

## **ORDINANCE REGARDING SPECIAL FLOOD HAZARD AREAS -#1988-2A**

1. Purpose: It is the purpose of this ordinance to promote the public health; safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designated to:

Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

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

Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

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

2. Areas of Special Flood Hazard: The Town of North Canaan hereby designates as areas of special flood hazard those areas within the Town that have been identified by Federal Emergency Management Agency in its Flood Insurance Study for the Town of North Canaan dated October 17, 1987, with accompanying floodway maps and other supporting data and any revisions thereto.

3. Administration and Regulations: The Town Conservation and Inland Wetland Commission is designated to administer and enforce this ordinance. It shall adopt regulations to promote sound management and activity within such areas as special flood hazard consonant with the purposes of this ordinance and sufficient to satisfy minimum federal floodplain management requirements for participation in the National Flood Insurance Program..

4. Permit: No development to any improved or unimproved real estate within a special flood hazard area shall be made except upon permit issued by the Town's Conservation and Inland Wetlands Commission. Development for these purposes shall be deemed to mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

Adopted: July 21, 1988

## **REQUIREMENTS FOR ROADS WHICH ARE DEEDED TO THE TOWN**

### **#1982-3A**

- (a) No street or highway shall be accepted as a town street or highway and opened to the public until such street or highway shall have written approval from the Board of Selectmen.
- (b) A street or highway must meet the road specifications of the North Canaan Municipal Planning Commission (Sub-Division Regulations, adopted April 5<sup>th</sup>, 1971) before it can be submitted to the Board of Selectmen.

Adopted: January 6, 1984.

Ordinance of March 28, 1951 rescinded 12/06/1983

Amended by: Planning and Zoning Sub-division Regulations adopted 02/15/1989.

## **ORDINANCE RELATIVE TO PERMIT FOR WORK ON TOWN HIGHWAYS**

### **# 1958 - 3B**

- SEC. 1. That a written application on a form prescribed by the Selectman for a permit to disturb a town highway must be presented to the First Selectman, signed by interested parties.
- SEC. 2. If the Selectmen require it, the applicant is to furnish a surety bond or certified check deposit in the amount required, which will be forfeited if permittee does not comply with the directions of the Selectmen.
- SEC. 3. It shall be the duty of the permittee to see that the traveling public is safeguarded, and that its rights are not unduly curtailed. The portions of the highway which are torn up shall be adequately protected at all times to avoid possibility of accidents. Barricades, red flags, and also lights at night shall be placed so as to properly warn the public of danger:
- SEC. 4. Whenever any opening or excavation shall be made in any street, highway, or public right of way, those making the opening shall, as soon as possible, thoroughly and completely fill such openings and tamp and puddle the earth therein so that the same shall not settle, and the top twelve (12) inches of fill shall consist of approved road gravel, and then they shall repave the immediate area to the condition in which it existed before such opening was made, and also, from time to time, for six months thereafter, shall make such repairs as may be deemed necessary by the Selectmen.
- SEC. 5. Failure of a permittee to properly replace an opening will result in the cost of such repairs as are done by the town to be assessed against, and collected from, the permittee in lieu of a bond.

SEC. 6 The above regulations shall be applicable to building a road or sidewalk entrance on a town highway. All driveways shall be constructed with suitable sight lines as specified. No culverts shall be installed in the ditch without permission. Driveways, which slope towards the highway, shall not extend beyond the roadside of curb or outside edge of shoulder. On minus grades berms shall be constructed across the entrance.

SEC.7 Any violation of the ordinance shall be punishable by a fine not to exceed Fifty (\$50.00) Dollars.

Adopted: March 25, 1958.

#### **DANGEROUS WEAPONS ORDINANCE - #1954-4A**

Under the Connecticut General Statutes, Revision of 1949-Section 8540 and now under the Revision of 1958-Section 53-206 "Carrying and Sale of Dangerous Weapons" there being no age limit for issuance of permits to carry weapons, the Town of North Canaan, at a special Town Meeting, adopted the following Ordinance:

1. The age for issuing permits for dangerous weapons shall be twelve (12) years.
2. Written consent of parent must be presented.
3. Fee for granting permits shall be .50 cents for a calendar year,  
Said permit expiring on December 31<sup>st</sup> of each year.

Adopted: March 24, 1954.

**VENDORS OR PEDDLERS ORDINANCE - 1958-4B**

No person shall vend or hawk upon the public streets of the Town of North Canaan, any goods, wares, other merchandise, or services, or vend or peddle such services or articles of merchandise from house to house within the limits of said Town of North Canaan without having obtained from the Board of Selectmen of said Town, a license for the right to so vend or hawk or peddle.

The license fee for such right to vend, hawk, or peddle shall be Twenty-Five (\$25.) Dollars, and said license shall be for one (1) year from the date of issuance.

Any person who has his principal residence within the limits of the Town of North Canaan shall be exempt from the requirements of this by-law and which shall further not apply to sales by farmers and gardeners, or the sale, distribution, and delivery of milk, teas, coffees, spices, groceries, meats, and bakery goods, and to sale of equipment or conditional sales of merchandise.

Any violation of this ordinance shall be punishable by a fine not to exceed Fifty (\$50.) Dollars.

Adopted: March 25, 1958

**ORDINANCE ENLARGING THE NUMBER OF MEMBERS OF THE BOARD OF EDUCATION 1989-4C**

The Board of Education shall consist of eight (8) members, to be elected at the time and the terms provided in Section 9-205 (a) of the Connecticut General Statutes.

Adopted: November 30, 1989

**MOTOR VEHICLE RACE TRACK ORDINANCE – 1962-5A**

Article 1: Definitions:

Terms used in this Ordinance shall be construed as follows, unless another meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intention of the Town Meeting adopting same.

- A. MOTOR VEHICLE – means any vehicle propelled or drawn by any power other than muscular, EXCEPT aircraft, and trains.
- B. TRACK - an area of any size or shape where motor vehicles are raced, tested or demonstrated.

Article 2:

No person or persons, associations, corporations, clubs or combinations of same shall establish and/or operate a motor vehicle race, test or demonstration track for the operation of motor vehicles in any race, contest or demonstration of speed, skill or performance, singly or in company with other motor vehicles as a public or private exhibition, unless and until:

- A. Fifteen (15%) per cent or more of the persons qualified to vote in the meetings of the Town shall submit a petition to the Board of Selectmen requesting a Special Town Meeting for the purpose of deciding whether or not the people desire to submit the issue to the qualified voters not less than seven nor more than twenty-one days thereafter, on a day to be set by Special Town Meeting or, if the meeting neglects to set a day, by the Board of Selectmen, for a “yes” or “no” vote on the voting machines, during the hours between 8:00 A.M. and 6:00 P.M.
- B. The majority shall prevail both at the Special Town Meeting vote and at the machine vote.

Article 3: The following are excluded from this Ordinance.

- A. Micro-Midget Race Tracks, so-called, which are in operation prior to the date of the adoption of this Ordinance.

Article 4

Any violation of this Ordinance shall be punishable by a fine not to exceed Twenty-five (\$25.00) Dollars and each day of non-compliance shall be construed as a separate offense.

Adopted: May 23, 1962

**TRAILER ORDINANCE - 1958-6A**

Section One: Definitions

- A. “Trailer” shall mean any vehicle or object without motive power of its own, but which is designed to be drawn by, or used in connection with a motor vehicle, and which is so designed and constructed or reconstructed or added in by means of such accessories as to permit use and occupancy thereof for human habitation, whether resting on wheels, jacks or other foundations, and shall include the type of vehicle known as a mobile home.
- B. “Trailer Park or Mobile Home Park” shall mean any premises used or permitted to be used for the parking of more than one trailer or mobile home.

## Section Two: Licenses

- A. No trailer shall be located off the public highways except upon license of the Board of Selectmen granted in accordance with the provisions of these regulations. Application for license shall be made to the Board of Selectmen on a form prescribed by them.
- B. No Trailer Park or Mobile Home Park shall be established except upon license of the Board of Selectmen granted in accordance with the provisions of these regulations. Application for license shall be made to the Board of Selectmen on a form prescribed by the.
- C. All licenses shall be for the calendar year of issuance only and must be renewed annually by the First day of February.

## Section Three: One Trailer

- A. One Trailer (human habitation)

A single Trailer, licensed by the Selectmen, may be parked and occupied for a period of not to exceed One (1) year by the owner of the premises on which it is located, provided that such owner is in the act of constructing a house for his own occupancy and further provided that he submit with his license application a certificate from the Health Officer stating that suitable provisions for household water and sanitary sewage disposal have been made.

- B. One Trailer (Temporary Office)

A single Trailer, licensed by the Selectmen, may be parked and used as a temporary office at the job site in connection with any type of construction work provided that it is not used for human habitation.

Said trailers shall not be on any single job site for a period of more than six (6) months.

- C. One Trailer (Occupied prior to September 1, 1958)

A single trailer, licensed by the Selectmen, may be parked and used for human habitation, if occupied prior to September 1, 1958, provided a certificate from the Health Officer is submitted to the Selectmen with the license application, stating that suitable provisions for household water and sanitary sewage disposal have been made.

## Section Four: Trailer Parks and Mobile Home Parks

- A. Except as provided in Section Three, no trailer may be parked on any premises unless the same shall have been licensed by the Selectmen as a Trailer Park or Mobile Home Park, and no lot or parcel of land shall be used for a trailer park or mobile home park which is less in area than twenty (20) acres not which has a frontage of less than Five

- B. The total number of trailers to be parked in any trailer park or mobile home park shall not exceed two (2) for each acre, and each trailer shall occupy a separate area of land not less than one-half (1/2) acre and there shall be a distance of not less than One Hundred (100) feet between trailers or between each trailer and the street or property line.
- C. Each trailer location shall be supplied with electric current in accordance with the requirements of the local electric company.
- D. Each trailer shall be directly connected to a source of water, which shall have been approved in writing by the Health Officer.
- E. Each trailer shall be directly connected to a sewage disposal system approved by the Health Officer.
- F. The Plan of such trailer park or mobile home park shall be submitted to the Selectmen prior to the issuance of the license and all driveways used for access to the public highway shall correspond to then current Town Regulations pertaining to Town Highways and to include the grant, the rough grading and hard topping.
- G. Trailer park and mobile home park operators shall submit with their application for a license, a certificate from the Health Officer covering his approval as to the requirements of D and E above.
- H. Operators of trailer parks and mobile home parks shall maintain a register of all owners and occupants of trailers occupying space therein and shall submit a copy monthly to the Selectmen.

FEES: License

A. One Trailer (Human Habitation)	\$5.00
B. One Trailer (Temporary Office)	\$5.00
C. One Trailer (Occupied prior to 9/1/58)	NO FEE
D. Trailer Parks and Mobile Home Parks	\$50.00
E. Individual Trailers in Trailer Parks & Mobile Home Parks	\$5.00

Penalties:

Any person who violates any provision of the ordinance shall be punished by a fine not to exceed \$100.00 and each day's failure to comply with the provisions of this ordinance shall constitute a separate violation.

