map and acceptance of the drainage plan unless such discharge is into an established watercourse.

Where the existing watercourse and/or Town storm drain system is inadequate, it shall be the responsibility of the developer to upgrade the facility at no cost to the Town.

D. Design standards.

- (1) The Rational Method may be used to design drainage systems serving watersheds of less than 100 acres, except where detention basins are required. The Natural Resources Conservation Service hydrology methods (TR-55, TR-20) shall be used for watershed of over 100 acres and all detention basins.¹⁰⁶
- (2) The minimum size of storm drains shall be 15 inches in diameter. The minimum size of culverts shall be 18 inches in diameter. All culverts shall have a flared end or headwall at the inlet and outlet. Storm drain pipes shall be designed to flow without surcharge for the specified storm frequency, using the Manning Equation. The minimum slope of pipe is 0.5%.
- (3) The size of culverts shall be determined in accordance with the Federal Highway Administration Hydraulic Engineering Circular No. 5, and the outlet control should be checked.
- (4) The maximum distance between manholes or catch basins on curbed roads shall be 300 feet. Double catch basins with curbs must be provided at all sag vertical curves. Catch basins shall also be provided to serve intersections, turnarounds, and high-pedestrian-use areas as determined by the Town. All catch basins shall have sediment sumps.
- (5) Open channels may be permitted at the discretion of the Town. The size of the waterway shall be sufficient in size to convey the peak discharge of a design storm with a twenty-five-year return-frequency, except for large watersheds which require greater flows. The channel shall be suitably stabilized against erosion. The sides shall have a maximum slope of two feet horizontal to one foot vertical and topsoiled and seeded or otherwise stabilized as indicated on approved plans.
- (6) All pipes shall have 30 inches of cover, except where waived by the Town.
- (7) The allowable headwater at culverts shall be 18 inches below the road crown, except that it shall not inundate upstream private property without proper land rights.
- (8) All channels, riprap, siltation basins, and related soil erosion control measures shall be designed in accordance with the DEEP Guidelines for Erosion and Sediment Control.

106Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (9) All storm drains shall outlet to a riprap sediment trap designed to collect road sand and debris at the point of discharge.

§ 430-3.5. Drainage construction.

Storm drainage shall be constructed in accordance with the following standards:

- A. Pipe. All storm drainage pipe shall be Class 4 reinforced concrete pipe (RCP) and shall conform to the requirements of Form 815, Section 6.51. Where water is encountered in the pipe trenches, or where the Town shall direct the installation of underdrains, the pipe shall be perforated ACCMP, perforated aluminum pipe, or perforated PVC or CPP and shall conform to the requirements of Form 815, Section 7.51. In general, underdrain shall be installed on the uphill side of the road.
- B. Methods. Storm drainage pipe shall be laid in accordance with the following procedures:
 - (1) Prior to laying pipe, the trench shall be excavated to the required depth, the bottom of which shall be graded to afford a uniformly firm bearing for the pipe throughout its length. Where rock is encountered, it shall be excavated to not less than six inches below the bottom of the trench and this depth shall be refilled with bedding material and thoroughly tamped and shaped. Where the nature of the foundation material is poor, it shall be removed and backfilled with gravel or crushed stone approved by the Town.
 - (2) All pipe shall be carefully laid, true to the lines and grades given, bell end upgrade and with the ends fully entered into the bell ends.
 - (3) Line and grade stakes shall be set by a Connecticut licensed land surveyor or professional engineer and shall be maintained in good order until the work has been inspected and approved by the Town. The use of laser beams is acceptable for maintaining line and grade.
 - (4) In sandy, silty or other soil in which there is a danger of washing or cave-ins, the joints of concrete pipe shall be thoroughly wetted and caulked, or the pipe shall be installed with gaskets.
 - (5) All metal pipe shall be carefully joined and firmly clamped together by approved connecting bands which shall be properly bolted in place before any backfill is placed.
 - (6) The backfill around the pipe and to a depth of at least eight inches on top of pipe shall consist of bedding material, where the drainage pipe is necessary to serve as underdrain for the street or to control the water table, the remainder of the trench may be backfilled with bank-run gravel upon approval of the Town.

- (7) Inlet conditions at all culverts shall be confined to a maximum headwater depth of 1.2 times the diameter of the culvert.
- (8) "Modified riprap" conforming to the requirements of Form 815, Sections 7.03 and M.12.02-3, shall be placed at inlets, outlets, in channel beds at bends or curves as required to prevent scouring, erosion and/or siltation of streams and culverts.
- (9) The inlets and outlets of all exposed drainage culverts shall be protected by reinforced concrete culvert ends, concrete endwalls, and, where necessary, appurtenant wingwalls. All endwalls shall conform to the requirements of Form 815, Section 5.06. All culvert ends shall conform to the requirements of Form 815, Section M.08.01.22.
- (10) Catch basins, manholes, drop inlets, endwalls shall be constructed in accordance with Form 814, Section 5.07.

§ 430-3.6. Sidewalks.

Where sidewalks are to be installed, as determined by the Planning and Zoning Commission, they shall be constructed of portland cement concrete as follows:

- A. Width and location. Sidewalks shall be a minimum of four feet in width and shall be located within the street lines with one edge abutting the property line.
- B. Concrete sidewalks. Portland cement concrete sidewalks shall be laid on a six-inch gravel base conforming to Section M.02.01 of Form 815, tamped and rolled, and shall be constructed of concrete four inches in thickness. Materials shall conform to Form 815, Section M.03.01 for Class A concrete and shall be constructed in accordance with Form 815, Section 9.21.

§ 430-3.7. Miscellaneous.

- A. Street signs. Street name signs shall be installed at all street intersections in locations approved by the Town. Directional and warning signs shall also be installed in locations approved by the Town.
- B. Monuments. Monuments shall be provided on both street right-of-way lines at the beginning and termination of each street and at each deflection or tangent point in between. Monuments shall be made of granite or prestressed concrete and shall be set in place, after all street construction is completed, with the marked point set on the point of reference in accordance with standards of the Connecticut Association of Land Surveyors.
- C. Underground utilities. Electric and telephone lines and facilities in new streets shall be installed underground unless the Planning and Zoning Commission has determined that such underground installation is in

whole or in part inappropriate or infeasible. Wherever possible, such lines and facilities shall not be located under the street pavement. The lines and facilities shall be installed after the street right-of-way has been graded but prior to installation of the base course for the street pavement.

- D. Street trees. In those cases where street trees are to be planted as determined by the Town and/or the Planning and Zoning Commission, such trees shall be planted approximately 50 feet apart on both sides of any street, subject to variations made necessary by driveways, street corners and walks, and shall be located within six feet of the edge of the pavement. Trees to be planted shall be 2 1/2 inches to three inches measured six inches above ground and shall have a minimum height of 10 feet. The species of trees shall be subject to the approval of the Town. Where the trees may interface with utility poles and wires, the Town may permit the location of required trees within the front 10 feet of the abutting lots. Existing trees along the street which conform to these requirements may be substituted for new trees at the discretion of the Town.

§ 430-3.7

WOLCOTT CODE

§ 430-3.7

Chapter 460

WATER MAINS AND SERVICE INSTALLATIONS

ARTICLE I
Definitions

§ 460-1.1. Terms defined.

Unless the context specifically indicates otherwise, the meanings of the terms used herein shall be as follows:

APPLICATION — Written request by a property owner to the Sewer and Water Commission for permission to make connection to a water main and/or to extend water mains. Filing of an application with the Sewer and Water Commission shall constitute agreement by the applicant to pay all fees, charges, rates and assessments adopted by the Commission and on file and to abide by Chapter 346, Article I, Water Main Extensions, of the Town Code and these regulations.

APPURTENANCES — All materials not specifically defined herein but necessary to make water mains and water services functionally complete.

AVERAGE DAILY FLOW (ADF) — The average of daily flows over an annual period.

BOND — Performance and payment bonds and other instruments of security furnished by a contractor and his surety to the Town.

CERTIFICATION — A notarized statement from a supplier that materials furnished were manufactured according to the applicable specifications and approved shop drawings.

COMMERCIAL USE — Any use of a structure as a place for the exchange of commodities, services or commercial recreation activities.

CONTRACTOR — A duly licensed individual, partnership, or corporation or other legal entity approved by the Sewer and Water Commission as such to construct and install water mains and services.

CROSS-CONNECTION — A physical connection (actual or potential) between the distribution system of potable water supply and that of any other water source or system through which backflow can occur. Cross-connections shall be subject to the most recent Connecticut State Department of Public Health public health codes and regulations regarding cross-connections.

CROSS-CONNECTION CONTROL DEVICE — A Connecticut Department of Public Health approved device for cross-connection control of a specific situation.

DEVELOPER — The individual, firm, partnership, or corporation executing the application form for approval of a final site or subdivision plan.

ENGINEER — The Engineer for the Sewer and Water Commission or an individual, firm, partnership, or corporation duly appointed by the Town to undertake the duties and exercise the authority herein conferred upon the Engineer, and also the representatives of said Engineer when acting within and limited by the particular duties and powers assigned to each.

HEALTH DEPARTMENT — The State of Connecticut Department of Public Health and its employees.

INDUSTRIAL USE — Any use of a structure as a place to manufacture, fabricate, repair, build, package, assemble, store, demolish, process or transform the quality or state of any goods.

INSPECTOR — Any employee, agent, or officer of the Town assigned by the Sewer and Water Commission to examine and test material and work furnished by a contractor, to observe the construction of a water main or water service or any appurtenance, to assist the contractor in the clarification of specifications and methods of construction, to make measurements and keep records, to report to the Engineer and Sewer and Water Commission on the performance and progress of the contractor relative to the work, all as and only as instructed by the Engineer and Sewer and Water Commission. No inspector shall act as assistant to or foreman for a contractor. Inspectors shall have no power to waive specifications of these rules and regulations or to otherwise deviate from the original covenants of any agreements or contracts.

INSTANTANEOUS PEAK FLOW — The maximum flow that occurs at any given instant in a water main or water service.

MAIN — A pipe carrying potable water for general distribution and located within a Town right-of-way or property or located within property to become a Town right-of-way or property.

MAXIMUM DAILY FLOW (MDF) — The flow that occurs over a twenty-four-hour period on the day of greatest water use in a given year.

PEAK HOUR FLOW (PHF) — The greatest flow that occurs over a one-hour period in a given year.

PERMIT — The document issued by the Sewer and Water Commission to a contractor authorizing extension of mains or connection of private water service. A permit binds the contractor to the current rules, regulations, standards and specifications of the Commission.

RESIDENTIAL USE — Any use of a structure as the living quarters of any person or group of persons.

SERVICE — The pipe, appurtenances and meter making connection from building plumbing to the main or the pipe and appurtenances from the main to private property for future connection to building plumbing. The meter and portion of the service from the main tap to curb stop, inclusive, becomes the property of the Town when the service is inspected and approved.

SEWER AND WATER COMMISSION or COMMISSION — The Sewer and Water Commission of the Town of Wolcott as provided by ordinances and the Charter of the Town of Wolcott and the General Statutes of the State of Connecticut.

SUBCONTRACTOR — An individual, firm, partnership or corporation approved by the Commission having a direct contract with the contractor

or with any other subcontractor for the extension of mains or installation of services.

SUBDIVISION — As defined in the Subdivision Regulations of the Town.

SUBMITTALS or SHOP DRAWINGS — All drawings, diagrams, illustrations, brochures, catalog cuts, schedules and other data which are prepared by the contractor, subcontractor, manufacturer, supplier, or distributor which illustrate conformance with the specifications contained herein and as amended and showing how specific portions of the work shall be fabricated and installed.

SUPPLIER — Any person, supplier or organization who or which supplies materials or equipment for extension of mains or installation of services, including that fabricated to a special design, but who does not perform labor at the site.

SURETY — The corporate body which is surety on the contractor's bond for the payment of all debts for materials and labor used or employed and for the acceptable performance of the work of extending mains and installing services.

TOWN — The Town of Wolcott, Connecticut or any board, commission, officer, or agent duly authorized to act for it in the premises.

WATER SYSTEM OPERATOR — The qualified individual appointed by the Commission who is responsible for the proper operation, maintenance, record keeping, inspection and cross-connection control for the water distribution system.

ARTICLE II
Applications

§ 460-2.1. Application required.

Any property owner or duly authorized agent must make formal application to the Commission for main extension or service installation. Application forms are available at the Commission office. Upon receipt of the signed application, the water system operator will place the application on the agenda of the next Commission meeting for its review and approval/denial.

§ 460-2.2. Classes of applications.

There are several classes of applications depending upon the type of property use, the size of the project and need for main extensions.

- A. Single residential: service connection for a single-family residential building to a main fronting the property.
- B. Single commercial: service connection for a single commercial building to a main fronting the property.
- C. Single industrial: service connection for a single industrial building to a main fronting the property.
- D. Multifamily residential: service connection for a single multifamily building to a main fronting the property.
- E. Subdivision and multiple industrial/commercial: service connections to a main fronting the property for multiple buildings requiring multiple services and that may also require main extensions onto private property that is planned to become a Town right-of-way.
- F. Subdivision and industrial/commercial requiring main extension: any service type requiring main extensions along a Town right-of-way or property.
- G. Fire service: service connection for a single building to a main fronting the property for the purpose of sprinkler protection and fire protection.

§ 460-2.3. Supportive data.

Each class of application requires that sufficient supportive data about the site, building and water uses be furnished to the Commission in order to adequately evaluate demands, pressures, location, pipe and meter sizes, cross-connection control needs and other pertinent requirements. In addition to the basic application data, the following additional supportive data is required for the following application classes:

- A. Building use description: all service classes.
- B. Fixture count for all buildings on property to be serviced: all service classes except fire service.