Effective: October 25, 1958

## **PUBLICATION OF TOWN BUDGET – 1963-8A**

RESOLVED:

That the annual publication of the Town Budget is hereby waived by the authority of Section 7-344 of the General Statutes of Connecticut (Revision of 1958) and the Board of Finance shall hereafter print or mimeograph copies of said annual budget, which copies shall be available for distribution five (5) days before the annual budget meeting and shall be of sufficient quantity to comply with the aforesaid Section 7-344.

Adopted: October 7, 1963

## **JUSTICES OF THE PEACE – 1996 – 8B**

Be it hereby enacted and ordained:

Pursuant to Section 9-183a of the Connecticut General Statutes, the number of the justices of the peace to be selected in 1996 and quadrennially thereafter shall be fifteen. All prior ordinances inconsistent are hereby repealed.

## **MOTOR VEHICLE PROPERTY TAXES – 1964-8C**

RESOLVED:

That as per the authority of Section 12-144, as amended, of the General Statutes of Connecticut (Revision of 1958) any property tax due the Town of North Canaan, not exceeding Fifty (\$50.00) Dollars, shall be due and payable to the Town Tax Collector in a single payment.

Adopted: October 5, 1964

**SOLAR ENERGY EXEMPTION – 11977-8D**

RESOLVED:

Be it ordained that the Town of North Canaan hereby authorizes the property tax exemption as granted for any building or addition to a building which is equipped with a solar energy heating or cooling system by subsection (56) of Sec. 12-81 of the Connecticut General Statutes.

Effective: June 25, 1977

**MOTOR VEHICLE TAXES – 1978-8E**

RESOLVED:

That the Motor Vehicle taxes levied pursuant to Section 12-144a of the Connecticut General Statutes when in excess of fifty dollars (\$50.00) shall be paid in two (2) installments due in January and July of each taxable year.

Effective: May 9, 1978

**ORDINANCE REGARDING DELINQUENT MOTOR VEHICLE TAXES**

**#2004-8F**

It is hereby ordained: Pursuant to Connecticut General Statutes 12-146, as amended, any person who is delinquent in the payment of any property tax or installment on any motor vehicle and for whose tax delinquency the municipality has notified the Commissioner of Motor Vehicles under the provisions of Connecticut General Statutes 12-33, as amended, shall pay to the Tax Collector a fee of five dollars in addition to such taxes as are owed. The Tax Collector may require any person whose motor vehicle taxes are delinquent to pay such taxes only in cash, certified check or money order.

Effective: June 10, 2004

**ELIMINATION OF ANNUAL REAL ESTATE LISTS FOR TAX PURPOSES  
1977-9A**

“RESOLUTION CONCERNING ELIMINATION OF ANNUAL LISTING OF REAL ESTATE BY PERSONS LIABLE TO GIVE IN A LIST AND PAY TAXES TO THE TOWN OF NORTH CANAAN AND TO AUTHORIZE THE ASSESSORS TO COMPILE THE ABSTRACT OF REAL ESTATE FROM DATA CONTAINED ON THE OWNER’S CARDS.”

1. “Be it and it hereby is resolved: that this meeting vote to adopt the provisions of SEC. 12-41, General Statutes of Connecticut, Revision of 1958, concerning the elimination of annual listing of real estate by persons liable to give in a list and pay taxes to the town, and to approve persons liable to give in a list and pay taxes to the town, and to approve the request of the Board of Assessors to the State Tax Commission, if and when made, to compile the abstract of real estate from data contained on owner’s cards, all subject to approval by the State Tax Commissioner.”
2. “Be it and it is hereby resolved: That this meeting does hereby authorize the Assessors of the Town of North Canaan, subject to the approval of the State Tax Commissioner, to compile the abstract of real estate from data contained on the owner’s cards.”

Effective: July 31, 1977

**SUPPLEMENTARY MOTOR VEHICLE TAXES – 1982-9B**

RESOLVED:

That all tax bills of under \$2.00 on the Supplementary Motor Vehicle List be eliminated.

Effective: May 11, 1983

## **PUBLIC PARKING ORDINANCE – 1968-9C**

- A. Public parking on the Town Streets and Highways from November 1<sup>st</sup> to and including March 31<sup>st</sup> shall be limited to two (2) hours except:
  - 1. Wherever indicated to the contrary by means of  
Town Parking Signs.
- B. Any vehicle parked in violation of this ordinance shall be towed away to a public garage at the expense of the owner.
- C. Any person who violates this ordinance shall be fined not more than Twenty-five (\$25.00) dollars.

Adopted: November 13, 1968.

## **E911 ORDINANCE PROVIDING FOR ASSIGNMENT OF STREET NUMBERS**

### **#1989-1-A**

The purpose of this ordinance is to promote the public health, safety and welfare by providing a street numbering system to enable public emergency services to identify and locate speedily addresses where such emergency service is needed.

(1) The Board of Selectmen shall institute a system of numbering and shall assign street, road or highway names and numbers to all buildings, houses, and/or units in such buildings or houses situated within the town.

(2) Assignments of numbers may be on a street, road or highway, all or a portion of which has not been accepted by the Town or which is located on, or passes through private property.

(3) An assignment of a street, road or highway name and number shall not be construed as evidence that such street, road or highway is a public road nor that it has been accepted as such by the Town.

(4) Whenever the Board of Selectmen has assigned a street number to a property, the Board of Selectmen shall promptly notify, by mail, the owners or the agents, of the property affected and shall also notify the occupants of any building or part thereof to which a number has been assigned.

(5) The Board of Selectmen shall maintain in their office at the Town Hall, public records of such assignments of street, road or highway numbers.

(6) The owner of each building, house or unit in which a street number has been assigned shall, within sixty days of the effective date hereof, affix such number to the exterior of each such building, house or unit that is within one hundred feet of a street, road or highway. If such building, house or unit is not within one hundred feet of a street, road or highway, or

such number would not be readily visible if posted on such building, house or unit within one hundred feet of street, road or highway, then such number shall be affixed to opposite sides of an object that is located within ten feet of a street, road or highway with numerals facing two avenues of approach. All numerals shall be at least three inches in height of contrasting color and be readily visible from the street, road or highway.

(7) Failure of an owner to comply with section (6) of this ordinance, shall be punishable by a fine of not more than \$25.00

Published: January 29, 1989.

### **HOUSATONIC RIVER COMMISSION – 1979-10B**

RESOLVED: That the creation of a Housatonic River Commission among the northwest Connecticut towns is approved, and that the Board of Selectmen are hereby empowered to appoint one person and one alternate to such Commission.

Adopted: August 16, 1979

### **ORDINANCE PERTAINING TO PRIVATELY-OWNED CAMPING AREAS IN THE TOWN OF NORTH CANAAN – 1966-11A**

Section One: Definitions:

- A. **CAMPING AREA:** Any area devoted to camping by means of tents, camp trailers (either self-propelled or without motive power), or any other object used other object used for camping wherein a charge is made to the camper for the use thereof.

Section Two: Licenses:

- A. No camping area shall be operated within the Township of North Canaan except upon license of the Board of Selectmen, granted in accordance with the provisions of these regulations. Application for license shall be made to the Board of Selectmen on a form prescribed by them.
- B. No such license shall be issued unless the Board of Selectmen are satisfied that the following facts prevail:
  - 1) That the site used for said camping purposes consists of at lease twenty (20) acres and is located at least five hundred feet from any State or local highway or street.
  - 2) That the applicant is financially responsible.
  - 3) That the Public Health Officer of the Town has approved the plan for sewage and garbage disposal.
  - 4) That the site is suitable for the business intended, with due consideration to its location in reference to schools, churches, theatres and traffic conditions.

C. Section Two (b) shall be determined at a public hearing, duly warned by the Board of Selectmen, upon receipt of the aforementioned application. Said hearing shall be held no sooner than two (2) weeks and no later than four (4) weeks from the receipt of said application.

D. If granted, the term of said license shall be from the date of the approval of the application to the following October 1<sup>st</sup> through September 30<sup>th</sup> of each year.

E. The annual fee for said license shall be fifty (\$50.) Dollars payable after approval of the application and prior to the issuance of the license. However such fee shall be on a pro-rata basis to the following October 1<sup>st</sup> for any applications which have been approved for the first time.

#### Section Three: Use of Area:

A. Any property of others stored on the premises of the licensee on the date of the assessment of the Town of North Canaan shall be subject to assessment of the owner thereof shall be subject to taxes for the year for which the assessment covers; and it shall be the duty of the licensee to provide the Assessor of the Town of North Canaan with a detailed list of the property so stored and the names and addresses of the owners thereof.

#### Section Four: Subsequent Application.

- A. In the event of any application for a license covering an area which had been previously licenses, the Board of Selectmen may waive the requirements of a hearing upon the written statement of the applicant, indicating any change which have been made since the last application and they are satisfied that the situation then existing is substantially the same.
- B. All other requirements shall be the same, as with the original application.
- C. In the event that the Board of Selectmen shall waive said hearing once, it shall not bar them from requiring a hearing in subsequent license applications.
- D. The yearly renewal of Applications shall not be denied without good cause shown.

#### Section Five: Penalties

- A. Any violation of this ordinance shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00) and each day's failure to comply with the provisions of this ordinance shall constitute a separate violation.

Adopted: May 31, 1966

Amended: April 10, 1968

**ORDINANCE RELATING TO THE SANITARY LANDFILL AREA-1968-12A**

A. The hours when the Sanitary Landfill Area will be opened for the use of the general public for the disposal of refuse and such other regulations for the proper operation of said area shall be determined by the Board of Selectmen.

The Board of Selectmen will publish the determined hours and other regulations on the public signpost at the entrance to the Sanitary Landfill.

B. All refuse shall be deposited at only those locations which are so designated by the Sanitary Landfill Attendant.

C. Any person who violates any provision of this ordinance shall be fined not more than \$100.00 for each offense.

D. For the purpose of this ordinance "solid waste" shall mean solid, liquid, semi solid or contained gaseous material that is unwanted or discarded, included but not limited to, demolition debris material burned or processed at a resources recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

E. Only solid waste that is generated within the municipal boundaries of the Town of North Canaan may be deposited at the sanitary landfill area.

F. Tires: No person shall deposit any tire at the landfill without a coupon for said tire. Coupons shall be issued by the Board of Selectmen for a fee of \$1.00 per coupon. Each tire will require a coupon.

Adopted: November 13, 1968

Amended: November 26, 1991

Amended: May 19, 1992

**RESOLUTION: PROVISION FOR THE DISPOSAL OF WASTE-#1994-12B**

Whereas, the State of Connecticut has required each municipality to make provisions for the disposal of waste: and

Whereas, the Connecticut Resources Recovery Authority (CRRA) and the Bristol Resources Recovery Authority have made proposals to the town for the disposal of waste;

Now, therefore, be it resolved that the Board of Selectmen of the Town of North Canaan are hereby authorized to enter into an agreement with either the CRRA or Bristol Resources Recovery, at the discretion of the Board of Selectmen, on such terms as may seem favorable for a period not to exceed five years;

Be it further resolved that the First Selectman, Douglas E. Humes, Jr., or his successor is authorized to sign and execute all necessary application, contracts, vouchers, contract modifications and approvals necessary to effectuate this resolution.

Adopted: March 23, 1994

**RESOLUTION II: STATE OF CT MANDATORY 25% RECYCLING GOAL -  
#1994-12C**

Whereas, the State of Connecticut has set a mandatory 25% recycling goal; and

Whereas, the Town of North Canaan has a mandatory ordinance which requires recycling by all waste generators within its borders; and

Whereas, the Town of North Canaan is eligible to apply for state grants to enhance it's recycling program;

Now, therefore, be it resolved that the First Selectman, Douglas E. Humes, Jr., or his successor is authorized to file applications for recycling grant funds with the Department of Environmental Protection on behalf of the Town of North Canaan, and to sign and execute all necessary applications, contracts, vouchers, contract modifications and approval necessary for the receipt of Department of Environmental Protection Recycling grant funds.

Approved: March 23, 1994

**RESOLUTION III: LITCHFIELD HILLS COUNCIL OF ELECTED OFFICIALS  
TO ACT ON BEHALF OF NORTH CANAAN FOR REGIONAL RECYCLING  
PROGRAM IN AREA - #1994-12D**

Whereas, the Litchfield Hills Council of Elected Officials has stated its intent, pending municipal endorsement, to apply for a regional recycling program grant from DEP to assist municipalities in implementing a regional recycling program in the area,

Therefore be it resolved that: the Town of North Canaan declares its intent to participate in a CRRA regional recycling program centered around the Intermediate Processing Center to be located in the Brewster's Warehouse on Murphy Road in Hartford, Connecticut; and

Be it further resolved that: The Town of North Canaan authorizes the Litchfield Hills Council of Elected Officials to act on behalf of the Town of North Canaan in making an application to the Commissioner of Environmental Protection and to receive a regional program grant to facilitate implementation of a regional recycling program in the area. The Town of North Canaan acknowledges the Litchfield Hills council of Elected Officials as the only regional entity which will represent it in an application for this grant, and is willing to participate in the work of the grant; and

Be it further resolved that the First Selectman, Douglas E. Humes, Jr. Is authorized to sign and execute any documents necessary to effectuate this resolution.

Approved: March 23, 1994

**NORTH CANAAN HEALTH DEPARTMENT FEE SCHEDULE – 1996-13A**

SOIL TESTING:

By the Health Department

Per lot, Feasibility/New/Repair, (typical; 2 pits, 2 perc or 4 hours): \$200.00

The Health Dept. with your Licensed Professional Engineer:

Per lot, Feasibility/New/Repair, (engineer to conduct perc test) (2 hrs) \$100.00

Fee per hour or fraction of: \$ 50.00

SEPTIC PLAN REVIEW PER LOT: \$ 25.00

SEPTIC PERMIT TO CONSTRUCT: \$ 75.00

Fee includes: Preliminary and Final onsite inspections and Permit to Discharge

MORTGAGE OR ENVIRONMENTAL SITE INSPECTION FEE: \$ 50.00

WELL PERMIT: \$ 50.00

PUBLIC POOL LICENSE & INSPECTION FEE: \$ 50.00

PRIVATE POOL INSPECTION: where a septic or well is located \$ 25.00

CAMPGROUND INSPECTION FEE:

Fee per hour or fraction of \$ 30.00

DAYCARE INSPECTION FEE: \$ 30.00

HAIR SALON/BARBER INSPECTION FEE; \$ 30.00

FOOD SERVICE LICENSES:

Restaurants over 75 seats, rest homes with 15 or more beds, hospitals,

Food stores over 10,000 ft \$125.00

Restaurants 0-75 seats (and small fast food), small food stores,

Convenience stores, cafes, bars, rest homes with less than 15 beds \$100.00

Vendors License per unit and social clubs \$ 50.00

Temporary per unit (not to exceed 3 days) \$ 25.00

REINSPECTION FEES AFTER THE FIRST INSPECTION \$ 50.00

**TERM OF REGISTRAR OF VOTERS AND TOWN CLERKS – 1972-13B**

The term of office of the Town Clerk of North Canaan and the Registrars of Voters of the Town of North Canaan shall be for four (4) years.

Adopted: May 31, 1973

**SLAUGHTERHOUSES – 1972-13C**

RESOLVED:

No individual partnership, association, corporation, or combination thereof, shall engage in the slaughtering of livestock or poultry or the processing of livestock or poultry carcasses for commercial sale unless such slaughterhouses or processing facilities are located on a parcel of land consisting of a minimum of four (4) acres in size and of such a shape as to encompass an area with no side less than 200 feet in length. In addition, such slaughterhouses or facilities shall not be located within 500 feet of any dwelling house.

Nothing herein contained shall prohibit the private slaughter of livestock or poultry for immediate family use.

Adopted July 13, 1972

**ORDINANCE TO REGULATE SPECIAL EVENTS – 1970-14A**

SECTION 1: The regulation of Special Events and the supervision of such events are hereby declared necessary for the protection of the health, property safety and welfare of the residents of the Town of North Canaan.

SECTION 2: DEFINITION OF TERMS: As used in this ordinance unless context otherwise indicates:

- (a) The term “Special Events” shall mean any public gathering of more than three thousand (3000) persons assembled at one time for one (1) particular event. The term “Special Events” shall not be interpreted to include the normal day-to-day operation of existing commercial enterprises.

SECTION 3: LICENSES REQUIRED:

- (a) No special event shall be held without a valid license.
- (b) Applications for such licenses shall be made to the Board of Selectmen not later than thirty (30) days before the starting date of the special event upon forms to be supplied by him for that purpose.
- (c) Public notice of each application disclosing pertinent facts concerning the event shall be made by the Board of Selectmen within seven (7) days after application is received (cost of this notice shall be borne by the applicant).
- (d) The Board of Selectmen shall not grant or deny the license until at least ten (10) days after such public notice but not more than fourteen (14) days after public notice.

SECTION 4: APPLICATION: The application for such a license shall contain the following information, under oath:

- (a) Names of applicants: if a partnership, names of all partners; if a corporation, club or association, names of officers.
- (b) Residence of applicants.
- (c) Age of applicants; if a corporation, club or association, date organized and under laws of what State.
- (d) Type of business or activity.
- (e) Whether applicants, or if a corporation, club or association, officers have ever been convicted of a crime.
- (f) Description of the type of event to be held.
- (g) Location where event will be held.
- (h) Anticipated maximum number of persons who will be assembled at one time for the event. No persons in excess of this number shall be permitted within the confines of the location of the event.

(i) Plot plan or sketch of facilities and write up demonstrating adequate plans to meet local, state and other applicable standards for:

- |                   |                                 |
|-------------------|---------------------------------|
| 1. Parking        | 6. Fire prevention              |
| 2. Food Services  | 7. Fire protection.             |
| 3. Drinking water | 8. Refuse disposal              |
| 4. Toilets        | 9. Law enforcement              |
| 5. Lodging        | 10. Public Liability Insurance. |

As may be required by the event must be submitted.

(j) The facilities for the event shall be subject to review by:

Board of Selectmen

Fire Marshal

Building Inspector

Director of the Town of North Canaan within forty-eight (48) hours of the time that the licensed event will begin.

(k) Dates and hours of said special events must be specified and no licenses shall be valid for more than three (3) consecutive calendar days.

**SECTION 5: INVESTIGATION OF APPLICANTS:** The Board of Selectmen shall investigate the character and record of the applicants and the Location wherein it is proposed to hold a Special Event described in the application and shall not approve said application or issue a license unless he finds that the applicants are over twenty-one (21) years of age and are persons of good moral character and that the business or activity in such location is a bona-fide and lawful one. The Board of Selectmen in granting or refusing the license shall consider each of the sections of this ordinance as well as all other valid concerns of the residents of the Town of North Canaan brought before him during the ten (10) to fourteen (14) days following the public notice concerning the application. In any case Selectmen shall notify the applicant of his proposed action and reasons thereof and set a day and place for a hearing thereon, giving the applicant reasonable notice in advance thereof by Certified Mail and an opportunity to be represented by counsel at such hearing.

**SECTION 6: LICENSE FEES:** A license shall be issued by the Board of Selectmen in the name of each applicant. The license fee shall be One Hundred Dollars (\$100.00) for each Special Event applied for.

SECTION 7: PROHIBITIONS AND RESTRICTIONS: A license may not be transferred by the licensee to any other person, corporation, partnership, club or association. Each licensee shall maintain proper sanitary facilities and each licensee shall pay for police officers as shall be deemed required by the Board of Selectmen

SECTION 8: REVOCATION OF LICENSE: The Board of Selectmen shall have the power to revoke any license issued hereunder for cause, after due notice. Cause shall be deemed to include, but shall not be limited to false information in the application for a license knowingly give, failure to show good intent to comply with the conditions under which the license has been granted, any violation of this ordinance or conviction of a crime involving moral turpitude subsequent to the issuance of the license

SECTION 9: PENALTY: Any person, corporation, partnership, club or association violating any of the provisions of this ordinance shall be fined not more than twenty-five (\$25.00) for each offense.

SECTION 10: SEPARABILITY OR PROVISIONS: Each separate provision of this ordinance shall be deemed independent of all other provisions herein, and if any provisions of this ordinance shall be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 11: EFFECTIVE DATE: Said ordinance becomes effective at date of passage.

Adopted: August 13, 1970

#### **LEGALLY BLIND TAX EXEMPTION – 1985-16A**

RESOLVED: That legally blind persons shall be entitled to an additional \$2,000.00 exemption as provided for under P.A. 85-165, (Section 12-81, subdivision (17), Revision of 1983).

#### **BUILDING CODE – 1972-16B**

Adopt the State Building Code, as amended, effective October 1, 1970, for the Town of North Canaan as provided for in Public Act #443, with the following amendments:

1. The aforesaid shall not apply to carpentry, electrical and plumbing work which does not exceed \$1,000.00

Adopted: September 29, 1970

Any person who shall violate a provision of the State Building Code or shall fail to comply with any of the requirements thereof or shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the building official, or if a permit or certificate issued under the provisions of the Code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$50.00. Each day that a violation continues shall be deemed a separate offense.

Any person who shall continue any work in or about the building after having been served a stop order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$25.00 or more than \$100.00. Each day that a violation continues shall be deemed a separate offense.

Be it hereby enacted and ordained: That the new fees for the building permits shall be;

Minimum fee - \$25.00 (for first \$1,000. of construction).

Each additional \$1,000. of construction value, or a portion thereof - \$6.00.

Adopted: July 23, 2002

The Ordinance of the Town of the Town of North Canaan Building Code-1972-16B is hereby amended and that amendment is hereby enacted and ordained as follows:

The fee for building permits shall be increased from \$12 to \$25 for the first \$1,000, and from \$5 to \$6 for each additional \$1000 value of construction.

The fee for a demolition permit shall be \$50.

A tent permit shall be \$25.

Approved: Town Meeting 12/28/04

Effective: 1/21/05

In the event an application for a building permit is made by an organization that has been certified by the Internal Revenue Service of the United States as a Tax Exempt organization may apply to the Board of Finance for a reduction in the building permit fee. Any reduction, if any, shall be determined in the sole discretion of the Board of Finance based on all the circumstances of the application. The decision of the Board of Finance will be final with respect to any reduction

Adopted: 4/12/72 - Revised 5/21/96

Adopted & Amended: 7/23/01

## **CONSUMING LIQUOR NEAR PUBLIC HIGHWAYS - 1974-16C**

No person shall consume alcoholic liquor as defined by the General Statutes of Connecticut, within the confines of any public highway or public sidewalk located within the Fire District of the Town of North Canaan, Connecticut.