- C. Survey site map of property showing date, scale, North arrow, locations of all existing and proposed buildings, property lines, fronting Town roads, address, property-owner-proposed service pipe and meter location, sanitary sewer(s), existing and proposed, storm sewers, existing and proposed, all other existing and proposed utilities, any existing wells, any existing well service pipes, including size and type, and any existing or abandoned septic tanks and leaching fields: all service classes, except that in the case of single residential, single commercial, single industrial and multifamily residential services where survey site maps are not on file at the Town Planning and Zoning Department or Building Department, then a map sketch shall be prepared by the property owner based on the best information available. All new development will require the detailed survey site map to be submitted. The Commission may request a more detailed survey site map for any application if it deems necessary.
- D. Detailed information on nondomestic uses for water such as, but not limited to, manufacturing process water, cooling water, wash-down water, chemical feed and mixing, irrigation and sprinklers: all service classes.
- E. Detailed final site plans for new subdivision, industrial and commercial developments must be submitted to the Sewer and Water Commission for approval prior to final submission to the Town Planning and Zoning Commission. The developer shall submit five copies of the final site plans depicting proposed mains, services, pumping stations, storage tanks and appurtenances at least 45 days prior to a scheduled Sewer and Water Commission meeting. The plans shall contain all of the information required under Subsection C previously described plus the following: The plans shall be at a scale of one inch equals 40 feet, and profiles showing mains, appurtenances and all underground utilities shall be at a scale of one inch equals 40 feet horizontal and one inch equals four feet vertical. The plans, profiles and details shall contain sufficient information, detail and clarity to enable proper review. Any nonstandard construction requirements such as river or stream crossings, pump stations, storage tanks, etc. shall be shown in detail on separate plans. The plans shall contain a suitable title box showing the name of the development, the developer, scale, date and name and address of engineer. Proposed water main extensions, including all appurtenances, shall be shown. The elevation datum must be referenced to National Geodetic Vertical Datum (NGVD = USGS 1929). The plans, profile and detail originals shall be neatly drafted with ink and/or pencil on Mylar base. The plans shall be sealed by a State of Connecticut licensed professional engineer. All changes shall be promptly entered on the plans and resubmitted for review and approval. This data is required for all subdivision and multiple industrial/commercial services and all subdivision and industrial/commercial services requiring main extensions.

- F. Services requiring main extensions in Town rights-of-way or property will require that the developer attend preapplication meetings with the Commission, Town Attorney and Engineer.

§ 460-2.4. Submission.

All service class applications shall be filed with the Commission at least 15 days prior to the next scheduled meeting, except for those stated in § 460-2.3E and F, which require 45 days.

§ 460-2.5. Site inspection.

A filed application entitles the Commission, water system operator, Engineer or their authorized employees and agents to conduct an inspection(s) of the property to evaluate the proposed service. The property owner will be given at least 24 hours' advance notice by phone or in writing prior to inspection. Inspection shall include examination of the interior of any building being serviced. The property owner shall provide the necessary assistance in gaining access for the inspection. Refusal of inspection shall constitute grounds for application denial.

§ 460-2.6. Additional information.

The Commission or its designated agent shall be entitled to require such additional information as it deems necessary to properly and adequately evaluate an application, subject to the current rules, regulations, standards and specifications for water main and water service installations in the Town of Wolcott and subject to current Health Department regulations and codes.

§ 460-2.7. Fees and costs.

The applicant shall pay the required fee at the filing of the application and shall bear the expense of furnishing all supportive data, additional information, and any technical or professional assistance which the Commission requires. The Town shall not be liable for any cost associated with filing and reviewing an application.

ARTICLE III
Compliance Requirements

§ 460-3.1. Review of application for compliance; additional technical review.

The Commission shall make a determination as to whether an application for service complies with its current Rules, Regulations, Standards and Specifications for Water Main and Water Service Installations and complies with current Health Department codes and regulations. The Commission may request outside technical and professional assistance to aid in its review.

§ 460-3.2. Inspection.

Upon issuance of a permit, the Commission or its designated agent shall be notified at least two working days in advance of construction activity. The inspector shall be permitted to inspect the work and materials for conformance at any time during construction. The inspector will notify the contractor of the work requiring inspection. Any pipe or appurtenances shall be uncovered if requested by the inspector at no expense to the Town.

§ 460-3.3. Bonds.

The Commission shall be entitled to require that the contractor furnish performance bonds and payment bonds to ensure that mains, services and appurtenances within Town rights-of-way or within property to become Town rights-of-way be covered against defects in materials and workmanship and be fully paid for when turned over to the Town. The amounts of these bonds shall be set by the Commission and Town Attorney. The bonds shall be filed with the Commission before the permit will be issued. The bonds shall be executed by the contractor as principal and by a surety company satisfactory to the Commission and made out to the Town. The performance and payment bonds shall remain in effect until final acceptance by the Commission that work is complete. The performance bond shall remain in effect for a period of one full year following final acceptance by the Commission. The bond forms used shall be those supplied by the Commission.

§ 460-3.4. Submittals and shop drawings.

The contractor shall be required to furnish the submittals and shop drawings required by the specifications contained herein and as amended. The contractor shall not be permitted to commence with any work until the Commission or its authorized agent has reviewed the submittals and shop drawings and released them for construction.

§ 460-3.5. Certifications.

The contractor shall furnish to the Commission or its authorized agent at the time of material delivery all certifications required by the specifications

contained herein and as amended. No materials shall be installed until the Commission or its authorized agent has reviewed the certifications and released the materials for installation.

§ 460-3.6. Testing.

The contractor shall be required to conduct pressure, leaking and potability testing of all mains installed in the presence of the inspector according to the specifications contained herein and as amended. The Commission may require at its own discretion testing of private service lines. The contractor shall be responsible for repairing and retesting any substandard work.

ARTICLE IV
Private Water Services

§ 460-4.1. Applicability.

This article applies to single residential, single commercial, single industrial, multifamily residential and fire services, where connection is being made to a main fronting the property.

§ 460-4.2. Bonds and insurance.

The contractor shall be required to furnish a performance bond and liability insurance in the amounts required by the Commission for work within Town right-of-way.

§ 460-4.3. Town-furnished materials.

The Town will furnish to the contractor the following materials for services two inches in diameter and smaller: corporation stop, curb stop, curb box with cover and extension stem, meter yoke, meter with remote-read apparatus and check valve. These items will be purchased by the Town and the cost will be reimbursed as part of the permit fee charged the contractor. In the case of services larger than two-inch diameter, the contractor shall furnish all materials according to the specifications contained herein or as amended. The contractor shall purchase the materials from the approved supplier(s) indicated by the water system operator or shall follow the procedures contained in § 460-3.4, Submittals and shop drawings, and § 460-3.5, Certifications, if other suppliers are used.

§ 460-4.4. Inspection.

The contractor shall notify the water system operator as specified previously. The contractor shall call the inspector when the main is uncovered and before the tapping procedure shall commence. Tapping of mains shall not be permitted unless the inspector is present. The inspector shall be present for all work within a Town or state right-of-way, and no work shall be covered unless approved by the inspector. The contractor shall also notify the inspector before the meter or any cross-connection control device is installed. The inspector shall be present while the meter or any cross-connection control device is being installed. No service shall be turned on unless the meter and cross-connection device installations are approved.

§ 460-4.5. Existing wells.

The interconnection of any existing well supply with the Town water supply shall not be permitted. Piping from any well shall not be permitted to enter a building being serviced by the Town water supply unless written permission from the Health Department is given. Appropriate cross-connection control devices and measures will be required for permitted well service to enter a building. The contractor shall uncover the well supply pipe outside the building foundation and cap the end before water service will be activated

to the building. The inspector shall be present while this work is being performed.

§ 460-4.6. Cross-connection control.

The property owner shall be required to correct all cross-connection hazards the inspector identifies. Service will not be activated until the cross-connection hazards are removed and have been approved by the inspector. A preconstruction inspection of all commercial and industrial buildings shall be conducted by the inspector prior to any construction activity.

ARTICLE V

Extension of Water Main in Town Right-of-Way**§ 460-5.1. Restrictions on construction; expenses.**

An individual, firm, corporation or partnership shall not be permitted to install water mains within existing Town rights-of-way. All such work will be designed and constructed by the Commission and its authorized agent, and all expenses shall be recovered from the individual, firm, corporation or partnership.

§ 460-5.2. Approval to extend mains.

The existence of mains nearby does not entitle any individual, firm, corporation or partnership to extension of mains. The Commission will evaluate the water needs for the proposed project and possible service connections along the extended portion and compare it to the limited capacity of the system, along with other planning and economic factors. Evaluation of the proposed extension will be conducted by the Commission and its authorized agent prior to approval or denial of an application. Approval by the Commission is contingent upon acceptance at public hearings for bonding and assessment. A developer is therefore cautioned that final rulings for main extensions along Town rights-of-way will likely be a lengthy process and that there are no guaranties on availability of water. The developer should therefore submit its application very early in the planning process.

§ 460-5.3. Additional planning information.

Along with the information required with the application procedure given in Article II, the following will be required:

- A. Engineering calculations that support computation of proposed and future ADF, MDF, PHF and instantaneous peak flows.
- B. Detailed information on future expansion of facilities.
- C. Information on fire flow requirements.

§ 460-5.4. Funding for extensions.

The individual, firm, corporation or partnership shall be required to reach a legal agreement satisfactory to the Commission and Town Attorney for the complete cost for extension. The cost shall include, but not be limited to, installation, engineering, rights-of-way acquisition, bonding costs and interest, legal fees, construction administration and inspection, permits, testing, disinfection, mains, appurtenances, pumping stations, storage tanks, valves, hydrants, blow-off and air/vacuum manholes and restoration of ground surface and features. The Town reserves the right to incorporate the extension of a water main in a larger contract for water improvements and to collect assessments from all those benefitting from the extension,

including the developer. The developer's assessment will be considered as part of his payments to defray the cost of the extension to his project.

ARTICLE VI

Main Extensions on Private Property**§ 460-6.1. Applicability.**

This article applies to individuals, firms, corporations and partnerships requesting main extensions on their property within areas that will become a Town right-of-way when the project is completed and approved. These include, but are not limited to, subdivisions, industrial parks and commercial developments.

§ 460-6.2. Design and construction.

The applicant shall be responsible for the entire design and construction. The applicant shall provide all of the information required in Article II and shall pay all cost for review by the Commission and the Engineer.

§ 460-6.3. Bonds.

Performance and payment bonds as described in § 460-3.3 are required.

§ 460-6.4. Submittals, shop drawings and certifications.

The contractor shall conform to the requirements of §§ 460-3.4 and 460-3.5.

§ 460-6.5. Inspection; responsibility for costs.

The applicant agrees to pay the entire cost for an inspector appointed by the Commission. The inspector will be on site at all times during the installation of mains, appurtenances, pump stations, storage tanks, etc. Service connections, if installed at a later time, will be subject to inspection. The cost for the service connection inspections shall be included in the individual permit fee applying to each individual service within the project. All work shall be scheduled Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Approval by the inspector shall be required for work outside the specified limits. Premium rates for inspection will be charged for work days exceeding eight hours and work weeks exceeding 40 hours.

§ 460-6.6. Service fittings and meters.

The Commission will furnish the materials described in § 460-4.3 as part of the individual permit fees for each service of two-inch diameter or less within the development.

§ 460-6.7. Individual service permits.

Permits for each service connection within the development shall be required. The contractor installing the service shall apply for the permit and pay the applicable fee.

§ 460-6.8. Construction requirements.

The contractor shall be required to adhere to the approved construction drawings and specifications and the current standards and specifications of the Commission. Changes shall only be permitted subject to written approval by the Engineer.

§ 460-6.9. Testing.

Testing shall be required in accordance with § 460-3.6.

§ 460-6.10. Water turn on.

Only the water system operator or inspector shall be permitted to operate any valve to introduce water into a main or service. All flushing, testing and disinfection shall be conducted under strict supervision of the inspector or water system operator. Water will not be admitted to any part of a system that has not been installed in accordance with the rules, regulations, standards and specifications contained herein and as amended.

§ 460-6.11. Maintenance costs.

Notwithstanding any acceptance of the mains, appurtenances, services, etc. installed, the applicant shall be responsible for the maintenance costs until other related construction has been completed and all of the development has been completed and all of the development has been accepted by the Town. The contractor shall be responsible, for a period of one year following acceptance of the development by the Town, for all repair costs associated with all mains, appurtenances, services, etc. installed.

§ 460-6.12. "As built" drawings.

When the mains, appurtenances, services, etc. as constructed and installed have been approved in writing by the Engineer, then the complete set of construction drawing originals shall be corrected to depict the as-built conditions and shall bear the seal of a Connecticut licensed professional engineer. The approved "as built" drawing Mylar originals shall become the property of the Commission.

§ 460-6.13. Final acceptance.

The Commission will not accept the system until:

- A. The mains, appurtenances, services have been approved in writing by the Engineer;
- B. The "as-built" drawings have been approved and received by the Commission; and
- C. The drainage, other utilities and roadway construction have been completed for the development and accepted by the Town.

ARTICLE VII
Use of Hydrants and Valves

§ 460-7.1. Authorized use.

Only the water system operator or his authorized agent shall be permitted to operate, open and close any curb stop, valve or hydrant that is the property of the Town.

ARTICLE VIII
Cross-Connection Control

§ 460-8.1. General.

All customers are required to comply with the current Health Department codes and regulations regarding cross-connection. The water system operator or his authorized agent shall be permitted access to all parts of any customer's property and building for cross-connection inspection for conformance with the codes and regulations.

§ 460-8.2. Cross-connection violations.

Any customer with a cross-connection violation(s) will be required to take immediate corrective actions at the direction of the water system operator. If the customer fails to correct the violation within seven days of the date of written notification from the water system operator the service will be shut off. The water system operator may, at his own discretion, require immediate corrective action for serious violations or may immediately shut the service off until corrective measures are taken. Service will be restored when violations are corrected in a manner satisfactory to the water system operator and in conformance with the Health Department codes and regulations. The applicable charge will be billed to the customer for service turn-off and turn-on.

§ 460-8.3. Testing.

All cross-connection devices shall be tested in accordance with the current Health Department codes and regulations. The testing shall be performed by a State of Connecticut licensed cross-connection control device tester. Devices shall be tested at time intervals specified by the current Health Department codes and regulations. The water system operator shall be present when testing is performed on any device. The cost for testing and reporting results will be solely at the customer's expense.