Any person who shall violate this Ordinance shall be fined not more than \$25.00. This Ordinance shall take effect 15 days after its publication in a newspaper having a general circulation in the Town of North Canaan.

### **MOTOR VEHICLE EXEMPTION – 2001-16A**

Be it Hereby Enacted and Ordained by the Town of North Canaan:

Any motor vehicle owned by a person with disabilities, or owned by the parent or guardian of such person, which vehicle is equipped for purposes of adapting its use to the disability of such person, shall be exempted from personal property taxation. For the purposes of this ordinance, such motor vehicle shall be defined as any motor vehicle, as defined in Section 14-1(47) of the Connecticut General Statutes, and which motor vehicle has been specifically and specially adapted to the disability of such person

Adopted: July 24, 2001

Effective: August 8, 2001

### **RECREATION COMMISSION – 1976-17A**

BE IT ORDAINED THAT

SECTION 1. There shall be in the Town of North Canaan a Recreation Commission.

(a) which shall be charged with the responsibility of:

- (1.) Putting into effect and maintaining a recreation program for the entire town; and
- (2.) Providing, conducting and supervising public playgrounds, playfields, indoor recreation areas and facilities owned and/or controlled by the Town; and

(b) which shall have the power to:

- (1.) Conduct any form of recreation or cultural activity that will employ the leisure of the people in a constructive and wholesome manner; and

- (2.) Conduct such activities on properties under its own control, on public properties with the consent of the authorities thereof, and on private properties with the consent of the owners thereof.

SECTION II. (a) The Recreation Commission shall consist of nine members who shall serve without pay. The members shall be appointed by the Selectmen for terms of six years, their terms to expire on the day of the next biennial town election applicable to each case, or when their successors are appointed and qualified (whichever shall be longer), and the members shall expire every two years thereafter. Vacancies on such Commission shall be filled by the Selectmen for the unexpired term.

- (c) Immediately after their appointment, the Commission shall meet and organize by electing one of the members as chairman and one as secretary and such other officers as may be necessary or convenient. The Commission shall have the power to adopt By-laws, Rules and Regulations for the proper conduct of public recreation for the Town.

SECTION III. The Recreation Commission may appoint such personnel as it shall deem necessary or convenient and shall define the duties and powers of such personnel and shall determine their compensation within the appropriations set forth in the budget and may dismiss such personnel.

SECTION IV: All decisions pertaining to the responsibilities with which this Commission is served in Section 1 hereof shall be made by the Recreation Commission and shall be appealed only to the Town Meeting.

SECTION V. Annually the Recreation Commission shall submit a budget to the Board of Selectmen for such recommendation to the Annual Town Meeting as such Board shall see fit to make. The Commission shall make an annual report to the Town.

SECTION VI: The Recreation Commission shall meet monthly on such day and at such hour as may be agreed by the members of the Commission and as shown on a schedule filed annually with the Town Clerk during the month of January. Special meetings may be called by the Chairman or the Secretary, and the Secretary shall call a special meeting to be convened within ten days of the receipt of a request for such meeting duly signed by at least two members of the Commission. Notice of such special meetings shall be given to all members of the Commission by first class mail postmarked not later than the third day prior to the day upon which the meeting is to be held. Five members shall constitute a quorum at all meeting.

Adopted: November 26, 1976.

**SALE OF ALCOHOLIC BEVERAGES – 1979-18A**

RESOLVED: that the resolution concerning permits for the sale of alcoholic liquors passed by the referendum held by the Town of North Canaan on January 8, 1936, be amended to read as follows:

The Selectmen of the Town of North Canaan are hereby authorized to grant permits, in writing, for the sale of Alcoholic liquor in the Town of North Canaan in these facilities which may be permitted to sell alcoholic liquor on Sundays as enumerated in Section 30-91 of the General Statutes of Connecticut, Revision of 1958, as amended, on Sundays, between the hours of twelve o'clock noon and eleven o'clock p.m.

Adopted: August 4, 1979

**LITCHFIELD CONVENTION 7 VISITORS COMMISSION – 1982-18B**

RESOLVED: That the Town of North Canaan, acting herein by Town Meeting, its legislative body, and pursuant to section 7-330 of the Connecticut General Statutes, hereby VOTES to form and join a municipal district known as Litchfield Convention and Visitors Commission for the purpose of establishing a convention and visitors commission pursuant to Section 7-136 (a) (c) of the statutes, as amended by Public Act 81-417.

Adopted: June 22, 1982

**ECONOMIC DEVELOPMENT COMMISSION – 1982-19A**

The Town of North Canaan hereby establishes an Economic Development Commission.

- 1) In accordance with the provisions of the General Statutes of the State of Connecticut, as set forth under Chapter 97 and 132, Section 7-136 as amended by Public Act 245, Section 1 of the 1965 General Assembly and
- 2) hereby intending to confer on the Economic Development Commission the powers and duties as currently enumerated in Chapters 97 and 132 of said General Statutes, and all other powers and duties which may thereafter be conferred by the General Statutes of the State of Connecticut and
- 3) hereby intending to promote and develop the economic resources of the Town of North Canaan and make appropriations therefore in acceptance of the provisions of said General Statutes.

The Economic Development Commission is hereby designated as the development agency of the Town of North Canaan to exercise the powers granted under Title 8, Chapter 132 of the General Statutes of Connecticut, Sections 8-186 through 8-200 (b) as amended by supplements thereto.

#### Section 1 – Members

The Economic Development Commission shall consist of seven (7) residents of voting age, of the Town of North Canaan, who shall be appointed to the said Board by the Board of Selectmen.

Upon adoption of this ordinance, there shall be appointed two (2) members to serve for a term of one (1) year and until their successors shall be appointed and shall have been qualified; two (2) members to serve for a term of two (2) years and until their successors shall be appointed and shall have been qualified; one (1) member to serve for a term of three (3) years and until his successor shall be appointed and qualified; one (1) member to serve for a term of four (4) years and until his successor shall be appointed and qualified; one (1) member to serve for a term of five (5) years and until his successor shall be appointed and qualified. Thereafter, upon expiration of each and the said original terms each member shall be appointed to serve for a term of five (5) years from the date of said expiration and until his successor shall be appointed and qualified. Vacancies, however created, shall be filled by the Board of Selectmen for the unexpired portion of the term of the member creating the vacancy, within 60 days.

The 1<sup>st</sup> Selectman shall serve as a member, ex-officio, of the Economic Development Commission without voting rights and his attendance will not be a factor in determining a quorum. A majority of the voting members of the Economic Development Commission shall constitute a quorum, (4). All appointments shall be made consistent with Section 9-167A of the 1963 Supplements of the General Statutes, with terms of office to run from the date of their appointment or until their successors shall be appointed and qualified.

#### Section II – Chairman & Officers

The Economic Development Commission shall annually elect from its voting membership a Chairman and such other officers as it shall from time to time determine may be necessary.

#### Section III – Removal

Any member may be removed by the Board of Selectmen for cause, and, on request of such member, after public hearing.

#### Section IV – Appointing Employees

The Economic Development Commission may appoint and engage employees, agents and consultants as may be necessary for the discharge of its duties within the limits of appropriations made thereof.

## Section V – Duties and Responsibilities

- (a) The Economic Development Commission shall conduct research into the economic conditions and trends in the Town of North Canaan, shall make recommendations to appropriate officials and agencies of said Town regarding action to improve its economic condition and development, shall seek to coordinate the activities of and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute books, maps, charts and pamphlets which in its judgment will further its official purposes.
- (b) The Economic Development Commission shall annually prepare and submit to the Town of North Canaan a report of its activities and of its recommendations for improving such economic conditions and development.

## Section VI – State and Federal Grants

The Economic Development Commission shall have the authority to apply for and receive State and Federal Grants from State and Federal Agencies and other sources on behalf of the Town of North Canaan...

## Section VII – Budget

The Economic Development Commission shall submit each year a budget, at a time in accordance with the Finance Act, for the forthcoming year, for approval of the Board of Finance and Board of Selectmen.

## Section VIII – Meetings and Reports

Meetings of the Economic Development Commission shall be held at least six (6) times annually and at such other time as the Chairman shall deem necessary. The Economic Development Commission shall make a written report of its activities to the Board of Selectmen annually, on or before the first day of October, and such other special reports as the Board of Selectmen may require from time to time.

## Section IX – Repeal

All other acts or ordinances, or any parts hereof, inconsistent with the provisions of this Ordinance are repealed.

## Section X

It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of North Canaan, Connecticut and the sections of this ordinance may be renumbered to accomplish such intention.

## Section XI – Effectivity

Approved, adopted and ordered published by the Board of Selectmen, to be effective fifteen (15) days after its publication in a newspaper having a circulation in the Town of North Canaan.

Adopted: June 22, 1982

## **SOIL EROSION & SEDIMENT CONTROL REGULATIONS**

### **For the Town of North Canaan**

#### SECTION 1. DEFINITIONS

- 1.1 “Certification” means a signed, written approval by the North Canaan Planning Commission (its designated agent or the Litchfield County Soil and Water Conservation District) that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- 1.2 “Commission” means the North Canaan Planning Commission of the Town of North Canaan.
- 1.3 “County Soil and Water Conservation District” means the Litchfield County Soil and Water Conservation District established under subsection (a) of section 22A-315 of the General Statutes.
- 1.4 “Development” means any construction or grading activities to improved or unimproved real estate.
- 1.5 “Disturbed area” means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- 1.6 “Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 1.7 “Grading” means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 1.8 “Inspection” means the periodic review of sediment and erosion control measures shown on the certified plan.
- 1.9 “Sediment” means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
- 1.10 “Soil” means any unconsolidated mineral or organic material of any origin

1.11 “Soil Erosion and Sediment Control Plan” means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative

## SECTION 2. ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN.

A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre

## SECTION 3. EXEMPTIONS

A single family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

## SECTION 4. EROSION AND SEDIMENT CONTROL PLAN

4.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

4.2 Said plan shall contain, but not be limited to:

- A. A narrative describing:
  - 1. the development;
  - 2. the schedule for grading and construction activities including:
    - a. start and completion dates;
    - b. sequence of grading and construction activities;
    - c. sequence for installation and/or application of soil erosion and sediment control measures;
    - d. sequence for final stabilization of the project site.
  - 3. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
  - 4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
  - 5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- B. A site plan map at a sufficient scale to show:
1. the location of the proposed development and adjacent properties;
  2. the existing and proposed topography including soil types, wetlands, water-courses and water bodies.
  3. the existing structures on the project site, if any;
  4. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, road and, if applicable, new property lines;
  5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
  6. the sequence of grading and construction activities;
  7. the sequence for installation and/or application of soil erosion and sediment control measures;
  8. the sequence for final stabilization of the development site.
- C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

## SECTION 5. MINIMUM ACCEPTABLE STANDARDS

- 5.1 Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
- 5.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission (or the County Soil and Water Conservation District) may grant exceptions when requested by the applicant if technically sound reasons are presented.
- 5.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

## SECTION 6. ISSUANCE OR DENIAL OF CERTIFICATION

- 6.1 The North Canaan Planning Commission County Soil and Water Conservation District shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

- 6.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
- 6.3 Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.
- 6.4 The Commission may forward a copy of the development proposal to the conservation commission or other review agency or consultant for review and comment.