§ 460-8.4. Repairs.

The customer will be responsible for repairing or replacing any defective device and the cost thereof. Any repaired or replaced device shall be retested in accordance with § 460-8.3.

ARTICLE IX
Standards and Interpretation

§ 460-9.1. References.

The following abbreviations, publications and standards form a part of this document when referred to; latest versions apply:

- A. ACI - American Concrete Institute.
- B. ANSI - American National Standards Institute.
- C. ASTM - American Society for Testing and Materials.
- D. AWWA - American Water Works Association.
- E. CDOT Form 815 - State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction.
- F. Building Code - State of Connecticut Building Code.
- G. Ten States Standards - recommended standards for water work.

§ 460-9.2. Directions, orders or approval.

When the words "as ordered," "as directed," "as approved," "as permitted" or other similar terms are used in the text of the specifications, they shall apply to the directions, orders or approvals of the Engineer, water system operator, inspector and the Commission or its authorized agent, except where specifically defined.

ARTICLE X
Specifications

§ 460-10.1. Maintenance and protection of traffic.

A. Description.

- (1) The contractor shall keep the roadway under construction open to traffic for the full length of the work and shall provide a sufficient number of travel lanes and pedestrian passways to move that traffic ordinarily using the roadway. The travel lanes and pedestrian passways shall be drained and kept reasonably smooth and in suitable condition at all times in order to provide minimum interference to traffic consistent with the proper prosecution of the work.
- (2) Suitable ingress and egress shall be provided at all times where required for all intersecting roads and for all abutting properties having legal access.

B. Construction methods.

- (1) The contractor shall apply to ConnDOT for a permit to work on state-owned roads. The conditions of the permit shall become part of this specification. The contractor shall obey all applicable state and local regulations regarding maintenance and protection of traffic. Policemen will be used for traffic control purposes as required by the Police Department or permit.
- (2) The contractor shall furnish a sufficient number of signs, barricades, drums, traffic cones and delineators to forewarn traffic of the construction as directed by the inspector, Engineer or water system operator and Police Department.
- (3) The contractor shall also provide such safety measures, pavement markings, warning devices and signs as deemed necessary to safeguard and guide the traveling public through detours. The contractor shall erect, maintain, move, adjust, clean, relocate and store these signs, barricades, drums, traffic cones and delineators when, where and as directed.
- (4) The use of unauthorized or unapproved signs, barricades, drums, traffic cones or delineators will not be permitted.
- (5) All signs in any one signing pattern shall be mounted the same height above the roadway. The contractor shall keep all signs in proper position, clean and legible at all times. Care shall be taken so that weeds, shrubbery, construction materials or equipment, and soil are not allowed to obscure any sign, light or barricade. Signs that do not apply to existing conditions shall be removed or adjusted so that the legend is not visible to approaching traffic.

- (6) The contractor, when ordered, shall remove snow and take care of icy conditions on temporary, new and existing sidewalks on any part of the right-of-way within the limits of the work.
- (7) Snow removal and correction of icy conditions, other than those resulting from the contractor's operations, on uncompleted contracts under traffic, will remain an obligation of others.
- (8) Except as provided in this section, or as permitted, the contractor shall keep all public sidewalks open. On sidewalks open to the public, the contractor shall be responsible for removal of snow and ice and for repairs necessary to obtain safe pedestrian conditions. Pavement broken up during construction shall be removed and replaced and/or patched with bituminous concrete.
- (9) In those instances where the contractor is permitted to eliminate pedestrian access, the contractor shall erect signs to warn pedestrians of the closing. Such signs shall be erected at the nearest street intersection at either end of the sidewalk on which pedestrian access is to be eliminated. Signs shall warn pedestrians of the closing and shall indicate the nearest alternate route of pedestrian passage. In addition, barricades shall be placed to separate areas in which pedestrian access is permitted.
- (10) Elimination of pedestrian access at any area shall be for the length of time and subject to restrictions the Engineer, water system operator or inspector may impose.
- (11) When work is to be done which will not necessitate eliminating pedestrian access but which will temporarily interfere with pedestrian access, adequate signs, barricades and other devices shall be employed to warn pedestrians. During non-working hours, pedestrian detours shall be provided such that pedestrians will not be required to travel in the street or on private property. Work temporarily interfering with pedestrian movement shall be completed and the site cleaned up as quickly as is reasonably possible.
- (12) The contractor shall schedule his operations to cause a minimum of inconvenience to occupants of existing properties within the area of work. Prior to restricting or eliminating vehicular access to any property, the contractor shall give the occupants of the property 24 hours' notice. Thereafter, the contractor shall complete the items of work and restore access as rapidly as is reasonably possible. Restrictions of access shall at all times be subject to approval. At no time shall the contractor prevent pedestrian access to any existing building. Where existing access is eliminated and other access substituted therefor, the substituted access shall be maintained by the contractor to a quality equal to or better than the eliminated access.

§ 460-10.2. Concrete.

- A. Description. This item shall consist of all work necessary for furnishing and placing concrete required by the Standard Drawings,¹⁰⁷ by these specifications, by the Engineer or by the water system operator.
- B. Materials. Materials, proportioning, mixing, curing, testing, forms, placing and details of construction shall conform to the requirements of the current Building Code for Reinforced Concrete, ACI 318, of the American Concrete Institute, as modified or emphasized by the following clauses, and this code is hereby made part of these specifications.
- (1) Concrete.
 - (a) All concrete shall be ready-mixed concrete certified 3,000 pounds per square inch (twenty-eight-day strength) and shall be air-entrained, by using portland cement with the addition of Vinsol NVX, as manufactured by the Hercules Powder Co., or Darex AEA, as manufactured by Dewey and Almy Chemical Division of W. R. Grace Co., to each batch at the mixer.
 - (b) The air-entraining agent shall comply with and be prepared at the time of use in the proportions as defined by the ASTM Standard C 260.
 - (c) The quantity of air-entraining agent and the method or methods of its use shall be such as to produce in freshly mixed concrete not less than 4% nor more than 6% of entrained air as determined by an air meter approved by the Engineer.
 - (2) Cement.
 - (a) The cement used shall conform to the requirements for moderate heat of hardening portland cement of the current ASTM Standard C 150, Type II.
 - (b) High early-strength portland cement may be used in emergencies, but only if permitted by the owner's representative. It shall conform to ASTM Standard C 150, Type III.
 - (3) Coarse aggregate. Coarse aggregate for all reinforced concrete shall be graded from coarse to fine within the following limits:

107Editor's Note: The Standard Drawings are included as an attachment to this chapter.

Sieve Size Square Openings (inches)	Total Percent Passing by Weight Designated Stone Size: 3/4 Stone
1	100%
3/4	90% to 100%
1/2	20% to 50%
3/8	0% to 20%

(4) Proportioning.

(a) Proportioning of concrete mixes shall be based primarily on the cement content and shall be in accordance with the following:

Minimum Cement		
Minimum Compressive Strength at 28 Days (pounds per square inch)	Factor Sacks Cement (94 pounds) Per Cubic Yard Concrete	Maximum Total Water, Including Free Water, in Aggregate Gallons Per Sack Cement
3,000	6.00	5.5

(b) Maximum allowable slump shall be three inches.

(c) The relative proportions of fine and coarse aggregate shall be such as to obtain proper workability and a smooth, dense, homogeneous, plastic mixture, free from segregation, and shall be subject to the approval of the Engineer.

(5) Ready-mixed concrete. Ready-mixed concrete shall conform to ASTM Standard C 94. Mixing time shall not be less than one minute, and concrete shall be discharged into forms within one hour after cement is added to water or aggregates.

(6) Certification and testing. A copy of the last two inspection reports of the mix to be supplied by the Cement and Concrete Reference Laboratory shall be submitted to the Engineer for conformance with the requirements for cement aggregates, concrete mix design, slump, air content and compressive strength.

(7) Forms.

(a) Forms for all exposed concrete surfaces shall be plywood or other form finishing material of equal quality approved by the Engineer. Joints in the forms for exposed surfaces shall be

horizontal, vertical, or parallel to the lines of the work, as directed by the Engineer. Undressed lumber may be used for unexposed surfaces and rough work.

- (b) Before depositing concrete, the inside of forms shall be coated with non-staining mineral oil or other approved material. Where oil is used, it shall be applied before the reinforcement is placed.

C. Construction methods.

(1) Placing concrete.

- (a) Concrete shall be deposited continuously and as rapidly as practicable to prevent segregation. No concrete shall be dropped over five feet. It shall be deposited in such a manner as to maintain a plastic surface, approximately horizontal, until the completion of the unit being poured in order to avoid vertical or inclined pour lines. It shall be placed in layers not over 24 inches deep.
- (b) Before placing fresh concrete on or against concrete which has hardened, the surface of the hardened concrete shall be cleaned of all laitance and loose material, shall be roughened by chipping if a formed surface and shall be saturated with water.

(2) Curing of concrete. All concrete shall be protected for seven days so as to prevent loss of moisture from the surface. Surfaces not remaining in contact with forms or with the earth shall be protected by one of the following methods, or by methods satisfactory to the Engineer:

- (a) Covering with burlap kept continuously wet.
- (b) Covering with a one-inch layer of thoroughly wet sand or sawdust.

(3) Concreting in cold weather.

- (a) All fresh concrete and the materials to be used therein shall be protected from damage by freezing. Except as the Engineer may specifically permit, no concrete shall be poured when the air temperature is below 40° F., nor when there is a forecast of temperature below 40° F. within the 24 hours immediately following the pouring of the concrete. Any concrete poured during cold-weather conditions shall be protected by suitable means so that the surface of the concrete shall not go below 60° F. for a period of five days after placing and below 40° F. for an additional period of nine days. The temperature shall then be lowered only gradually to that of the surrounding

atmosphere at a rate not exceed 1° each hour for the first day and 2° each hour thereafter.

- (b) In cold weather, in order to protect the concrete as stated above, adequate heated enclosures shall be provided. Heating apparatus, such as stoves, salamanders, or preferably steam equipment, shall be as approved by the Engineer. In addition, adequate equipment and means to heat the water and aggregates shall be provided and used as necessary. Water shall be heated to a temperature not over 150° F. Aggregates shall be heated to not less than 50° F. nor more than 100° F. For heating aggregates, the heating apparatus shall be such as to heat the mass uniformly and preclude the possibility of the occurrence of hot spots which will burn the material. The temperature of the mixed concrete shall not be less than 60° F. or more than 80° F. at the time of placing in the form.
- (c) Salt, calcium chloride, other chemicals or materials added to concrete to prevent freezing will not be permitted.

§ 460-10.3. Trench excavation and restoration.

A. Description.

- (1) Trench excavation shall consist of the removal and satisfactory disposal of all materials, the removal of which is necessary for the proper completion of the work, to the dimensions shown on the Standard Drawings¹⁰⁸ or as ordered, backfilling, dewatering and restoration of disturbed surfaces, all in accordance with these specifications.
- (2) Classification. "Rock" shall be defined as rock in definite ledge formation, boulders, or portions of boulders, cement masonry structures, concrete structures, portland cement concrete pavement or base, of 1/2 cubic yard or more in volume, removed as indicated or directed from within the trench excavation.

B. Construction methods. Trench excavation shall be made in conformity with the requirements of the plans or as ordered. The contractor shall furnish and employ such shores, braces, sheeting, pumps, etc. as may be necessary for the protection of property, proper completion of the work and the safety of the public and employees of the contractor and the Town. All bracing, sheeting, etc. shall be removed when no longer required for the construction or safety of the work. The contractor shall contact "Call Before You Dig" prior to any excavation and have all utilities located.

- (1) Excavation.

108Editor's Note: The Standard Drawings are included as an attachment to this chapter.

- (a) Excavation of the trenches in which the pipes, manhole structures and appurtenances are to be constructed shall be made to the lines and grades shown on the Standard Drawings¹⁰⁹ or as directed from time to time. The bottom of the trenches shall be accurately graded and compacted to the lines and grades indicated. The width of trench at and below the top of pipes shall not exceed the widths indicated. The excavation, sheeting and bracing and dewatering operations shall be carried out in such a manner as to prevent the undermining or disturbing of existing pipelines, utilities and structures or any completed construction of this project. Bell holes and depressions for joints shall be dug after the trench bottom has been graded and compacted and shall be such that clearance will be provided between the earth and the bell.
- (b) The contractor shall excavate for the water main a minimum of 60 feet in advance of the end of installed pipe to locate utilities. No more than 100 feet of trench shall be open at any given time.
- (c) Excavation operations adjacent to or around existing structures, pipelines and utilities shall be done manually and in a manner to prevent the disturbance of or damage to the existing structures, pipelines and utilities.
- (d) Where existing utilities or other subsurface facilities adjacent to the excavation or crossing through the excavation require temporary support or protection, such temporary support or protection shall be provided by the contractor. Ample precautionary measures shall be provided to prevent settlement of existing work.
- (e) Existing pavements and base courses shall be carefully cut and removed to the lines indicated in the Standard Drawings¹¹⁰ or as directed, and in a manner to obtain sound, vertical edges; and so as not to disturb or damage existing pavements and base courses which are to remain. Existing pavements and base courses disturbed or damaged beyond the lines indicated shall be restored or replaced by the contractor to match existing pavements and base courses. Existing pavements and base courses to remain shall be protected by the contractor.
- (f) The contractor shall be responsible for keeping all excavated and construction material a safe distance back from the edge of the trenches and excavations, and in such a manner as to avoid overloading the sides of excavations and to prevent slides or cave-ins.

109Editor's Note: The Standard Drawings are included as an attachment to this chapter.

110Editor's Note: The Standard Drawings are included as an attachment to this chapter.

(2) Unsuitable material and unstable trench bottom.

(a) The contractor's attention is directed to the fact that unsuitable materials, such as organic material, peat, silt, or combinations thereof, having unsuitable bearing properties may be encountered at the depths indicated for excavations. If, as the work progresses, unsuitable material is encountered at and below the depths indicated for excavation, the contractor shall notify the inspector, Engineer or water system operator immediately and shall not proceed further until instructions are given. The contractor shall satisfactorily excavate and remove the unsuitable material in accordance with the applicable requirements specified herein, to the lines, grades and limits as directed, and shall satisfactorily dispose of the excavated material off the site. The resulting excavations shall be refilled to the grades established for the pipe, as directed, with thoroughly compacted gravel fill. When groundwater is encountered, 3/4 inch crushed stone shall be used in place of the gravel fill. The gradations for gravel fill and 3/4 inch crushed stone will meet the following requirements:

Square Mesh Sieves	Gravel Fill (percent passing)	3/4" Crushed Stone by Weight
Pass 3 1/2"	100%	—
Pass 1 1/2"	55% to 100%	—
Pass 1"	—	100
Pass 3/4"	—	90 to 100
Pass 1/2"	—	20 to 50
Pass 3/8"	—	0 to 20
Pass 1/4"	25% to 60%	—
Pass #4	—	0 to 5
Pass #10	15% to 45%	—
Pass #40	5% to 25%	—
Pass #100	0% to 10%	—
Pass #200	0% to 5%	—

(b) An unstable trench bottom may exist during dewatering operations in otherwise suitable material. If, as the work progresses, unstable trench bottom is encountered at and below depths indicated for excavation, the contractor shall notify the inspector, Engineer or water system operator immediately. The contractor shall be required to change dewatering procedures or excavate at least one foot below the bottom of pipe to the prescribed trench width and backfill with

3/4 inch crushed stone to the grades established for the pipe or appurtenance.

(3) Dewatering.

(a) Excavations may be below existing groundwater levels. All excavations shall be maintained in a dry condition so that the work shall be constructed in the dry.

(b) The contractor shall construct and maintain all pumps, drains, well points or any other facility for the control, collection and disposal of groundwater or surface water and subsurface water encountered in the performance of the work and provide all pumps, piping and ditching for the removal of water from the trenches and excavations. Any damage to existing work or the contract work resulting from the failure of the dewatering operations of the contractor and any damage resulting from the failure of the contractor to maintain the areas of all work in a suitable dry condition shall be repaired by the contractor as directed. The contractor's pumping and dewatering operations shall be carried out in such a manner that no loss of ground will result from these operations. Precautions shall be taken to protect new and existing work from flooding or damage during storms or from other causes. Pumping shall be continuous where directed and as necessary to protect the work and to maintain satisfactory progress. All pipelines or structures not stable against uplift during construction or prior to completion shall be thoroughly braced or otherwise protected. Water from the trenches, excavations and drainage operations shall be disposed of in such a manner as will neither cause injury to public health nor to public or private property nor to the work completed or to the work in progress. Dewatering of excavations shall be accomplished by approved methods which have a background record of successful dewatering of excavations of the type employed for the work and the subsurface conditions encountered in the work. The contractor shall construct ditches, do all grading, and do all other work as may be necessary to divert and exclude surface water and water from dewatering operations from excavations and work areas.

(4) Cofferdams. Where cofferdams are necessary for the dewatering, control and diversion of water encountered so that the work may be performed in the dry, the contractor shall design, furnish, install, maintain and remove all such cofferdam facilities. Cofferdams shall be safely designed to withstand all imposed loads so as to prevent injury to persons and prevent damage to existing structures and property and the work; they shall be carried to adequate depths to permit a reasonable change in depths of the work to be constructed and of heights to prevent flooding; they shall be as watertight as necessary for the performance of the construction of the work

in the dry; and shall be of such dimensions as to give sufficient clearance for construction and inspection of the work, and to permit installation of dewatered facilities. The contractor shall be solely responsible for the design, construction, adequacy and safety of all cofferdam facilities.

- (5) Diversion of watercourses. The contractor shall be responsible for providing and maintaining all temporary construction, ditching, grading, sheeting and bracing, and appurtenant work for the temporary diverting of watercourses encountered and which is necessary to permit the construction of the work in the dry. The contractor shall be responsible for performing the work in a manner to prevent injury to persons or the public health and to prevent damage to existing work and the construction of new facilities. Upon completion of the permanent construction of the work, the contractor shall remove all temporary construction and shall do all necessary earthwork and grading to restore the areas disturbed by the contractor's operations to their original condition or to such other conditions as indicated or directed.
- (6) Control of surface water and subsurface water. The contractor shall provide all work and facilities necessary for the control of all surface water and subsurface water. Water flows shall not be permitted to flow into or through excavations in which new construction is in progress or which have been partially completed. The contractor shall not restrict or close off the natural flow of water in such a way that ponding or flooding will occur and shall at all times conduct his work in a manner to prevent flooding of public or private property and to prevent damage to public or private property and the new construction by flooding. All damages resulting from flooding and/or restriction of flows shall be the sole responsibility of the contractor.
- (7) Well point drainage. If conditions are such as to require the use of well points, they shall be installed and operated to lower the groundwater level at such portion or portions of the work as necessary.
- (8) Backfilling.
 - (a) After the excavation is completed, the contractor shall notify the inspector, Engineer or water system operator and no pipe, appurtenances, structures or other material shall be placed in the excavated area until the depth of excavation and character of the foundation material have been approved.
 - (b) Suitable material used for backfill shall be of a quality satisfactory to the inspector, Engineer or water system operator and shall be free from large or frozen lumps, wood and other extraneous material. Suitable material removed in making the excavation shall be used for backfill. All surplus

or unsuitable material, rock removed from rock in trench excavation, boulders and pavement material shall be removed and properly disposed of by the contractor.

- (c) Should additional material (borrow) be required for backfilling, it shall be obtained from borrow or gravel pits or elsewhere as the inspector, Engineer or water system operator may allow. Borrow for backfill shall consist of sound, tough, durable particles of crushed or uncrushed gravel, free from soft, thin, elongated or laminated pieces and organic or other deleterious substances. It shall conform to the gradation for gravel fill as described in these specifications.
 - (d) All trench backfilling shall be done with special care and shall be compacted as follows: Fill placed around pipes and structures shall be deposited on both sides to approximately the same elevation at the same time. Rock fill or stones larger than two inches shall not be placed closer than two feet from the pipes on the sides as well as the top. No backfill shall be placed against any structure until permission has been given by the inspector, Engineer or water system operator. Backfill shall be placed and compacted with hand tampers around the water main and appurtenances up to 1/2 the diameter of the pipe. Hand tampers may be used elsewhere to prevent damage to the work as directed.
 - (e) During filling and backfilling operations, pipelines will be checked by the inspector, Engineer or water system operator to determine whether any displacement of the pipe has occurred. If the inspection of the pipelines shows poor alignment, displaced pipe or any other defects, the defects designated shall be remedied in a satisfactory manner by the contractor. From half the pipe diameter and up all backfill shall be placed in layers not to exceed 24 inches in depth after compaction and shall be compacted without damage to the pipe by means of mechanical rammers or vibrators or by pneumatic tampers. Except as otherwise specified or directed, each layer of backfill shall be compacted thoroughly and evenly by at least four passes using approved types of mechanical compacting equipment; each pass of the equipment shall cover the entire area of each layer of backfill. In backfilling trenches, care shall be taken to avoid displacement or damage to pipelines and structures. Any trenches or excavations improperly backfilled or where settlement occurs shall be reopened to the depth required for proper compaction, then refilled and compacted, with the surface restored to the required grade and condition.
- (9) Backfill adjacent to structures. Symmetrical backfill loading shall be maintained. Special care shall be taken to prevent any wedging action or eccentric loading upon or against the structures. During

backfilling operations, care shall be exercised that the equipment used will not overload the structures in passing over and compacting these fills. Machine tamping shall be performed for compaction of backfills over or adjacent to structures. In compacting and other operations, the contractor shall conduct his operations in a manner to prevent damage to structures due to passage of heavy equipment over or adjacent to structures, and any damage thereto shall be made good by the contractor in a manner satisfactory to the inspector, Engineer or water system operator. Backfill adjacent to structures shall be placed in layers not more than 24 inches in loose depth and each layer thoroughly compacted, as approved.

- (10) After backfilling trenches. The contractor shall maintain the trench surfaces in good condition so as to present a smooth surface at all times and level with adjacent undisturbed surfaces. Any subsequent settling over trenches shall be repaired by the contractor immediately in a manner satisfactory to the inspector, Engineer or water system operator and such maintenance shall be provided by the contractor for one year after the acceptance of the work by the Commission or its authorized agent.
- (11) Temporary repairs to roadway. Immediately upon completion of the compacted backfill, a temporary cold or hot bituminous surface course shall be applied and compacted. The layer of bituminous surface course shall measure at least two inches in thickness and shall cover the entire area of pavement removed. At the option of the contractor, subbase required for the permanent repair, as described below, may be laid as a part of the temporary repair. The contractor is responsible for maintaining the temporary repair to grade until permanent repair is made. If the contractor exercises his option of including subbase as a part of the temporary repair, and settlement occurs, the temporary repair will be brought back to grade either by applying additional bituminous material or by removing the originally applied bituminous material, applying and compacting additional subbase and again applying a cold or hot bituminous patch.
- (12) Preparation for roadway pavement replacement. (See Trench Detail.¹¹¹) Upon completion of trench settlement, preparation for permanent repairs shall be made as follows:
 - (a) Remove and dispose of bituminous material used for temporary repair.
 - (b) Remove trench backfill to a depth 19 inches below finished road grade. (This depth may be reduced to nine inches, provided compacted subbase, applied for the temporary repair,

11 Editor's Note: The Trench Detail is included in the Standard Drawings included as an attachment to this chapter.

shall remain for an additional depth of at least 10 inches.) Trench side shall be cut vertically along straight lines and corners squared.

- (c) Subbase, bituminous concrete base course and two-course bituminous concrete surface course shall be placed as required and noted in § 460-10.4 to form a finished pavement over the backfilled trench.
- (13) Preparation of subgrade for paved areas and walks. After the subgrade has been shaped to line, grade and cross-section, it shall be thoroughly compacted. This operation shall include any required reshaping and wetting to obtain proper compaction. All soft or otherwise unsuitable material shall be removed and replaced with suitable material from excavation or borrow, as approved. The resulting area and all other low sections, holes or depressions shall be brought to the required grade with material approved and the entire subgrade shaped to line, grade and cross-section and thoroughly compacted.
- (14) The finished subgrade of the fills and filled excavations and upon which topsoil is to be placed or pavements are to be constructed shall not be disturbed by traffic or other operations and shall be maintained in a satisfactory condition until the finish courses are in place. The storage or stockpiling of materials on finished subgrade will not be permitted.
- (15) Topsoil removed during trench excavation shall be saved and reused as directed.
- (16) Restoration of surfaces other than roadways.
- (a) The contractor shall restore or replace all removed or damaged curbing, driveways, parking areas, sidewalks, gutters, shrubs, fences and other disturbed structures, features and surfaces to a condition equal to that before the work began and to the satisfaction of the inspector, Engineer or water system operator. Where grass lawns have been excavated for the work of this contract, replacement shall include placing a minimum of four inches of topsoil before fertilizing, seeding and mulching. The topsoil shall be furnished from the excavation; and if additional topsoil is required, the contractor shall obtain the necessary amount from other sources. Topsoil shall be free from gravel, roots, refuse, weeds, clods, stones and other deleterious materials and shall also be free from any material that will prevent the formation of a suitable seedbed or prevent seed germination and plant growth. Other disturbed grassed areas shall be cleaned of debris, raked to a depth of two inches and fertilized, seeded and mulched.
 - (b) Fertilizer shall be the commercial product of an approved reputable manufacturer and shall be delivered to the site in

original, unopened containers bearing the manufacturer's name and a statement of analysis. Fertilizer shall contain the following minimum percentages of available plant food by weight: nitrogen, 10%; phosphoric acid, 6%; potash, 4%. Fertilizer shall be applied evenly at the rate of 25 pounds per 1,000 square feet.

- (c) Seed shall be the commercial product of an approved reputable manufacturer and shall be certified to be not more than one year old and of the general proportions, pure live seed:

[1] Kentucky bluegrass: 20%.

[2] Chewings fescue: 50%.

[3] Domestic ryegrass: 20%.

[4] Red top: 10%.

- (d) Seed shall be delivered to the site in original, unopened containers bearing the manufacturer's name and statement of content. Seed shall be applied at a rate of four pounds per 1,000 square feet. Areas seeded shall be mulched with hay or wood fiber mulch unless otherwise ordered. The contractor shall be required to obtain a good stand of grass and maintain it until the end of the maintenance period after completion of the work.

- (17) Protection of existing utilities and structures. Excavation and backfill operations adjacent to existing utilities, structures and construction shall be done in such a manner as will prevent the loss of ground or caving-in of excavations, the undermining, damage or disturbing of existing pipelines, utilities and structures or any completed construction of the project; backfill shall be placed, compacted and done in such a manner as to prevent future settlement and damage to the existing pipelines, utilities or structures or construction. Existing pipelines, utilities or structures or construction of the project damaged due to excavation, backfilling and settlement of the backfill and injury to persons and damage to property occurring as a result of such damage shall be the responsibility of the contractor and shall be made good by the contractor in a manner satisfactory to the inspector, Engineer or water system operator.

§ 460-10.4. Roadway pavement replacement.

- A. Description. Roadway pavement replacement shall consist of all the work necessary for furnishing and placing subbase, bituminous concrete base course, and two-course bituminous concrete surface course on the prepared trench surface to replace pavement over trenches in roadways.

B. Materials.

- (1) Subbase. Materials for this work shall conform to the requirements of CDOT Form 815, Sections M.02.02 and M.02.06. (Grading B shall be used.)
- (2) Bituminous concrete base course. Materials for this work shall conform to the requirements of CDOT Form 815, Section M.04, and shall be bituminous concrete mixture Class 4.
- (3) Bituminous concrete surface course. Materials for this work shall conform to the requirements of CDOT Form 815, Section M.04, and shall be bituminous concrete mixture Class 1.
- (4) Approval of job mix formula. Prior to the use of any bituminous concrete, the job mix formula for each type shall be approved.
 - (a) The contractor shall submit to an approved testing laboratory samples of all proposed ingredients of the bituminous concrete for the performance of all tests required to show compliance with these specifications. The results of tests on ingredients, full information as to source of ingredients, his proposed job mix formula, and Marshall tests results, including density on a minimum of two specimens meeting the proposed job mix formula, shall be submitted to the Engineer by the contractor. If the data submitted shows compliance in all respects with this specification, the Engineer will approve the sources of materials and the job mix formula. Any materials or job mix formula submitted but found unacceptable shall be readjusted to the satisfaction of the Engineer until an approved mix is obtained. The cost of all testing shall be borne by the contractor.
 - (b) If the contractor proposes to use the same plant and the same bituminous concrete that has recently been produced for use by the Connecticut Department of Transportation, and the contractor can submit all data regarding the mix required above, the Engineer may accept this data at his discretion and dispense with the testing required above.