**SECTION 7. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL**

(\*7.1) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 5 of the regulations.

OR

(\*\*7.1) The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Section 5 of the regulations.

- 7.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- 7.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- 7.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

**SECTION 8. INSPECTION**

8.1 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

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(\*7.1) This first 7.1 is adapted for use in subdivision or planned unit development regulations.

(\*\*7.1) This second 7.1 is adapted for use in zoning's site plan review regulations.

## F. NOTES ON MODEL REGULATIONS

The purpose of these notes is to provide municipalities with further insight, explanation and guidance on the Model Regulations. The notes emphasize administrative procedures which can be helpful in implementing these regulations. These notes also focus on other important issues concerning management of erosion and sedimentation not specifically referred to within the state law. It may be prudent to discuss these issues with your town attorney prior to promulgation of the regulations by the town to ensure that the regulations conform with the Law. The notes first address the Model Regulations specifically by sections and then on a general basis.

### SECTION 1. DEFINITIONS

Other definitions may be deemed appropriate to add to this section dependent on local circumstances.

If erosion and sediment control provisions are to be incorporated directly into the existing regulations (as compared to adoption of the “stand alone” document), then the definitions section in the existing regulations will require a revision to add the model’s definitions. Remember to retain proper alphabetical order.

Also check for conflicting or inconsistent definitions in the existing and in the model regulations. Revise as needed.

### SECTION 2. ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN AND SECTION 3. EXEMPTIONS

Municipalities that already have existing erosion and sediment control regulations should review those regulations for conformity with the new law with special attention given to the requirements contained in Sections 2 and 3 of the Model Regulations.

It is suggested that the contents of these sections be included in any use and/or zone tables and in any descriptions of the permitted uses and/or various zones which may appear within the existing regulations.

Based upon the legislative history of PA83-388, agricultural activities are deemed exempt from erosion and sediment control regulations.

The Law exempts the development of an individual residential building lot for residential purposes from the erosion and sediment control regulations. However, it is not the intent of the Law to allow a fragmented parcel-by-parcel development of a subdivision without the required erosion and sediment control provisions. Therefore, subdivision approvals should provide for erosion and sediment control during development.

## SECTION 4. EROSION AND SEDIMENT CONTROL PLAN

### 4.1 (Basis for Plan)

The applicant has the responsibility to develop his control plan based on the best available technology. The Connecticut Guidelines for Soil Erosion and Sediment Control publication is specifically referenced as the current state-of-the-art source and readily available from the Department of Environmental Protection's Natural Resources Center. However, there are other acceptable publications which contain the principles, methods and practices for certified plans.

The phrase, "reduce the danger from storm water runoff" relates to erosion only, for example, downstream streambank conditions. Towns have always had the authority to require storm water management provisions. Some towns already do this and it may be the timely thing to do along with erosion and sediment control. However, PA 83-388 does not mandate storm water management. Agencies which can assist towns in developing storm water management regulations are the Department of Environmental Protection, county soil and water conservation districts, USDA Soil Conservation Service, University of Connecticut Cooperative Extension Service and regional planning agencies.

### 4.2.A (Narrative)

The narrative is extremely useful to the certifier, inspector, enforcer, developer and developer's contractor. Erosion and sediment control is a procedure often calling for written descriptions to explain the basis for any proposed plan, detailed control measures, and interactions such as timing of earth moving or stabilization.

The narrative is an appropriate place to include provisions for contingency plans if unforeseen erosion or sedimentation problems arise. Contingency plans may be handled by requiring statements within the narratives that identify the permittee's (and the contractor's) responsibilities to deal with unforeseen erosion and sedimentation problems as they arise. It is the developer's responsibility to anticipate unforeseen erosion or sedimentation problems and to have the capability to deal effectively with such problems.

Other components of a good narrative would include self-monitoring and active maintenance procedures. A good erosion and sediment control plan will identify someone (engineer, contractor, etc.) responsible for monitoring control measures with whom an inspector representing the town would be able to communicate routinely. On-site operational and maintenance procedures for erosion and sediment control measures should be required on a daily basis.

Having the narrative printed on the site plan map as noted is beneficial so long as it does not clutter the map. Specific components of the narrative are needed for the contractor to properly review, install and apply measures. Such components appear on the site plan map requirements so they do not become detached from one another.

### 4.2.B (Map)

An appropriate map scale for soil erosion and sediment control measures is site specific. Normally, a linear scale of 1 inch = 40 feet and contour intervals of 2 feet provide enough

site plan detail for most projects. Circumstances may warrant more or less detail. Flexibility is highly desirable to meet site-specific needs and to not unnecessarily burden the applicants.

All of the site plan map requirements are important for soil erosion and sediment control. Such information is important in evaluating a proposed erosion and sediment control plan and in predicting the plan's effectiveness. The information is needed by the contractor in explicit detail so control measures can be properly located and installed or applied. The information is needed by inspectors to check if installation, operation and maintenance are as planned. The information becomes more crucial when the development site is large and/or an environmentally sensitive area.

As stated earlier, the site plan map requirements also contain components of the narrative, namely 8(6), (7) and (8). The components are needed by the contractor during construction to tell him when and how to implement the control plan. These components will appear in the narrative, as required by law, but by having them also appear on field construction plans is advantageous. The construction workers would then only need the plan to work from and have before them only relevant narrative details, thus reducing the chances of the narrative being "forgotten about" during construction.

All of the site plan map requirements should be integrated with mapping requirements in the existing regulations, not repeated.

#### 4.2.C) Other Information

This section provides a "catch all" for those development sites requiring additional or special control measures or facilities not covered in Section 4.2(A) and (B). This section also allows for special controls or plan features to meet site specific situations that either the applicant or the commission wish to address.

### SECTION 5. MINIMUM ACCEPTABLE STANDARDS

Subsections 1 through 3 again reference the Connecticut Guidelines for Soil Erosion and Sediment Control as a source for establishing the "what to do" and "how to do it" in devising a control plan. Otherwise, a more lengthy section specifically covering the seemingly unlimited standards would evolve. Referencing these Guidelines provides the flexibility needed for site-specific development.

Performance standards are the desired goal for control of soil erosion and sediment, and the source from which control measures were designed are secondary. The Guidelines are meant to be a readily-available source to attain these desired performance standards.

## SECTION 6. ISSUANCE AND DENIAL OF CERTIFICATION

### 6.1 (Commission Shall Certify or Deny)

It is suggested that the certifier keep public records defining the basis for all decisions. It is important that good public records be kept.

### 6.2 (Time Limits)

With the new Law, an application before the planning and/or zoning commission is automatically “incomplete” unless there is a control plan. Once a “complete” application is received, the timetable a commission must adhere to in their actions is established by statute. Proper provisions for soil erosion and sediment control must be done within that established timetable. THEREFORE, IT IS IMPERATIVE that commissions act promptly to review plans for certification, including prompt submittal of plans to others if their review is deemed necessary.

### 6.3 (Review by County Soil and Water Conservation Districts)

If the County Soil and Water Conservation District is to be designated as the certifying authority, then delete this subsection.

### 6.4 (Other Review)

Communication and coordination usually need to be improved upon among all parties interested in environmental safeguards. The municipal wetlands agency has a role in erosion and sediment control as part of its statutory charge for protecting wetlands and watercourses.

## SECTION 7. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

An additional component to consider in Section 7 would be titled “Compliance with Plan Requirements.” It would state, “Any person engaged in development activities who fails to file a soil erosion and sediment control plan in accordance with these regulations, or who conducts a development activity except in accordance with provisions of a certified plan shall be deemed in violation of these regulations.”

### 7.1 (Bonding Options)

When the “stand alone” document approach is taken, the user should cross-reference the applicable bonding provisions similar to how they appear in the Model Regulations.

THERE ARE TWO WAYS for such bonding requirement provisions to be stated in the regulations. The one used depends upon the regulations being amended. The first, 7.1, is only legal for subdivision or planned unit development regulations. The second, 7.1, is only legal for zoning’s site plan review regulations and is also conditional to that portion of the modified site plan.

Bonding should be effected according to the normal bonding procedures established by each municipality, but may not have to be implemented at the time of soil erosion and sediment

control plan certification. Bonding at the time building permits are requested may be preferable.

Establishing who (i.e., town engineer) is to recommend “the estimated costs required to control soil erosion and sedimentation” may be stated in the regulations

## SECTION 8. INSPECTION

Although the inspection section is brief, it is very important. Inspection is mandated by state law and should be seriously accomplished to protect the town’s liability.

The second sentence of 8.1, beginning with “The Commission may require...”, can be considered an “as-built” requirement that can be used on large, complex or sensitive developments. Progress reports are not necessary for all control plans, but in special instances can be used to guarantee compliance by the applicant. Normally, the applicant would be expected to pass this responsibility on to the consultant who prepared the control plan.

Inspection records or reports should be kept in the event of possible enforcement action. Types of information for such inspection records include: inspection dates, weather conditions, people spoken to on-site, what was looked at, discussed, and agreed upon. Additionally, inspections reports may include drawings, sketches, or photographs of relevant features or problem areas.

Check the existing regulations for inspection and investigation provisions which grant access to the development site. Consider such provision here if they do not exist in the regulations.

## OTHER NOTES

Delegation of the certifying authority responsibilities may be possible for a municipality, especially where existing erosion and sediment control mechanisms are already in place. It is recommended to consolidate past mechanisms with new requirements, especially the certification and inspection responsibilities.

Any Pre-application process for development that may be ongoing between the town and the potential applicant should consider including the county soil and water conservation district as a source of resource information concerning soil erosion and sediment control.

Amendments to an existing certified soil erosion and sediment control plan may be sought at a later date. Adherence to the plan amendment provisions already appearing in existing regulations will need to be enforced. The Act does not contain provision for amendment to certified plans. It is recognized that municipalities already deal with minor technical changes to approved plans in a variety of ways. Each municipality should consider including in their regulations a formal erosion and sediment control amendment provision for substantive changes. However, experience will bear out that unforeseen circumstances during construction will necessitate technical changes and contingency measures.

Enforcement proceedings by a municipality can be kept to a minimum if the municipality insists that carefully prepared and well-thought-out soil erosion and sediment control plans be submitted, properly reviewed for certification and implemented. Substandard plans must be rejected or denied, and certified plans, when implemented, must be inspected periodically by the town enforcement agent. For significant development applications, bonding and the requirement for as-built soil erosion and sediment control measures have been shown to increase compliance with environmental laws.

Inland wetlands authorities can independently exercise enforcement action when soil erosion and sedimentation impacts upon the regulated areas. The State of Connecticut, Department of Environmental Protection can ultimately enforce situations that pollute the waters of the state.