C. Construction methods.

- (1) Subbase. Subbase shall be installed in accordance with the requirements of CDOT Form 815, Subsection 2.12.03.
- (2) Bituminous concrete base course and surface courses.
 - (a) Construct bituminous concrete surface course when atmospheric temperature is above 40° F. (4° C.), and when base is dry. Base course may be placed when air temperature is above 30° F. (-1° C.) and rising.

- (b) All valve boxes, manhole frames and covers, etc. which are required by the inspector, Engineer or water system operator to be flush with the pavement shall be adjusted and so set that they will be flush with the finished grade. The finished surface of new pavement shall match adjacent undisturbed street surfaces at locations where they abut. The existing pavement shall be saw cut to minimum depth of three inches to form an even, continuous edge at a distance of 18 inches back from the trench wall. (See Standard Drawings.¹¹²)
 - (c) General. Place bituminous concrete mixture on prepared surface, spread and strike-off. Spread mixture at a minimum temperature of 225° F. (107° C.). Place inaccessible and small areas by hand. Place each course to required grade, cross-section and compacted thickness.
 - (d) Joints. Make joints between old and new pavements, or between successive days' work, to ensure continuous bond between adjoining work. Construct joints to have same texture, density and smoothness as other sections of asphalt concrete course. Clean contact surfaces and apply tack coat.
 - (e) Rolling. Begin rolling when mixture will bear roller weight without excessive displacement. Compact mixture with hot hand tampers or vibrating plate compactors in areas inaccessible to rollers. After final rolling, do not permit vehicular traffic on pavement until it has cooled and hardened.
- (3) Maintenance of pavement replacement. The contractor shall be required to ensure that pavement replacement will not be damaged by settling, rutting, distortion, cracking, buckling or any other deterioration for a period of one year following completion of the project. At the request of the Commission or its authorized agent, the contractor shall be required to make the necessary repairs to correct damaged pavement placed under this contract, to the satisfaction of the Commission or its authorized agent.

§ 460-10.5. Water mains and appurtenances.

- A. Description. Work under this section shall consist of providing, installing and constructing the following:
- (1) Water mains and fittings.
 - (2) Valves.
 - (3) Hydrants.
 - (4) Air/Vacuum release manholes.

112Editor's Note: The Standard Drawings are included as an attachment to this chapter.

- (5) Blow-off manholes.
- (6) Thrust blocks.
- B. Submittals. Submit manufacturer's data for all water distribution system materials and products.
- C. Inspection. At the discretion of the Engineer or water system operator, all materials furnished by the contractor are subject to inspection and approval at the manufacturer's plant.
 - (1) Inspection upon delivery. All pipe and appurtenances are subject to inspection by the inspector, Engineer or water system operator at the point of delivery. Material found to be defective due to manufacture or damage in shipment shall be rejected or recorded on the bill of lading and removed from the job site. Tests may be required as specified in the applicable AWWA standard to ensure conformance with the standard. In case of failure of the pipe or appurtenance to comply with such specifications, responsibility for replacement of the defective materials becomes that of the manufacturer or contractor.
 - (2) Certifications. Certifications for all water distribution system materials and products shall be furnished before installation shall be permitted.
- D. Handling and storage. All pipe, fittings, valves, hydrants and accessories shall be loaded and unloaded by lifting with hoists or skidding in order to avoid shock or damage. Under no circumstances shall such material be dropped. Pipe handled on skidways shall not be rolled or skidded against pipe on the ground.
 - (1) Padding. Slings, hooks, or pipe tongs shall be padded and used in such a manner as to prevent damage to the exterior surface or internal lining of the pipe.
 - (2) Storage.
 - (a) Materials, if stored, shall be kept safe from damage. The interior of all pipe, fittings, and other appurtenances shall be kept free from dirt or foreign matter at all times. Valves and hydrants shall be drained and stored in a manner that will protect them from damage by freezing.
 - (b) Pipe shall not be stacked higher than the limits shown in Table 1. The bottom tier shall be kept off the ground on timbers, rails or concrete. Pipe in tiers shall be alternated: bell, plain end; bell, plain end. At least two rows of timbers shall be placed between tiers and chocks, affixed to each in order to prevent movement. The timbers shall be large enough to prevent contact between the pipe in adjacent tiers.

- (c) Gaskets for mechanical and push-on joints to be stored shall be placed in a cool location out of direct sunlight. Gaskets shall not come in contact with petroleum products. Gaskets shall be used on a first-in, first-out basis.
- (d) Mechanical-joint bolts shall be handled and stored in such a manner that will ensure proper use with respect to types and sizes.

Table 1	
Maximum Stacking Heights - Ductile-Iron Pipe*	
Nominal Pipe Size (inches)	Number of Tiers
3	18
4	16
6	13
8	11
10	10
12	9
14	8
16	7

* For 18- or 20-foot (5.5- or 6.1-meter) lengths.

E. Materials.

- (1) Water main. Water main pipe shall conform to the requirements of ANSI A21.51/AWWA C151 and shall be cement-lined, Class Thickness 52 and shall be push-on joints with rubber gaskets conforming to the requirements of ANSI A21.11/AWWA C111. The cement-mortar lining shall be standard thickness conforming to the requirements of ANSI A21.4/AWWA C104. Thicker-class pipe shall be provided where required by the Engineer.
- (2) Fittings. Fittings shall be ductile iron conforming to the requirements of ANSI A21.10/AWWA C110 or ANSI A21.53/AWWA C153 and shall be standard thickness cement-mortar lined in accordance with the requirements of ANSI A21.4/AWWA C104. All fittings shall be rated for minimum 250 pounds' working pressure and shall be mechanical joint style fittings conforming to the requirements of ANSI A21.11/AWWA C111.
- (3) Retainer glands. Retainer glands for mechanical joint fittings are to be manufactured from ductile iron (Grade 60-40-10) and shall have bolt circles and bolt holes which permit the glands to be used with standard mechanical joint bells and standard length

bolts conforming to ANSI A21.11/AWWA C111. The set screws shall require no more than 80 foot-pounds of torque when fully tightened. The glands for any size pipe shall have a minimum rated working pressure of 200 pounds per square inch and shall be Underwriters Laboratory listed.

- (4) Hydrants. Fire hydrants shall conform to the requirements of AWWA C502 and shall be catalog number A-423 Centurion Fire Hydrant as manufactured by Mueller Co. Hydrants shall be the "three-way" type comprised of two 2 1/2 inch hose nozzles and one 4 1/2 inch pumper (steamer) nozzle. Nozzles shall be equipped with caps, gasket between cap and nozzle, steel nozzle cap hooks and chains of ample length. Outlet nozzle threads shall conform to ANSI B26. The nozzle cap nut shall be of pentagonal shape in accordance with AWWA C502. The main valve opening at the smallest part shall not be less than 5 1/4 inches in diameter. The inlet connection shall be six-inch inside diameter mechanical joint type. Hydrants shall open when the operating nut is rotated in a clockwise direction. Hydrants shall be painted lemon-yellow.
- (5) Gate valves, three inches through 12 inches. Gate valves shall conform to the requirements of AWWA C509 and shall have mechanical joint ends conforming to the requirements of ANSI 21.11/AWWA C111. Valves shall be resilient-seated, non-rising stem with two-inch square nut and open clockwise. Stem seal shall be O-ring packing designed for renewal under line pressure. An extension for permanent attachment to the buried valve shall be provided for each valve. Length of extensions shall be such that they extend to within six inches of final grade. The top of the extension shall have a two-inch square nut. Valves shall be Model F6100 as manufactured by Clow Corp.
- (6) Valves larger than 12 inches. These valves shall conform to the requirements of AWWA C504 for Class 150B rubber-seated butterfly valves and shall have mechanical joint ends conforming to the requirements of ANSI A21.11/AWWA C111. Valves shall be supplied with manual actuators that open clockwise with a two-inch square nut to operate. The body shall be cast iron conforming to ASTM A126 Grade B. The interior surfaces of the valve body shall be epoxy-coated. The butterfly disc shall be ductile iron. The surface of the disc shall be epoxy-coated prior to assembly of the resilient seat. The body seat ring, disc seat retaining ring, drive shaft and bolts shall be Type 304 stainless steel. O-ring or V-ring seals shall be used to seal the drive shaft at each end. An extension for permanent attachment to the buried valve shall be provided for each valve. Length of extensions shall be such that they extend to six inches of final grade. The top of the extension shall have a two-inch square nut. Valves shall be Groundhog Butterfly Valve as manufactured by Henry Pratt Co.

- (7) Valve boxes. Valve boxes shall be cast iron two piece, Buffalo type, round body, heavy pattern, adjustable of the sliding type with at least ten-inch overlap of top section over the other and with flanged top section. The covers shall have the word "water" cast in the top. Extensions shall be provided where required.
- (8) Air/Vacuum release manhole. The materials for this work shall include the following items:
 - (a) Combination air valve. These valves shall be the type that perform the functions of a small-orifice air release valve as well as the functions of a large-orifice air release and vacuum valve. The valve shall be contained within a single body and shall have two -inch NPT threaded inlet and outlet connections. The valve shall be two-inch Figure No. 940 valve as manufactured by Empire Specialty Co., Inc., Mass, PA.
 - (b) Corporation stop. The corporation stops shall conform to the requirements of AWWA C800 and shall be two-inch AWWA taper CC thread inlet and two-inch IPT thread outlet Type H-9996 as manufactured by Mueller Co.
 - (c) PVC pipe. PVC (polyvinyl chloride) pipe shall conform to ASTM D1785 and shall be Schedule 80. PVC fittings shall be Schedule 80 threaded pipe fittings conforming to ASTM D2464.
 - (d) Manhole. The manhole and elevating rings shall be precast reinforced concrete of the size shown on the Standard Drawings¹¹³ and shall conform to the requirements of ASTM C478. The manhole shall have an eighteen-inch by eighteen-inch square opening cast into the bottom and shall have ladder rungs cast into the walls. O-rings for joints shall conform to the requirements of ASTM C433.
 - (e) Manhole steps. Steps shall be made from forged aluminum alloy Type 6061-T6. The portion imbedded in concrete shall be coated with a suitable bituminous coating.
 - (f) Standard cast iron frame and cover. The frame and cover shall be manufactured from tough, even-grained cast iron free from scale and blisters and conforming to the requirements of ASTM A48 Class 30B. The cover shall have the word "water" as part of the casting in raised letters. The frame and cover shall be Pattern Number 1221 as manufactured by Campbell Foundry Company. Bricks for adjustment of frames shall be whole bricks of good quality with a crushing strength of 5,000 pounds per square inch.

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- (g) Three-fourths-inch crushed stone. Three-fourths-inch crushed stone shall conform to the requirements of § 460-10.3 of these specifications.
 - (9) Blow-off manhole. The materials for this item shall be as follows:
 - (a) Manhole. The manhole shall be the same as § 460-10.5E(8)(d) of these specifications, except no hole shall be cast into the bottom.
 - (b) Manhole step. Steps shall be the same as § 460-10.5E(8)(e) of these specifications.
 - (c) Standard cast iron frame and cover. The frame and cover shall be the same as § 460-10.5E(8)(f) of these specifications.
 - (d) Pipe. Pipe with mechanical joints shall be ductile iron cement-lined, Class 52 pipe conforming to ANSI A21.51/AWWA C151. Mechanical joints shall conform to ANSI A21.11/AWWA C111. Flanged joint pipe shall be Class 53 ductile iron, cement-lined conforming to ANSI A21.15/AWWA C115.
 - (e) Fittings. Fittings shall be flanged ductile iron or gray cast iron conforming to the requirements of ANSI A21.11/AWWA C111 and shall be cement-lined in accordance with the requirements of ANSI A21.4/AWWA C104. All fittings shall be rated for minimum 250 pounds per square inch working pressure.
 - (f) Gate valves. Gate valves shall conform to the requirements of § 460-10.5E(5) of these specifications.
 - (g) Retainer glands. Retainer glands shall conform to the requirements of § 460-10.5E(3) of these specifications.
 - (h) Valve box. The valve box shall conform to the requirements of § 460-10.5E(7) of these specifications.
 - (i) Flap valve. The eight-inch flap valve shall be cast iron body, bronze-mounted with bronze hinge pin, flap ring and seat ring and shall be Model A-2540-6 (flanged end) as manufactured by Troy Valve, Troy, PA.
 - (10) Polyethylene encasement for water mains. Polyethylene encasement shall conform to ANSI A21.5/AWWA C105. Polyethylene film shall be eight-mil thickness.
 - (11) Thrust blocks. Concrete for thrust blocks shall conform to the requirements of § 460-10.2, Concrete, of these specifications.
- F. Construction methods.
- (1) Alignment and grade.