Adopted: June 25, 1985

Effective: July 21, 1985

### **ORDINANCE PERTAINING TO “MUNICIPAL RECYCLING” - #1990-32**

1. Each Person, business or institution generating solid waste within the Town of North Canaan shall separate from other solid waste for the purpose of recycling, all items designated by Connecticut General Statutes Section 22a-24b-1. This ordinance shall not apply to said designated items until they have been placed by such person, business or institution for disposal as waste.
2. Residential Recycling
  - a. Residential property means real estate containing one or more dwelling units but shall not include hospitals, motels or hotels.

Each resident is required to deliver recyclable materials designated by the Board of Selectmen to location(s) to be designated by the Board of Selectmen. For all residents receiving private refuse collection, recyclable materials shall be separated from refuse and delivered by the private collector or resident to the designated area within the landfill.
  - b. The following items are hereby designated by the Board of Selectmen for recycling, which list of items may be amended from time to time by vote of the Board of Selectmen: cardboard, glass and metal food and beverage containers, storage batteries, waste oil, scrap metal, leaves and newspaper.
  - c. The manner in which recyclable materials generated by residents shall be packed, cleaned, sorted, etc. shall be designated by the Board of Selectmen.
  - d. From the time of placement of designated materials at the curb or other designated residential collection or drop-off locations, such materials become the property of the Town of North Canaan.
3. Non-Residential Recycling
  - a. Commercial, industrial and institutional establishments shall provide, or require their refuse collector to provide for the separation of municipal solid waste and each recyclable material accumulated on the premises.
  - b. The following items are hereby designated by the Board of Selectmen for recycling, which list of items may be amended by time to time by vote of the Board of Selectmen: cardboard, glass and metal food and beverage contain-

ers, storage batteries, waste oil, leaves, newspaper, office paper and scrap metal.

#### 4. Refuse Collectors

a. Any person who intends to operate as a collector in the Town of North Canaan shall register annually on forms provided by the Town Clerk.

- a. Refuse collectors shall notify the Board of Selectmen of generators who have discarded recyclable with solid waste and shall assist the Town in identifying the persons responsible.

#### 5. Scavenging Prohibited

It shall be a violation of this ordinance for any person, other than the generator of recyclable materials or registered collector, to scavenge such materials. Scavenging shall include collecting, recovering, hauling, storing or disposing of recyclable materials other than that authorized in this ordinance.

#### 6. Non-profit organizations

Nothing in this ordinance shall prohibit any residential water generator from donating recyclable to any non-profit organization, provided that no such organization shall pick up any recyclable left at the curbside.

#### 7. Enforcement

The Town's First Selectman is hereby designated as the municipal officer in charge of enforcement of this ordinance. The First Selectman may designate one or more agents to act in his behalf in enforcement matters.

Whoever violates any provision of this ordinance shall be subject to the following penalties:

- a. For a first offense, a warning shall be issued.
- b. For a second offense, a contracted waste and materials hauler may be advised not to collect waste from waste generators in violation of presorting requirements. If a private collector is in violation on a second occasion the enforcement officer may refuse to accept waste from said private collector.
- c. For a subsequent offense, the enforcement officer shall review the matter with the Board of Selectmen, which may assess fines and penalties pursuant to Section 22a-220a of the Connecticut General Statutes or civil penalties pursuant to Public Act 90-216. Any person who is assessed a civil penalty pursuant to the subsection may appeal therefrom to the superior court in the manner provided in subsection (g) of section 7-152c of the Connecticut General Statutes.

The Town's First Selectman is hereby designated as the municipal officer who shall receive information and respond to questions regarding recycling from the Department of Environmental Protection. The First Selectman shall receive from licensed collectors and

from operators of resource recovery facilities and solid waste facilities the notices required to be sent to the Town pursuant to Section 4 of Public Act 90-220.

8. Except as provided in Section 10, this ordinance shall take effect fifteen (15) days after publication in a newspaper having circulation in the Town of North Canaan, or by January 1, 1991, whichever is later.
9. Nothing in this ordinance shall require separation and delivery of glass or metal food and beverage containers or newspapers generated by residences until the Board of Selectmen has signed a contract with a regional intermediate processing center and such center is fully operational.

Adopted: January 11, 1991

#### **#1988-34B**

#### **“BAZAARS AND RAFFLES ACCORDING TO SEC. 7-170 THRU 7-186 OF CT. GENERAL STATUTES”**

To allow bazaars and raffles to be held within the Town of North Canaan according to Sec. 7-170 thru 7-186 of the Connecticut General Statutes, Revised to 1983.

Adopted: June 16, 1988

#### **“CREATION OF REGIONAL COUNCIL OF GOVERNMENTS”**

1. To create a Regional Council of Governments as is defined in Section 4-124i and 3-124p inclusive of the 1983 supplement to the General Statutes of Connecticut, as amended.
2. To authorize the Board of Selectmen to appoint any other Selectman as an alternate to serve as the Town’s representative to a Council of Governments in the absence of the First Selectman.
3. That when the Town becomes a member of the Council of Governments then the Town will rescind the ordinance enacted of April 12, 1972 that created the Town’s participation in the Northwestern Connecticut Regional Planning Agency.

Adopted: May 8, 1984

**#1978-34D**

**“HISTORICAL MARKER FOR NORTH CANAAN”**

RESOLVED: That the First Selectman is authorized and directed to file an application on forms prescribed by the Connecticut Historical Commission for a historical marker in accordance with the provisions of Section 10-321, General Statutes of Connecticut, and the regulations of the Connecticut Historical Commission; and be it further RESOLVED, That the Town agrees to erect the marker within sixty days of delivery and to maintain the site on which the marker will rest.

Adopted: June 15, 1978

**#1987-35A**

**“DOG WARDEN IMPOUNDMENT FEES AND CHARGES”**

RESOLVED: In accordance with P.S. 86-284 to establish a single flat fee, not to exceed fifteen (15) dollars to be paid by the dog owner, as a redemption and impoundment fee for dogs impounded by the Dog Warden, and to allow the Town of North Canaan to charge the dog owner for the full cost of detention of an impounded dog on a per diem basis.

Effective: February 18, 1987

**#2005-39B**

**“ESTABLISHMENT OF INLAND WETLAND/CONSERVATION COMMISSION”**

BE IT ENACTED AND ORDAINED: The Inland Wetlands and Conservation Commission of the Town of North Canaan shall consist of five regular members and three alternate members who shall be appointed by the Board of Selectmen. The term of office shall be for two years. Members may be reappointed. Vacancies shall be filled by the Board of Selectmen. Those members currently serving on the commission shall continue to serve until their current term is completed.

Adopted at Town Meeting: November 17, 2005

Effective: December 16, 2005

**#1971-35C**

**“FORMATION OF LOCAL HOUSING AUTHORITY”**

VOTED: To authorize the Selectmen to appoint five (5) people to a Housing Authority to serve terms of 1, 2, 3, 4, and 5 years.

Adopted: June 8, 1971

**#1973-35D**

**“TOWN ACCEPTANCE OF SHELTER RENT IN LIEU OF REAL PROPERTY TAXES”**

RESOLVED: That the Town of North Canaan accept ten per-cent (10%) of the shelter rent per annum for each occupied dwelling unit in the North Canaan Housing for the Elderly Project from the Housing Authority of the Town of North Canaan in lieu of real property taxes, pursuant to Section 8-118a of the Connecticut General Statutes.

Adopted: October 1, 1973

**#1974-36A**

**“ADVANCE FUNDS FOR THE NORTH CANAAN HOUSING AUTHORITY”**

RESOLVED: That the Town of North Canaan advance to the North Canaan Housing Authority an addition sum of \$8,250.00 for engineers' and architects' fees, legal expenses, administrative services and the necessary costs incurred by the North Canaan Housing Authority up to the point of award of the project construction bids which have been approved by the Commissioner of the Department of Community Affairs, for an additional sixteen (16) units. It is further agreed that the additional funds advanced by the Town of North Canaan will be reimbursed from the Capital Grant by the State of Connecticut, provided that no reimburse-

ment will be allowed to bring the State of Connecticut total participation above the per unit development cost of \$16,000.00 per unit.

Adopted: August 20, 1974

**#1976-36B**

**“SECTION 8 HOUSING”**

RESOLVED: The Governing Body of the Town of North Canaan declares there is a shortage of safe or sanitary dwellings in this municipality available to low income families at rentals they can afford; and, there is a need for, and it is desirable and in the public interest for the Commissioner of Community Affairs to administer a program of rental housing assistance under Section 8 of Title II of the United States Housing and Community Development Act of 1974 (Public Law 93-383) and in accordance with Section 8-120, chapters 128, 129 and 133, of the Connecticut General Statutes as amended. We, hereby, approve the operation of the said rental assistance program in this municipality by the said Commissioner. This resolution is passed at the request of the Hartford area office of the U. S. Department of Housing and Urban Development.

Adopted: September 2, 1976

**#1991-37**

**MUNICIPAL WATER SUPPLY**

RESOLVED:

Section 1. The sum of \$500,000.00 is appropriated for the construction of municipal water system extensions on Ashley Falls Road, Clayton Road and Route #7A in the Town of North Canaan, including the installations of approximately 5,100 feet of 8-inch diameter water main, associated hydrants and service connections, site work, and paving, and for administrative, printing, legal and financing costs related thereto, said appropriation to be inclusive of any and all State and Federal grants-in-aid thereof.

Section 2. To meet a portion of said appropriation, it is expected that a grant or grants in the aggregate amount of approximately \$375,000.00 will be received from the United States of America acting through the Farmers home Administration.

Section 3. To meet the portion of said appropriation not met from other sources, not exceeding \$500,000.00 bonds of the Town shall be issued, maturing not later than the thirtieth year after their date. Said bonds may be issued in one or more series as determined by the Board of Selectmen and the amount of bonds of each series to be issued shall be fixed by the Board of Selectmen in the amount necessary to meet the Town's share of the cost of the project determined after considering the estimated amount of the State and Federal grants-in-aid of the project, or the actual amount thereof if this be ascertainable, and the anticipated

times of the receipt of the proceeds thereof, provide that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the First Selectman and the Town Treasurer, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Board of Selectmen, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Board of Selectmen, and approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Board of Selectmen. The bonds shall be general obligations of the Town, and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, and the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Board of Selectmen in accordance with the General Statutes of the State of Connecticut, as amended.

Section 4. Said bonds shall be sold by the Board of Selectmen in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Board of Selectmen.

Section 5. The Town Treasurer is authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the First Selectman and the Town Treasurer, have the seal of the Town affixed, be payable at a bank or trust company designated by the Board of Selectmen, be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the Board of Selectmen pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost of such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to

the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 6. Upon approval from the Farmers Home Administration of the financing of the project, a separate account shall be established in a bank designated as a depository of Town funds for use in connection with the project described in Section 1, and the Town Treasurer is directed to deposit in said account all proceeds of any Federal or State grants-in-aid of said project, all proceeds of temporary borrowings in anticipation of the receipt of the proceeds of said project, all proceeds of said bonds exclusive of premium and accrued interest, all earnings from temporary investments of the funds in said account and all other funds available to meet the costs of said project and to use the funds in said account and all other funds available to meet the costs of said project subject to such temporary investment thereof as may be proper, solely to meet the costs of said project, to pay the principal of and the interest to the extent not paid from other available funds, on temporary borrowings in anticipation of the receipt of the proceeds of said bonds, and to deposit any monies in said account in excess of the amounts needed for such purpose in the Town's General Fund.

Section 7. The First Selectman is authorized in the name and on behalf of the Town to apply for and accept any and all Federal and State loans and/or grants-in-aid of the project and is further authorized to expend said appropriation in accordance with the terms hereof and in connection therewith to contract in the name of the Town with engineers, contractors and others.

Adopted: December 17, 1991

## **TOWN OF NORTH CANAAN BENEFIT ASSESSMENT ORDINANCE (1993 ASHLEY FALLS ROAD WATER PROJECT)**

The Town of North Canaan, having constructed a new water line in the Ashley Falls Road (Rt7), Clayton Road (Rt. 124), Barracks Road and Cemetery Road area between 1992 and 1993 (the "Project"), and intending to recover the cost of such water line from amongst those benefiting from it, in accordance with the General Statutes of the State of Connecticut, herein establishes and ordinance for water benefit assessments relating to the Project. Consideration is given to acreage, front-footage, Grand List building lot valuation and property use. As a result of such consideration, the following determination is made:

### **1. RECOVERABLE COSTS**

Costs intended to be recovered through benefit assessment are a portion of the capital costs required to construct the Project. Due to an approximate 75% grant from the U. S. Department of Agriculture, acting through the Farmers Home Administration (the "FmHA"), only approximately 25% of all such costs will be recovered by levy of an assessment on those properties especially benefiting. This is the amount borrowed from FmHA by the Town of North Canaan in connection with the Project, and required to be repaid in annual installments between 1993 and 2012, or \$118,000.00. Subsequent activation of deferred assessments as described below may increase the amount recovered.

## II PROPERTIES SUBJECT TO ASSESSMENT

### A. Assessable Properties

The lands and owners thereof subject to assessment of benefits are:

- (1) All properties within 500 feet of the new water line except properties exempted by the Town for good cause shown, and/or
- (2) All other properties making use of the new water system.

### B. Exempt Properties:

- (1) Properties which, in the opinion of the Town, cannot feasibly connect to the water system will be exempted from this assessment.

### C. Deferred Properties:

- (1) State-Owned Property: Assessment of wholly undeveloped land owned by the State of Connecticut shall be deferred pending future development or sale thereof.
- (2) Privately-Owned Property: Assessment of privately-owned property shall be limited to one acre's acreage, the Grand List building lot valuation of such acre, units of present use, and front footage up to 150 front feet. Assessment based on future use, excess acreage, and excess front footage shall be deferred.
- (3) Activation of Assessments: Deferred assessments will be determined and levied when a State-owned property is sold, or when a privately-owned property is improved or a building permit issued therefore, or when a new lot is created, either by approval of a subdivision plan by the planning commission having jurisdiction, or otherwise.

Such assessment may occur in one or more stages as a given lot is created and/or improved, and will be calculated in accordance with Section III. B and C below, applying the four unit assessment rates set forth therein to such property as then divided or improved. Any financing of such deferred assessments will be for the remainder of the term specified in Section V. B below.

## III. ASSESSMENT METHODOLOGY

By State statute, the amount of the benefit assessment that may be assessed against any property benefited by the Project may not exceed the value of the benefit conferred upon the property by the Project—i.e. the increase in the fair market value of the property attributable to the presence of the municipal water system. Because three-fourths of the cost of the Project was paid with grant funds, there is no real question as to whether the amount of any given assessment exceeds the permissible maximum. The goal then is to allocate the one-fourth of the Project cost being assessed against the benefited properties collectively in a manner that is equitable to each property individually. The Town has accordingly adopted the following allocation formula:

### A. Assessment Formula:

The Town has determined that the value of the benefit conferred upon individual properties is best determined by allocating such benefit on the basis of the factors of use, front footage, acreage and valuation, and prorating these factors as follows:

(1) Sixty percent of the total benefit is allocated to land use (hereinafter “Total Land Use Charge”).

(2) Fifteen percent of the total benefit is allocated to front footage up to a maximum of 150 front feet per property (hereinafter “Total Front Footage Charge”);

(3) Fifteen percent of the benefit is allocated to Grand List building lot acreage up to a maximum of one acre per property (hereinafter “Total Acreage Charge”); and

(4) Ten percent of the benefit is allocated to Grand List building lot valuation (hereinafter “Total Assessed Valuation Charge”).

The sum of these factors, or \$118,300.00, is the total assessment to be levied against all of the benefited properties collectively.

#### B. Assessment Rates:

In order to assess individual properties, it is necessary to determine a unit price for each of the four factors (i.e. so much per use unit, per foot, per acre and per dollar of assessed valuation).

Unit charges for each of the above four factors are determined as follows:

The portion of the total benefit allocated to each factor is divided by the total number of assessable unit (use, front feet, acreage, collars of valuation) to determine a per-unit rate of assessment, thus:

(1) The Total Land Use Charge is divided by the total number of Use Units (determined as hereafter provided), the quotient being the benefit assessment rate per use unit, or \$70,980 divided by 45.04 - \$1,575.93 per unit.

(2) The Total Front Footage Charge is divided by the total assessable Front Footage (determined as hereinafter provided), the quotient being the benefit assessment rate per assessable front foot, or \$17,745 divided by 5.054- \$3.51 per front foot.

(3) The Total Acreage Charge is divided by the total assessable Grant List building lot acreage (determined as hereinafter provided), the quotient being the benefit assessment rate per assessable acre, or \$17,745 divided by 41.28 + \$429.87 per acre.

(4) The Total Assessed Valuation Charge is divided by the total valuation of Grand List building lots, the quotient being the benefit assessment rate per dollar of assessed valuation, or \$11,830 divided by \$2,208,631 = \$.00536 per dollar of valuation.

#### C. ASSESSMENT CALCULATION:

The Benefit Assessment to be levied on each piece or parcel of land and the owner or owners thereof is then calculated as the sum of:

(1) The product of the number of Use Units applicable to that parcel multiplied by the benefit assessment rate per Use Unit; plus

(2) The product of the assessable Front Footage of such parcel multiplied by the benefit assessment rate per assessable Front Foot; plus

(3) The product of the assessable Acreage of such parcel multiplied by the benefit assessment rate per assessable Acre; plus

(4) The product of the Assessed Valuation of such parcel multiplied by the benefit assessment rate per dollar of Assessed Valuation.

#### IV. ASSESSMENT PARAMETERS

##### A. Source Records

The source for all benefit assessment property data has been the Town of North Canaan Tax Assessor's Property Field Cards, As-Built engineering plans for the Project, North Canaan Tax Assessor's maps, and the October 1, 1993 Grand List.

##### B. Land Use

Use Units have been charged in accordance with the Canaan Fire District Sewer Ordinance Estimated Water Consumption Schedule (\$5.1) except in cases where it is brought to the attention of the Town that actual water usage differs materially from the use units thus determined. Thus a single family dwelling is charged on unit; and apartment is such a dwelling adds 0.7 units; and undeveloped parcel is charged 0 units; etc.

##### C. Front Footage

All properties are subject to a charge based on front footage up to a maximum of 150 front feet as shown on assessor's maps and recorded deeds. Front footage for this purpose is limited to the number of feet of road frontage of a given parcel actually abutting on the water main.

##### D. Acreage

All properties are subject to a charge based on Grand List building lot acreage up to a maximum of one acre.

##### E. Valuation

Each property is subject to a charge for the land value (not including any structure thereon) of the lot (up to a maximum of one acre) as set forth in the most recent Grand List of the Town of North Canaan as of the date of assessment

#### V. PAYMENT OF ASSESSMENTS

##### A. Notice and Billing of Assessments

(1) Pursuant to the Connecticut General Statutes, a public hearing will be held regarding the proposed assessments. Notices of such hearing will be printed in a newspaper of general circulation within the Town of North Canaan and mailed to individual property owners at least ten days prior to the public hearing date. Once final assessments have been determined by the enactment of an ordinance at a town meeting, benefit assessment figures will be mailed to property owners and the amounts printed in a newspaper of general circulation within the Town of North Canaan at least 15 days prior to the assessment due date. Property owners will receive a formal bill from the Tax Collector shortly thereafter.

(2) Names and addresses of property owners will be those appearing on the Town of North Canaan tax assessor's and collector's records as of October 1, 1993, except in those instances where more current information has been brought to the attention of the Town.

#### B. Method of Payment by Property Owners

Each benefit assessment is due and payable June 1, 1994. Property owners have two options for payment:

(1) Lump Sum: pay assessment in full on June 1, 1994 or in any event on or before June 3-, 1994; or

(2) Installment: pay assessment by installment note according to the following schedule:

\* Term: 20 years, June 1, 1994 through May 31, 2014.

\* Interest: Five Percent (5%).

\* Installments: Amortized principal and interest method with 20 fixed annual payments; payments made at start of each period.

\* Due on sale; Outstanding balance and accrued interest due on sale or transfer of property.

\* Time to execute note: Installment Note must be executed by the property owner and the first installment paid on or before June 30, 1994.

NOTE: IF PROMISSORY NOTE IS NOT EXECUTED AND FIRST INSTALLMENT PAID ON OR BEFORE JUNE 30, 1994, THE ENTIRE ASSESSMENT IS DUE AND PAYABLE AT THAT TIME.

\* Payments not received within 30 days of their due date are delinquent and will incur interest at a rate of 1 ½% per month or fraction thereof (18% per annum) on the outstanding installment effective as of the due date of the installment. A minimum of \$5.00 will be charged on delinquent installments.

\* Any property owner delinquent for more than 30 days may have a lien placed against his property and will be liable for all costs of collection including reasonable attorney's fees.

(3) Allowances: The Town reserves the right to adjust benefit assessments up or down or to provide credits where the value of the benefit conferred is not satisfactorily determined by the above formula, including without limitation adjustments to reflect abnormal expenses of connecting to the Project and expenses previously incurred by property owners that reduce the cost of the Project to other property owners.

The within and foregoing benefit assessment ordinance was enacted, and the benefit assessments set forth on the attached schedule were levied, by vote at a town meeting of the Town of North Canaan on the 4<sup>th</sup> day of May, 1994.

### **RESOLUTIONS ADOPTED BY THE TOWN OF NORTH CANAAN**

#### **MAY 4, 1994 SPECIAL TOWN MEETING**

RESOLVED, that “the Town of North Canaan Benefit Assessment Ordinance (1993 Ashley Falls Road Water Project)” (the “Ordinance”) presented in proposed form at the Joint Public Hearing on April 25, 1994 be and it hereby is enacted in the revised form presented at this Special Town Meeting, and the schedule of water benefit assessments based thereon be and it hereby is levied against the properties benefited by the project in accordance with the Ordinance except for corrections necessary to reflect the location of Ernest P. Riva’s main building on lot 29/30-2 rather than 29/30-1.

RESOLVED, that the Ordinance be published in summary form in accordance with the applicable state statutes, with the schedule of water benefit assessments published therewith.