- (a) The water mains shall be laid and maintained to lines and grades established by the plans, Standard Drawings¹¹⁴ and specifications with fittings, valves, tapped or bossed outlets and hydrants at the required locations unless otherwise approved. Valve-operating stems shall be oriented in a manner to allow proper operation. Main shall be installed with a minimum of four feet six inches of cover measured from top of pipe to finished grade.
 - (b) When obstructions that are not shown on the plans are encountered during the progress of work and interfere so that an alteration of the plans is required, the Engineer or water system operator will alter the plans or order a deviation in line and grade or the contractor shall arrange for removal, relocation or reconstruction of the obstructions.
 - (c) When crossing existing pipelines or other structures, alignment and grade shall be adjusted as necessary, with the approval of the inspector, Engineer or water system operator, to provide clearance as required by federal, state and local regulations or as deemed necessary by the inspector, Engineer or water system operator to prevent future damage or contamination of either structure.
- (2) Water main installation.
- (a) Proper implements, tools and facilities shall be provided and used for the safe and convenient performance of the work. All pipe, fittings, valves and hydrants shall be lowered carefully into the trench by means of a derrick, ropes or other suitable tools or equipment in such a manner as to prevent damage to water main materials and protective coatings and linings. Under no circumstances shall water main materials be dropped or dumped into the trench.
 - (b) All pipe, fittings, valves, hydrants and other appurtenances shall be examined carefully for damage and other defects immediately before installation. Defective materials shall be marked and held for inspection by the inspector, Engineer or water system operator, who may prescribe corrective repairs or reject the materials.
 - (c) All lumps, blisters and excess coating shall be removed from the socket and plain ends of each pipe, and the outside of the plain end and the inside of the bell shall be wiped clean and dry and be free from dirt, sand, grit or any foreign materials before the pipe is laid.

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- (d) Foreign material shall be prevented from entering the pipe while it is being placed in the trench. No debris, tools, clothing or other materials shall be placed in the pipe at any time.
 - (e) As each length of pipe is placed in the trench, the joint shall be assembled and the pipe brought to correct line and grade. The pipe shall be secured in place with approved backfill material.
 - (f) At times when pipe laying is not in progress, the open ends of pipe shall be closed by a watertight plug or other means approved. The plug shall be fitted with a means for venting. When practical, the plug shall remain in place until the trench is pumped completely dry. Care must be taken to prevent pipe flotation should the trench fill with water. Prior to removal of the plug for extending the line or for any other reason, air and/or water pressure in the line shall be released.
- (3) Water main joint assembly.
- (a) Push-on joints.
 - [1] Thoroughly clean the groove and bell socket and insert the gasket, making sure that it faces the proper direction and that it is correctly seated. After cleaning dirt or foreign material from the plain end, apply lubricant in accordance with the pipe manufacturer's recommendations. The lubricant is supplied in sterile cans. Contaminated lubricant shall be discarded.
 - [2] The contractor shall ensure that the plain end is beveled; square or sharp edges may damage or dislodge the gasket and cause a leak. When pipe is cut in the field, bevel the plain end with a heavy file or grinder to remove all sharp edges. Push the plain end into the bell of the pipe. Keep the joint straight while pushing. Make deflection after the joint is assembled. Small pipe can be pushed into the bell socket with a long bar. Large pipe requires additional power, such as a jack, lever puller or backhoe. A timber header should be used between the pipe and jack or backhoe bucket to avoid damage to the pipe.
 - (b) Mechanical joints. Wipe clean the socket and the plain end. The plain end, socket and gasket should be washed with a soap solution to improve gasket seating. Place the gland on the plain end with the lip extension toward the plain end, followed by the gasket with the narrow edge of the gasket toward the plain end. An approved retainer gland shall be substituted for the standard gland when the joint is at a fitting, valve, hydrant or when requested by the inspector, Engineer or water system operator. Insert the pipe into the socket and press the gasket firmly and evenly into the gasket recess. Keep the joint straight during assembly. Make deflection after

joint assembly but before tightening bolts. Push the gland or retainer gland toward the socket and center it around the pipe with the gland lip against the gasket. Insert bolts and hand tighten nuts. Tighten the bolts to the normal range of bolt torque as indicated in Table 2 while at all times maintaining approximately the same distance between the gland and the face of the flange at all points around the socket. This can be accomplished by partially tightening the bottom bolt first, then the top bolt, next the bolts at either side, finally the remaining bolts. Repeat the process until all bolts are within the appropriate range of torque. Retainer gland set screws shall be tightened per the manufacturer's recommended procedure, but in no case shall the set screws be tightened to greater than 80 foot-pounds of torque. Set screws shall be tightened only after the joint has been completely assembled and the bolts tightened.

Table 2		
Mechanical Joint Bolt Torque		
Pipe Size (inches)	Bolt Size (inch)	Range of Torque [foot-pound (N-M)]
3	5/8	45 to 60 (61 to 81)
4 to 24	3/4	75 to 90 (102 to 122)

- (4) Water main joint deflection.
 - (a) When it is necessary to deflect pipe from a straight line in either the horizontal or vertical plane, the amount of joint deflection shall not exceed that shown in Table 3 or 4. The deflections listed are maximum deflections and should not be exceeded.

Table 3					
Maximum Joint Deflection* Full-Length Pipe-Push-On-Type Joint					
		Maximum Offset		Approximate Radius of Curve Produced by Succession of Joints	
		(inches)		(feet)	
Nominal Pipe Size	Deflection Angle	18-foot length	20-foot length	18-foot length	20-foot length
(inches)	(degrees)				
3	5°	19	21	205	230
4	5°	19	21	205	230
6	5°	19	21	205	230
8	5°	19	21	205	230
10	5°	19	21	205	230
12	5°	19	21	205	230
14	3°*	11	12	340	380
16	3°*	11	12	340	380

* For 14-inch and larger push-on joints, maximum deflection angle may be larger than shown above. Consult manufacturer.

Table 4
Maximum Joint Deflection Full-Length Pipe-Mechanical-Joint Pipe

Nominal Pipe Size (inches)	Deflection Angle (degrees)	Maximum Offset (inches)		Approximate Radius of Curve Produced by Succession of Joints (feet)	
		18-Foot Length	20-Foot Length	18-Foot Length	20-Foot Length
3	8° to 18°	31	35	125	140
4	8° to 18°	31	35	125	140
6	7° to 07°	27	30	145	160
8	5° to 21°	20	22	195	220
10	5° to 21°	20	22	195	220
12	5° to 21°	20	22	195	220
14	3° to 35°	13 1/2	15	285	320
16	3° to 35°	13 1/2	15	285	320

- (5) Water main pipe cutting. Cutting pipe for insertion of valves, fittings, or closure pieces shall be done in conformance with all safety recommendations of the manufacturer of the cutting equipment. Cutting shall be done in a safe, workmanlike manner without creating damage to the pipe or cement-mortar lining. Ductile-iron pipe may be cut using an abrasive pipe saw, rotary wheelcutter, guillotine pipe saw, milling wheel saw, or oxyacetylene torch. Cut ends and rough edges shall be ground smooth, and for push-on joint connections, the cut end shall be beveled.
- (6) Polyethylene encasement. When the presence of aggressive soil is identified, the inspector, engineer or water system operator may require polyethylene encasement of water mains to be furnished and installed by the contractor. The encasement shall be installed in accordance with Section 5.4 of ANSI A21.5/AWWA C105.
- (7) Valve and fitting installation.
 - (a) Prior to installation, valves shall be inspected by the inspector, engineer or water system operator for direction of opening, number of turns to open, freedom of operation, tightness of pressure-containing bolting and test plugs, cleanliness of valve

ports and, especially, seating surfaces, handling damage, and cracks. Defective valves shall be corrected or replaced. Valves shall be closed before being installed.

- (b) Valves, fittings, plugs and caps shall be set and joined to the pipe in the manner specified in Subsection F(2), (3), (4) and (5) of this section for cleaning, laying and joining pipe, except that twelve-inch and larger valves should be provided with special support, such as treated timbers, crushed stone, concrete pads, or a sufficiently tamped trench bottom so that the pipe will not be required to support the weight of the valve. Valves shall be installed in the closed position.
 - (c) A valve box shall be installed for every valve. The valve box shall not transmit shock or stress to the valve and shall be centered over the operating nut of the valve, with the box cover flush with the surface of the finished ground surface. Extension risers shall be installed on every valve and set with the operating nut within six inches of finished grade.
 - (d) In no case shall valves be used to bring misaligned pipe into alignment during installation. Pipe shall be supported in such a manner as to prevent stress on the valve. All dead ends on new mains shall be closed with plugs or caps that are suitably restrained to prevent blowing off under test pressure.
- (8) Hydrant installation. Prior to installation, the Inspector, Engineer or Water System Operator shall inspect all hydrants for direction of opening, nozzle threading, operating-nut and cap-nut dimensions, tightness of pressure-containing bolting, cleanliness of inlet elbow, handling damage and cracks. Defective hydrants shall be corrected or replaced.
- (a) All hydrants shall stand plumb and shall have their nozzles parallel with, or at right angles to, the curb, with pumper nozzle facing the curb. Hydrants shall be set to the established grade, with the center line of the lowest nozzle 18 inches above the ground or as directed. Each hydrant shall be connected to the main with a six-inch branch controlled by an independent six-inch valve.
 - (b) A hydrant warning plate as shown on the Standard Drawings¹¹⁵ shall be furnished and installed immediately after each hydrant is installed. When the water main is placed in service the warning plate shall be removed.
 - (c) When a hydrant is set in soil that is pervious, drainage shall be provided at the base of the hydrant by placing 1/3 cubic yard of 3/4 inch crushed stone to at least six inches above the drain port opening in the hydrant and to a distance of two feet

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around the elbow. A layer of eight-mil polyethylene sheeting shall be placed on top of the crushed stone prior to backfilling. Where groundwater rises above the drain port or when the hydrant is located within 10 feet of a sanitary sewer main, the drain port shall be plugged and no crushed stone installed. The top of the hydrant shall be painted fire hydrant red and a two-inch-diameter red anodized aluminum tag engraved with the words "hydrant must be pumped out after use" shall be attached to the pumper nozzle chain.

- (d) Hydrants shall be located as shown on the plans or as directed.
 - (e) After installation and before backfilling, the contractor shall apply a pressure test to both the hydrant seat and barrel to make sure that all joints are pressure tight, operate to full position open and closed to check operation and valve shut off. The contractor shall check hydrants for drainage by removing nozzle cap and placing palm of hand over nozzle outlet. Drainage rate should be sufficiently rapid to create a suction. After backfilling, operate the hydrant to flush out foreign material. The inspector, Engineer or water system operator shall be present during hydrant testing. A defective hydrant installation shall be corrected or replaced as directed.
 - (f) Tighten nozzle caps and back off on threads slightly so that the caps will not be excessively tight, but leave sufficient frictional resistance to prevent removal by hand.
- (9) Thrust restraint.
- (a) Hydrants. The bowl of each hydrant shall be well braced against a sufficient area of unexcavated earth at the end of the trench with a concrete thrust block. All joints from main to hydrant elbow, inclusive, shall be installed with retainer glands.
 - (b) Fittings. All plugs, caps, tees and bends, unless otherwise specified, shall be installed with concrete thrust blocks as shown on the Standard Drawings.¹¹⁶ The joints on fittings shall be installed with retainer glands.
- (10) Flushing. Foreign material left in the pipelines during installation often results in valve or hydrant seat leakage during pressure tests. Every effort shall be made to keep lines clean during installation. Thorough flushing is recommended prior to a pressure test; flushing should be accomplished by partially opening and closing valves and hydrants several times under expected line pressure with flow velocities adequate to flush foreign material out of the valves and hydrants.

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- (11) Blow-off manhole and air/vacuum release manhole installation. These items shall be installed as shown on the Standard Drawings¹¹⁷ or as directed. Blow-off drains shall not be connected to any sewer, submerged in any stream or installed in a manner that will permit backsiphonage into the water system. All openings shall be preformed to accept necessary pipes. All annular spaces around pipes and manhole joints shall be sealed watertight. Manhole frames and covers shall be set flush with the surrounding finished grade. Flange joints shall be installed so that faces bear uniformly on the gasket and bolts shall be tightened uniformly.
- (12) Concrete encasement, joint encasement and concrete cradle. Pipe encased in concrete or supported by a concrete cradle shall be temporarily supported by means of precast or poured-in-place concrete blocks or bricks on the prepared bottom of the trench or excavation. Temporary supports shall have minimum dimensions and shall support the pipe at not more than two locations, one adjacent to each end of each length of pipe. After jointing of the pipe has been completed, concrete shall be uniformly poured beneath and on both sides of the pipe. For concrete cradles, sufficient concrete shall be placed to provide support for at least the bottom quadrant of the pipe; for pipe encasement, sufficient concrete shall be used so that the encasement is at least six inches thick at all points. The concrete shall be of such consistency as to permit its flow without excessive rodding to all required points around the pipe surface. Unless required or permitted by the inspector, Engineer or water system operator, the width of cradle or encasement shall be such as to fill the trench width completely. The placing of concrete shall be done in such a manner that the grade and alignment the pipe will not be disturbed. Special provisions shall be taken to prevent flotation of the pipe during placement of the concrete.
- G. Hydrostatic testing. The following procedures are for pressure and leakage tests of water main. Test shall be conducted between valved sections. When, in the opinion of the inspector, Engineer or water system operator, local conditions require that trenches be backfilled immediately after pipe has been laid, the pressure test may be made after backfilling has been completed, but before permanent pavement replacement. A test shall be made only after part or all backfilling has been completed and at least 36 hours after the last concrete thrust block has been cast with high early-strength concrete or at least seven days after the last concrete thrust block has been cast with standard concrete.
- (1) Pressurization. Each valved section of pipe shall be filled with water slowly and the specified test pressure, based on the elevation of the lowest point of the line or section under test and corrected

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to the elevation of the test gauge, shall be applied by means of a pump connected to the pipe in a manner satisfactory to the inspector, Engineer or water system operator. Valves shall not be operated in either the opening or closing direction at differential pressures above the rated pressure. The pipe shall be filled and kept full for a period of not less than 24 hours preceding the test. Unless otherwise specified, the test pressure shall be 1.5 times the working pressure.

- (2) Air removal. Before applying the specified test pressure, air shall be expelled completely from the pipe, valves and hydrants. If permanent air vents are not located at all high points, the contractor shall install corporation cocks at such points so that the air can be expelled as the line is filled with water. After all the air has been expelled, the corporation cocks shall be closed and the test pressure applied. At the conclusion of the pressure test, the corporation cocks shall be removed and plugged or left in place at the discretion of the inspector, Engineer or water system operator.
- (3) Pressure test examination. Any exposed pipe, fittings, valves, hydrants and joints shall be examined carefully during the test. Any damage or defective pipe, fittings, valves or hydrants that are discovered following the pressure test shall be repaired or replaced with sound material, and the test shall be repeated until it is satisfactory to the inspector, Engineer or water system operator.
- (4) Pressure test restrictions. Test pressures shall:
 - (a) Not be less than 1.25 times the working pressure at the highest point along the test section.
 - (b) Not exceed pipe or thrust-restraint design pressures.
 - (c) Be of at least two-hour duration.
 - (d) Not vary by more than \pm five pounds per square inch (0.35 Bar) for the duration of the test.
 - (e) Not exceed twice the rated pressure of the valves or hydrants when the pressure boundary of the test section includes closed gate valves or hydrants. Note: Valves shall not be operated in either direction at differential pressure exceeding the rated pressure.
 - (f) Not exceed the rated pressure of the valves when the pressure boundary of the test section includes closed, resilient-sealed gate valves or butterfly valves.
- (5) Leakage test. The leakage test shall be conducted concurrently with the pressure test and shall be run for a minimum four-hour continuous period.

- (a) Leakage defined. "Leakage" shall be defined as the quantity of water that must be supplied into the newly laid pipe, or any valved section thereof, to maintain pressure within five pounds per square inch (0.35 Bar) of the specified test pressure after the air in the pipeline has been expelled and the pipe has been filled with water. Leakage shall not be measured by a drop in pressure in a test section over a period of time.
- (b) Allowable leakage.

[1] No pipe installation will be accepted if the leakage is greater than that determined by the following formula:

$$L = S \cdot D \cdot (\text{Square Root of } P) / 133,200$$

in which L is the allowable leakage, in gallons per hour; S is the length of pipe tested, in feet; D is the nominal diameter of the pipe, in inches; and P is the average test pressure during the leakage test, in pounds per square inch gauge. This formula is based on an allowable leakage of 11.65 gallons per day, per mile, per inch nominal diameter at a pressure of 150 pounds per square inch. Allowable leakage at various pressures is shown in Table 5.

Table 5								
Allowable Leakage per 1,000 feet of Pipeline*								
(gallons per hour)								
Nominal Pipe Diameter								
(inches)								
Average Test Pressure								
(pounds per square inch)	3	4	6	8	10	12	14	16
450	0.48	0.64	0.95	1.27	1.59	1.91	2.23	2.55
400	0.45	0.60	0.90	1.20	1.50	1.80	2.10	2.40
350	0.42	0.56	0.84	1.12	1.40	1.69	1.97	2.25
300	0.39	0.52	0.78	1.04	1.30	1.56	1.82	2.08
275	0.37	0.50	0.75	1.00	1.24	1.49	1.74	1.99
250	0.36	0.47	0.71	0.95	1.19	1.42	1.66	1.90
225	0.34	0.45	0.68	0.90	1.13	1.35	1.58	1.80
200	0.32	0.43	0.64	0.85	1.06	1.28	1.48	1.70
175	0.30	0.40	0.59	0.80	0.99	1.19	1.39	1.59

Table 5								
Allowable Leakage per 1,000 feet of Pipeline*								
(gallons per hour)								
Nominal Pipe Diameter								
(inches)								
Average Test Pressure								
(pounds per square inch)	3	4	6	8	10	12	14	16
150	0.28	0.37	0.55	0.74	0.92	1.10	1.29	1.47
125	0.25	0.34	0.50	0.67	0.84	1.01	1.18	1.34
100	0.23	0.30	0.45	0.60	0.75	0.90	1.05	1.20

Note:

* If the pipeline under test contains sections of various diameters, the allowable leakage will be the sum of the computed leakage for each size.

[2] When testing against closed metal-seated valves, an additional leakage per closed valve of 0.0078 gallon/hour/ inch of nominal valve size shall be allowed.

[3] When hydrants are in the test section, the test shall be made against the closed hydrant.

(6) Acceptance of installation.

(a) Acceptance shall be determined on the basis of allowable leakage. If any test of pipe laid discloses leakage greater than that specified in § 460-10.5G(5) of these specifications, the contractor shall, at his own expense, locate and make repairs as necessary until the leakage is within the specified allowance.

(b) All visible leaks are to be repaired, regardless of the amount of leakage. Any defective joints shall be immediately repaired, and any cracked or otherwise defective pipe shall be replaced by the contractor and the test procedure repeated.

(7) Equipment for testing.

(a) The contractor shall make all necessary arrangements to obtain, supply, furnish all pumps, piping, hose, gauges, installing corporation cocks, if necessary, etc., and remove same, except corporation cocks, when work is completed.

- (b) The meter equipment and gauges shall be tested for accuracy by the manufacturer prior to shipping, and written certification shall be given to the inspector, Engineer or water system operator.
- H. Water mains. After the hydrostatic test has been performed and the installation accepted, the water mains shall be flushed and disinfected in accordance with the requirements of AWWA C651 and as follows:
- (1) Disinfection solution shall be prepared using calcium hypochlorite in granular form. Tablets shall not be used.
 - (2) The continuous-feed method shall be used.
 - (3) Flushing and disinfection shall be conducted only at times approved.
 - (4) Water for flushing and disinfection shall be introduced into the main only at locations and by methods approved.
 - (5) Flushing water shall be drained only at locations and by methods approved. The contractor shall neutralize residual chlorine in flush water in accordance with the requirements of AWWA C651, Appendix B, if required by the Engineer or water system operator.
 - (6) Disinfection solution shall be introduced into the water main through a tap no more than 10 feet downstream from the beginning of the new water main. The solution shall be introduced by a chemical feed pump designed for this purpose.
 - (7) Taps installed for bleeding air at dead ends and other points shall be tightly plugged after disinfection and testing is complete.
 - (8) Chlorine residual measurements shall be made at locations and times required by the inspector, Engineer or water system operator.
 - (9) After the main has been flushed and the chlorine concentration of the water leaving the main is no greater than that generally prevailing in the system or is acceptable for domestic use, samples shall be taken by the contractor for bacteriological tests and under the supervision of the inspector, Engineer or water system operator. The samples shall be given to the inspector, Engineer or water system operator for delivery to a State of Connecticut Department of Public Health (DOPH) approved laboratory. The contractor shall be responsible for the cost of the tests.
 - (10) The main shall be placed in service only if the bacteriological test results meet the DOPH standards for potable water. Failing tests will require the contractor repeat the entire procedure for disinfecting water mains.

§ 460-10.6. Water services.

- A. Description. The work under this section consists of furnishing and installing water services and abandoning contaminated wells if required by the Commission.
- B. Submittals. Submit manufacturer's data for all water service materials and products.
- C. Inspection.
- (1) At the discretion of the Engineer or water system operator, all materials are subject to inspection and approval at the manufacturer's plants. All pipe, valves, fittings, meters and appurtenances are subject to inspection at the point of delivery. Material found to be defective due to manufacture or damage in shipment shall be rejected or recorded on the bill of lading and removed from the job site. The contractor shall be required to perform tests as specified in the applicable AWWA standard to ensure conformance with the standard when requested. In case of failure of the materials to comply with such specifications, responsibility for replacement of the defective materials becomes that of the manufacturer or contractor.
 - (2) All pipe and appurtenances shall be installed and joined in conformance with this standard and tested under pressure for defects and leaks.
- D. Handling and storage. Materials, if stored, shall be kept safe from damage. The interior of all pipe fittings, valves, meters and other appurtenances shall be kept free from dirt or foreign matter at all times.
- E. Certification. Certifications for all water service materials and products shall be furnished and approved prior to installation.
- F. Materials.
- (1) Corporation stops. Corporation stops shall be Catalog Number H-15000 with straight coupling nut as manufactured by Mueller Co.
 - (2) Curb stops. Curb stops shall be Catalog Number H-15214 Mark II Oriseal Valve as manufactured by Mueller Co.
 - (3) Curb boxes. Curb boxes shall be cast iron of the extension type with stationary rod and arch base. For curb stops one inch and smaller, curb boxes shall be Catalog Number H-10334 as manufactured by Mueller Co. For curb stops larger than one inch, curb boxes shall be Catalog Number H-10336 as manufactured by Mueller Co.
 - (4) Gate valves. Gate valves for services larger than two-inch diameter shall conform to the requirements of § 460-10.5E(5) of these specifications.

- (5) Valve boxes. Valve boxes for valves larger than two-inch diameter shall conform to the requirements of § 460-10.5E(6) of these specifications.
- (6) Service pipe and fittings.
 - (a) Services two inches and smaller. Pipe shall be seamless soft copper tubing conforming to the requirements of ASTM B88 for Type K. Fittings shall be cast bronze of the flared tube type, compression type or pack type. The bronze shall contain approximately 85% copper, 5% tin, 5% lead and 5% zinc.
 - (b) Services larger than two inches. Pipe shall be cement-lined ductile iron Class 52 thickness conforming to the requirements of § 460-10.5E(1) of these specifications. Fittings shall be ductile iron conforming to the requirements of § 460-10.5E(2) of these specifications. Retainer glands shall conform to § 460-10.5E(3) of these specifications.
- (7) Water meters. Meter shall be new, not rebuilt or reconditioned and shall conform to the requirements of AWWA C700, Standard for Cold Water Meters - Displacement Type, and shall be of the size shown on the contract drawings. Meters shall be equipped with encoder-type remote registration systems conforming to AWWA C707. Meters 3/4 inch by one inch and smaller shall be the SRII type with bronze bonnet, lid and bottom plate as manufactured by Rockwell International. Meters one inch through two inches shall be the SR type with "Rocksyn" measuring chamber and bronze bottom plate as manufactured by Rockwell International. Every meter shall be equipped with the following as manufactured by Rockwell International: a "Touch Read System (ECR)" electronic communications register, a "Touch Read System" remote touch pad and sufficient length of two conductor cable to install touch pad where directed by the inspector, Engineer or water system operator. Meter registration shall be as specified by the water system operator or Engineer.
- (8) Check valves. Every service for domestic water use shall be supplied with a check valve located at the meter and shall be Catalog H-14243 or H-14241 or H-14242 or H-14244 as manufactured by Mueller Co.
- (9) Meter yokes. Every meter one inch and smaller shall be supplied with a meter yoke for setting the meter. The yoke shall be copper type suitable for a specific installation and shall be manufactured by Mueller Co.
- (10) Plumbing inside buildings.
 - (a) Pipe shall be copper tubing Type L conforming to the requirements of ASTM B88. Fittings shall be all copper of the solder type except unions which shall be bronze. Valves

shall be bronze gate valves rated for 200 psi working pressure with wheel handle, solid wedge type, and shall be Catalog No. H-10914 as manufactured by Mueller Co. or approved equal. Solder shall not contain any lead.

- (b) Other plumbing fittings or adapters required to match existing plumbing shall be of equal quality to the existing and shall be approved for use by the State of Connecticut Building Code.
- (11) Well abandonment grout. Grout shall conform to the requirements of CDOT Form 815, Section M.03.01-12, or approved equal design that meets the requirements of the State of Connecticut Well Drilling Board regulations for well abandonment.

G. Construction methods.

(1) General.

- (a) Water services shall be installed only in the locations shown on the approved application site map or as directed. Services shall be installed by the open cut method. All fittings, couplings, pipe and valves shall be assembled in the dry. Contaminants, debris or any foreign substance shall not be permitted to enter the service pipe, fittings or connection.
 - (b) The contractor shall have completed and accepted enough of each service connection to supply a building with potable water before abandoning or disconnecting the well. All well piping shall be uncovered and capped outside the building foundation wall unless otherwise permitted by the Commission. No well pipe shall enter the building.
- (2) Service taps, two-inch or smaller services. Corporation stops may be installed either before or after water main installation. Corporation stops shall be located at the angle shown on the detail in the Standard Drawings.¹¹⁸ Taps shall be made with a standard tapping machine, using a sharp tap, the threads of which shall have the same taper as the taper of the threads on the corporation stop. The size of the corporation stop shall be equal to the size of the service as shown on the Standard Drawings. The male threads of the corporation stop shall be wrapped with two layers of three-mil TFE tape before screwing into the tapped hole.
- (3) Service lines, two-inch or smaller. All cuts in copper tubing shall be made by a ring-type cutter, and any rough or abraded ends shall be filed smooth. Tubing shall be installed in such a manner as to prevent crushing, crimping or kinking, and any damaged pipe or fittings shall be replaced as directed. Fittings shall be installed in such a manner as to prevent leakage or damage to the tubing or

118Editor's Note: The Standard Drawings are included as an attachment to this chapter.

fitting. Service lines shall be installed in the location shown on the approved application site map or as directed.

- (4) Curb stops and curb boxes. Curb stops and curb boxes shall be installed plumb as shown on the Standard Drawings or as directed. Curb boxes shall fit completely over the curb stop and shall be set firmly on solid concrete catch basin blocks so that the weight of the box does not bear directly on the curb stop. Stationary rods shall be attached to all curb stop keys and shall extend to within six inches of finish grade. The top of the curb box cover shall be set flush with finish grade.
- (5) Water services larger than two inches. All water services larger than two inches in diameter shall be installed in accordance with the Standard Drawings and with the applicable sections of § 460-10.5 of these specifications for water mains and appurtenances.
- (6) Water meters.
 - (a) All water meters shall be installed inside buildings as shown on the approved application site map and as directed. Meters shall be installed in a horizontal position, with the dial face pointing up.
 - (b) All meters one-inch size or smaller shall be installed and set in a meter yoke suitable for the installed location. Meters larger than one-inch size shall be installed with a grounding wire or rod (State of Connecticut Building Code approved) that connects to the service pipe on each side of the meter. The remote -read "Touch Pad" shall be mounted securely to the exterior wall of the building in a location designated by the owner's representative. The "Touch Pad" shall be wired to the meter. The meter manufacturer's written instructions for installing the meter, "Touch Pad," and wiring shall be followed.
- (7) Plumbing inside buildings.
 - (a) Where new pipe penetration through the foundation wall is required, the contractor shall protect the structural integrity of the foundation wall and completely seal the annular space around the pipe with nonshrink mortar. The hole penetrating the wall shall be no more than one inch greater than the diameter of the service pipe. The water meter shall be installed as close as possible to the foundation wall penetration as possible and about two feet above the floor, unless otherwise directed. No valves shall be installed in the service line between the curb stop and the meter. A gate valve shall be installed within 12 inches downstream from the meter. A check valve shall be installed immediately downstream from this gate valve. The size of the gate valve and check valve shall be equal to the size of the service pipe leaving the meter. The

service pipe downstream from the meter shall be located so as to prevent interference with other utilities and the owner's use of building. All interior plumbing shall be installed in conformance with the requirements of the State of Connecticut Building Code regulations.

- (b) The contractor shall abandon existing pressure tank by disconnecting plumbing and electrical wiring, drain the tank, cap the tank fittings and bypass plumbing around the tank as directed. Any pumps used in the supply of water to the building from the well shall be abandoned by disconnecting plumbing, disconnecting electrical wiring for controls and power service to the pump and bypassing plumbing around the pump as directed. All electrical modifications and disconnections shall be in conformance with the State of Connecticut Building Code regulations.
 - (c) Pipe, fittings, couplings, adapters and valves shall be installed as necessary to make connection between the water service at the meter and the building plumbing, so as to make the existing building water supply plumbing functional from the metered source. All plumbing relocated shall be at least of equal size as that which presently exists.
- (8) Contaminated well abandonment procedure. This procedure is required if a well is contaminated and ordered abandoned by the Health Department and Commission. Wells shall be abandoned only after potable water service is ready for immediate connection to the building. The well shall be shut down and disconnected from the building immediately prior to connecting the new water service. The well and new water service shall not be permitted to be interconnected under any circumstances. Wells shall be abandoned according to the following procedure:
- (a) A well drilling contractor registered in accordance with State of Connecticut Well Drilling Board Regulations who performs the work of well abandonment shall be responsible for the abandonment of the well.
 - (b) General. The well shall be plugged to prevent the entrance of surface water, circulation of water between or among producing zones and any other process resulting in contamination. Any well shall be abandoned in such a manner that it does not become a channel for the vertical movement of water or other substances to the potable groundwater resources.
 - (c) The well shall be chlorinated prior to abandonment using a chlorine solution with a minimum concentration of 150 parts per million of residual chlorine.

- (d) The well shall be checked from ground surface to the entire depth of well before it is sealed. Any obstruction that will interfere with the sealing operation shall be removed. The well pump and pipe shall be removed and shall become the property of the building owner, if requested, or shall be disposed of off the project site in a suitable manner.
- (e) The well bore hole shall be filled completely with grout material. The grout material shall be placed through a pipe extending to the bottom of the well. The pipe shall be raised as the well is filled with grout.
- (f) Any well bore hole in consolidated rock formation may be filled with fine sand in the zone or zones of the consolidated rock. The top of the sand fill shall terminate at least 10 feet below the top of the consolidated rock and the remaining portions of the hole shall be filled with the grout material.
- (g) Upon completion of the grout filling, the top of the well casing and grout material shall be removed to a depth four feet below the ground surface. In the absence of casing, the grout material shall terminate four feet below the ground surface.

Disposition List**Chapter DL****DISPOSITION LIST****§ DL-1. Disposition of legislation.****KEY:**

NCM = Not Code material (legislation is not general or permanent in nature).

REP = Repealed effective with adoption of Code; see Ch. 1, Art. I.

NI = Not included in Code but saved from repeal.

Enactment	Adoption Date	Subject	Disposition
	11-30-1964	Economic Development Commission	Ch. 137
Ord. No. 1	7-5-1966	Planning and Zoning Commission: Alternate Members	Ch. 178, Art. I
Ord. No. 1A	11-30-1964	Conservation Commission	REP
Ord. No. 2	7-5-1966	Sewer and Water Commission	Ch. 183
Ord. No. 3	7-5-1966	Building Construction: Building Code	Ch. 228, Art. I
Ord. No. 4	10-4-1966	Firearms and Weapons	Superseded by Ord. No. 20
Ord. No. 5	12-14-1966	Economic Development Commission	
Ord. No. 6	4-6-1967	Park and Recreation Commission	Repealed by Ord. No. 29
Ord. No. 7	9-26-1967	Loitering	Ch. 276
Ord. No. 8	2-4-1969	Peddling and Soliciting: Licensing of Solicitors	Ch. 291, Art. I
Ord. No. 9	2-4-1969	Peddling and Soliciting: Licensing of Peddlers	Ch. 291, Art. II
Ord. No. 10	2-4-1969	Vehicles: Storage of Unregistered Vehicles	Superseded by Ord. No. 25
Ord. No. 11	1-6-1970	Park and Recreation Commission Amendment	Repealed by Ord. No. 29
Ord. No. 12	2-3-1970	Authorizing Application for Loan and Grants	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 13	4-21-1970	Board of Admissions of Electors	REP
Ord. No. 14	4-21-1970	Library Board	Repealed 3-2-1976
Ord. No. 15	8-3-1970	Regional Council of Elected Officials of Central Naugatuck Valley Council of Governments	Superseded
Ord. No. 16	9-1-1970	Community Development Action Plan Agency	Ch. 124
Ord. No. 17	1-5-1971	Sewers	Ch. 304
Ord. No. 18	11-1-1971	Sewers Amendment	Ch. 304
Ord. No. 19	4-25-1972	Building Code Violations	REP
Ord. No. 20	4-25-1972	Firearms and Weapons: Air Guns and Rifles	Ch. 241, Art. I
Ord. No. 21	5-16-1972	Commission on Aging	Ch. 120
Ord. No. 22	12-5-1972	Term of Office of Town Clerk	REP
Ord. No. 23	12-5-1972	Term of Office of Registrar of Voters	REP
Ord. No. 23A	7-17-1974	Inlands Wetlands Commission	REP
Ord. No. 24	10-18-1974	Alcoholic Beverages: Use on School Grounds	Ch. 213, Art. I
Ord. No. 25	3-21-1975	Storage of Unregistered Vehicles	Superseded by Ord. No. 48
Ord. No. 26	2-25-1975	Dogs	Ch. 235
Ord. No. 27	5-20-1975	Streets and Sidewalks: Snow and Ice Removal	Repealed by Ord. No. 59
Ord. No. 28	5-20-1975	Department of Municipal Country Clubs	Superseded by Ord. No. 35
Ord. No. 29	6-3-1975	Park and Recreation Commission Amendment	See Ch. 171
Ord. No. 30	6-3-1975	Tri-Town Health District	NCM
Ord. No. 31	9-5-1975	Floodplain Management	Superseded by Ord. No. 49
Ord. No. 32	9-5-1975	Civil Preparedness Agency	Ch. 111
Ord. No. 33	9-5-1975	Emergency Management	Ch. 16

Enactment	Adoption Date	Subject	Disposition
Ord. No. 34	9-5-1975	Building Construction: Building Code Amendment	Ch. 228, Art. I
Ord. No. 35	2-25-1975	Municipal Country Club	Ch. 165
Ord. No. 36	5-12-1976	Sanitary landfill	REP
Ord. No. 37	5-18-1976	Dogs Amendment	Ch. 235
Ord. No. 38	12-6-1977	Officers and Employees: Library Board Chairman	Ch. 48, Art. I
Ord. No. 39	1-24-1978	Vehicles: Winter Parking Plan	Ch. 338, Art. I
Ord. No. 40	12-5-1978	Commission for Individuals with Special Needs	Ch. 116
Ord. No. 41	4-3-1979	Parks and Open Spaces	Ch. 287
Ord. No. 42	3-6-1980	Commission on Aging Amendment	Ch. 120
Ord. No. 43	10-21-1980	Sewers Amendment	Ch. 304
Ord. No. 44	11-18-1980	Building Code Fees	Superseded by Ord. No. 71
Ord. No. 45	3-2-1981	Ethics	Repealed by Ord. No. 81
Ord. No. 46	5-5-1981	Taxation: Exemption for Solar Energy Systems	NCM (expired)
Ord. No. 47	10-6-1981	Alcoholic Beverages: Hours for Sale or Dispensing	Ch. 213, Art. II
Ord. No. 48	10-6-1981	Abandoned Vehicles, Material and Equipment	Repealed by Ord. No. 56
Ord. No. 49	5-5-1982	Floodplain Management	Repealed by Ord. No. 94
Ord. No. 50	6-7-1983	Withdrawal from Central Naugatuck Valley Regional Planning Agency	NCM
Ord. No. 51	9-6-1983	Taxation: Veterans Exemption	Repealed by Ord. No. 90
Ord. No. 52	10-18-1983	Taxation: Veterans Exemption	Repealed by Ord. No. 90
Ord. No. 53	6-5-1984	Officers and Employees: Justices of the Peace	Superseded by Ord. No. 54
Ord. No. 54	1-7-1986	Officers and Employees: Justices of the Peace	Superseded by Ord. No. 80

Enactment	Adoption Date	Subject	Disposition
Ord. No. 55	10-7-1986	Flood and Erosion Control Board	Ch. 143
Ord. No. 56	3-24-1987	Abandoned Vehicles, Material and Equipment	Repealed by Ord. No. 66
Ord. No. 57	4-7-1987	Commission for Acquired Facilities	Superseded by Ord. No. 68
Ord. No. 58	9-1-1987	Collection and Disposal of Solid Waste	Superseded by Ord. No. 69
Ord. No. 59	2-2-1988	Streets and Sidewalks: Snow and Ice Removal	Ch. 313, Art. I
Sewer and Water Commission	6-23-1988	Water Mains and Service Installations	Ch. 460
Ord. No. 60	7-19-1988	Bazaars and Raffles	Ch. 220
Ord. No. 61	7-19-1988	Water: Water Main Extensions	Ch. 346, Art. I
Ord. No. 62	11-1-1988	Firearms and Weapons: Air Guns and Rifles Amendment	Ch. 241, Art. I
Ord. No. 63	11-1-1988	Alcoholic Beverages: Use on School Grounds Amendment	Ch. 213, Art. I
Ord. No. 64	12-6-1988	Peddling and Soliciting: Licensing of Solicitors Amendment	Ch. 291, Art. I
Ord. No. 65	12-6-1988	Sewers Amendment	Ch. 304
Ord. No. 66	6-6-1989	Property Maintenance: Abandoned Vehicles, Blighted Properties and Unsightly Material and Equipment	Ch. 295, Art. I
Ord. No. 67	7-5-1989	Bonds	NCM
Ord. No. 68	10-2-1990	Commission for Acquired Facilities Amendment	See Ch. 171
Ord. No. 69	11-20-1990	Solid Waste: Collection and Disposal	Ch. 309, Art. I
Ord. No. 70	3-16-1993	Water: Water Main Extensions Amendment	Ch. 346, Art. I
Ord. No. 71	3-16-1993	Building Code Fees	NI
Ord. No. 72	4-6-1993	Building Construction: Numbering of Buildings	Ch. 228, Art. II

Enactment	Adoption Date	Subject	Disposition
Ord. No. 73	4-23-1993	Building Construction: Delinquent Taxes and Denial of Permits and Town Contracts	Repealed by Ord. No. 77
Ord. No. 74	4-20-1993	Alarm Systems	Ch. 209
Ord. No. 74A	5-3-1994	Commission for Acquired Facilities Amendment	See Ch. 171
Ord. No. 75	9-20-1994	Purchasing: Public Bidding Process	Ch. 62, Art. I
Ord. No. 76	11-15-1994	Pension Committee	Ch. 174
Ord. No. 77	4-16-1996	Building Construction: Delinquent Taxes and Denial of Permits, Town Contracts and Vendor Payments	Repealed by Ord. No. 92
Ord. No. 78	10-7-1997	Taxation: Exemption for Ambulance-Type Vehicles	Ch. 320, Art. I
Town Council	11-1-1997	Street Construction and Acceptance	Ch. 430
Ord. No. 79	5-3-1998	Commission for Acquired Facilities Amendment	See Ch. 171
Ord. No. 80	6-20-2000	Officers and Employees: Justices of the Peace	Ch. 48, Art. II
Ord. No. 81	12-5-2000	Board of Ethics	Repealed by Ord. No. 89
Ord. No. 82	2-26-2002	Water: Water Conservation	Ch. 346, Art. II
Ord. No. 83	5-21-2002	Penalties and Enforcement: Citation Procedures and Fines for Zoning Violations	Ch. 57, Art. I
Ord. No. 84	6-18-2002	Adult Businesses	Ch. 205
Ord. No. 85	9-16-2003	Tobacco Products	Ch. 325
Ord. No. 86	11-18-2003	Taxation: Abatement for Surviving Spouses of Police Officers and Firefighters	Ch. 320, Art. II
Ord. No. 87	4-13-2004	Groundwater Protection	Ch. 262
Ord. No. 88	4-13-2004	Boats and Boating	Ch. 224
Ord. No. 89	9-20-2005	Ethics	Repealed by Ord. No. 91

Enactment	Adoption Date	Subject	Disposition
Conservation Inland Wetlands and Watercourses Commission	3-28-2006	Inland Wetlands and Watercourses	Ch. 400
Ord. No. 90	9-5-2006	Taxation: Veterans Exemption	Ch. 320, Art. III
Ord. No. 91	6-19-2007	Ethics	Ch. 20
Ord. No. 92	9-2-2008	Taxation: Issuance of Permits and Certificates and Contract Payments to Delinquent Taxpayers	Ch. 320, Art. IV
Ord. No. 93	10-6-2009	Taxation: Business Incentive Tax Abatement	Ch. 320, Art. V
	1-1-2011	Charter	Charter
Water and Sewer Department	9-2011	Sewer Installation	Ch. 425
Ord. No. 94	1-4-2011	Floodplain Management	Ch. 245
Ord. No. 95	4-5-2011	Property Maintenance: Abandoned Vehicles, Blighted Properties and Unsightly Material and Equipment Amendment	Ch. 295, Art. I
Ord. No. 96	4-8-2014	Council of Governments	Ch. 9
Ord. No. 97	7-17-2018	Storm Sewers: Illicit Discharge and Connection	Ch. 311, Art. I