RESOLVED, that the following credits against assessments levied in accordance with the Ordinance be and they hereby are granted as follows, pursuant to paragraph V.B. (3) of the Ordinance:

1. A credit of \$2,000 to Burt and Geraldine Veronesi to account for the 40 feet of water lateral (at \$50 per foot) installed at their expense prior to the commencement of the water project, thereby reducing the cost of the project to other users:

2. A credit of \$2,000 to the owners of each of the three parcels assessed which will require the installation of a water lateral across the road, at the owners’ expense, in order to connect to the water main, as follows:

Lot	Owner
29/24	Stanley M. Segalla
29/30-2	Ernest P. Riva & Son, Inc.
29/30-5	Ernest P. Riva & S on, Inc.

Any portion of such credit remaining after application to the initial assessment of any such parcel shall be carried forward for application against deferred assessments of such parcel when and if levied.

Town of North Canaan  
 1992-1993 Ashley Falls Road Water Project  
 Final Benefit Assessments  
 Levied May 4, 1994

Name	Map/Lot	Total Assessment	Annual Payment of Financed*
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West Side – Ashley Falls Road (North)

Canaan Fire District	-----	\$1,575.93	\$ 120.43
Dickinson, W. & M.	22/234	\$1,198.67	\$ 91.60
Pollard, G. & K.	29/6A	\$ 926.58	\$ 70.81
Pollard, G. & K.	29/6	\$2,961.82	\$ 226.34
Segalla, D.	29/7	\$2,909.16	\$ 222.32
Garbus, R.	29/8	\$4,418.38	\$ 337.65
Ralph, D. & V.	29/9	\$2,269.84	\$ 173.46
Gandolfo, R.	29/10	\$3,810.34	\$ 291.19
Negri, M.	29/11	\$2,199.62	\$ 168.09
Budd, D.	29/12	\$1,939.25	\$ 148.20
Villa, R. & J.	29/13	\$2,970.30	\$ 226.99
Faedi, C. & D.	29/14	\$2,675.59	\$ 204.47
Currier, J. & W.	29/15	\$2,155.26	\$ 164.70
State Police	29/17	\$3,506.11	\$ 267.94
Fois, A. & B.	29/22	\$2,640.49	\$ 201.79
Segalla, S. M.	29/23	\$4,328.43	\$ 330.78
Segalla, S. M.	29/24	\$ 649.90	\$ 49.67

East Side – Ashley Falls Road (North)

Gandolfo, R.	22/329	\$1,408.93	\$ 107.67
State of CT	29/48	-----	-----
Veronesi, B.	29/47	\$2,970.30	\$ 226.99
McGrain, J. & A.	29/46	-----	-----
Segalla, A. & J.	29/46A	\$2,707.18	\$ 206.88
Segalla, S.J.	29/45	\$2,583.00	\$ 197.39
Segalla, S.J.	29/44	\$1,004.04	\$ 76.42
Decker & Beebe	29/43	\$2,970.30	\$ 226.99
Gandolfo, R.	29/42	\$4,383.12	\$ 327.32
State of CT	29/29	-----	-----
Wood, W.P. & C.	29/29-1	\$2,884.56	\$ 220.44
Ghi, A. & J.	29/28	\$3,896.90	\$ 297.80

South Side – Clayton Road/Route#124

State of CT	29/41	\$1,394.36	\$ 106.56
Gandolfo, R. & B.	29/40-1	\$4,072.23	\$ 311.20
O'Neil, M.F.	29/39	\$2,500.79	\$ 191.11
Currier, C. & E.	29/38	\$2,526.95	\$ 193.11
Currier, C. & E.	29/37	\$4,308.95	\$ 329.29
Lane, J. & J.	29/36	\$2,468.63	\$ 188.65

North Side – Clayton Road/Route #124

Stor-It-All	29/30-3	\$ 390.78	\$ 29.86
Stor-It-All	29/30-4	\$ 521.05	\$ 39.82
Riva, E.P. & Son	29/30-1	\$1,037.63	\$ 79.30
Kislelewski, E.	29/31	\$2,372.16	\$ 181.36
Spadaccini, M. & M.	29/32	\$2,179.28	\$ 166.54
Segalla, R.	29/33	\$2,707.18	\$ 206.88

Barracks Road

Toomey, D.	29/22A	\$2,623.47	\$ 200.49
Bottass, J.	29/21	\$ 536.05	\$ 40.97
Roy, D	29/20	\$2,180.52	\$ 166.64
Duntz, R. & G.	29/19A	\$1,948.58	\$ 148.91
Ohler, D. & M.	29/19	\$2,382.88	\$ 182.10
Dodge, S.	29/18	\$2,690.04	\$ 205.57
Fleming, P.	29/16-3	\$2,233.19	\$ 170.66
Bunce, R. & C.	29/16-2	\$ 837.92	\$ 64.03
Bunce, R. & C.	29/16-1	-----	-----

CEMETERY ROAD

Hughes, A. & S.	29/30-F	\$2,219.37	\$ 169.60
Riva, E.P. & Son	29/30-5	\$ 315.37	\$ 26.85
Riva, E.P. & Son	29/30-2	\$2,152.12	\$ 164.46
Segalla, R.	29/35-1	\$2,964.28	\$ 226.53
Tallon, J.	29/35-2	\$2,435.16	\$ 186.09

\*Annual payment based on 20 year term @ 5% interest  
(Payments at beginning of each period)

**SUMMARY OF TOWN OF NORTH CANAAN BENEFIT ASSESSMENT  
ORDINANCE**

**(1993 ASHLEY FALLS ROAD WATER PROJECT)**

The Town of North Canaan, having constructed a new water line in the Ashley Falls Road (rt. 7), Clayton Road (Rt.124), Barracks Road, and Cemetery Road area between 1992 and 1993, and intending to recover the cost of such water line from amongst those benefiting from it, in accordance with the General Statutes of the State of Connecticut, has adopted an ordinance for water benefit assessments relating to the Project.

The following is a summary of the Benefit Assessment Ordinance (the “Ordinance”) as enacted at a Special Town Meeting on May 4, 1994. The resulting schedule of benefit assessments is published herewith.

The Ordinance describes the properties subject to assessment, the data relating to each property that is used in determining the amount of individual assessments, and identifies those properties potentially subject to deferred assessments. The Ordinance provides an assessment formula, allocating sixty percent of the benefit to land use, fifteen percent to front footage, fifteen percent to Grand List building lot acreage, and ten percent to Grand List building lot value, and explains the manner in which each factor is applied in the calculation. The Ordinance reviews the procedural notice and hearing requirements mandated by the Connecticut General Statutes and established the due date, procedures, and options relating to the payment of assessments.

This document is prepared for the benefit of the public solely for purposes of information, summarization, and explanation. This document does not represent the intent of the legislative body of the Town of North Canaan for any purpose.

A copy of the Ordinance in its entirety is available for public inspection at the Office of the Town Clerk in North Canaan, Connecticut.

**PLANNING & ZONING COMMISSION & ZONING BOARD OF APPEALS #1999-39**

BE IT RESOLVED: Pursuant to the authority under Chapter 1214 and Chapter 126 of the Connecticut General Statutes, Revision of 1958, as amended, the Town of North Canaan does hereby create a Planning & Zoning Commission (hereinafter referred to as the “Commission”), which commission shall have all of the powers and duties of both a Zoning Commission and a Planning Commission as provided by those Chapters, which Commission shall be constituted as follows:

1. The Commission shall consist of five (5) regular members and three (3) alternate members, all of whom shall be electors of the Town of North Canaan and none of whom shall be salaried municipal officers.
2. On the adoption of this ordinance, the Board of Selectmen shall appoint the initial regular members of the Commission, three of whom shall be appointed to serve until the November 2001 biennial election of the Town, and two of whom shall serve until the November 2003 biennial election of the Town, or until their successor or successors shall have been elected and shall have qualified, whichever is later.
3. The Board of Selectmen shall also appoint the initial alternate members of the Commission, two of whom shall be appointed to serve until the November 2002 biennial election of the Town, and one of whom shall be appointed to serve until the November 2003 biennial election of the Town, or until their successor or successors shall have qualified, whichever is later.
4. Thereafter, the regular and alternate members of the Commission shall be elected to serve terms of four (4) years at the biennial Town election in the year in which their individual terms expire.
5. If any section, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

II: BE IT FURTHER RESOLVED: That pursuant to the authority of the provisions of Connecticut General Statutes Section 8-5 et seq. as it may be amended from time to time, the Town of North Canaan does hereby create a Zoning Board of Appeals (hereinafter referred to as the "ZBA"), which shall have all of the powers and duties set forth in the Connecticut General Statutes relating to zoning boards of appeals and their members,. The ZBA shall be constituted as follows:

1. The ZBA shall consist of five (5) regular members and three (3) alternate members, who shall be electors of the Town of North Canaan, and shall not be members of the Planning and Zoning Commission.
2. On the adoption of this ordinance, the Board of Selectmen shall appoint the initial regular members of the ZBA, three of whom shall be appointed to serve until the November 2001 biennial election of the Town, and two of whom shall serve until the November 2003 biennial election of the Town, or until their successor or successors shall have been elected and shall have qualified, whichever is later.
3. The Board of Selectmen shall also appoint the initial alternate members of the ZBA, two of whom shall be appointed to serve until the November 2001 biennial election of the Town, and one of whom shall be appointed to serve until the November 2003 biennial election of the Town, or until their successor or successors shall have been elected and shall have qualified, whichever is later.
4. Thereafter, the regular and alternate members of the ZBA shall be elected to serve terms of four (4) years at the biennial Town election in the year in which their individual terms expire.

5. If any section, clause or provision of this ordinance shall be adjudged invalid, such adjudicating shall apply only to the section, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Effective: June 21, 1999

## **OPEN BURNING ORDINANCE**

### **#2002-01**

No person shall kindle or direct another to kindle a fire in the open air without a permit. No person shall burn any material in violation of any conditions specified in a permit that has been granted. No person shall burn any material prohibited from being burned in this ordinance.

#### Permit, Application Procedure

An application for a permit must be completed and signed by the person responsible for the burn. The application must be submitted to the Burning Official and reviewed by the First Selectman. All material to be burned must be inspected by the Burning Official prior to issuing the permit.

The fee for the permit shall be \$20.00, which shall be allocated \$10.00 to the Burning Official and \$10.00 to the Town. The First Selectman may waive the fee if the applicant had a prior permit without violation or enforcement action.

#### General Permit Conditions

All permits issued shall be subject to the following conditions:

1. Only clean brush can be burned.
2. No demolition material whatsoever can be burned.
3. No objectionable odors or excessive smoke may be created. All reasonable measures to assure complete combustion are to be taken.
4. All reasonable safety precautions are to be taken, including the cleaning of grass and trees in the burning area, wetting down of the surrounding area, and placing of fire extinguishers.
5. Only those materials and quantities specified in the permit may be burned.
6. Burning must not take place (a) during an advisory of threatening atmospheric conditions or any other air pollution emergencies or episode; or (b) during a period when forest fire danger is high or extreme, if the open burning is within 100 feet of a woodland or a grassland adjacent to a woodland
7. Burning must be conducted between the hours of 8:00 a.m. and 4:00 p.m. All burns must be extinguished by 4:00 p.m. If the burn is not extinguished by 4:00 p.m. and the fire company is called, the permittee will be charged for the fire company time and equipment.

### Special Permit Conditions

The Burning Official shall have the discretion and authority to impose special conditions on the permit, as deemed appropriate by the Burning Official, including, but not limited to:

1. That auxiliary fuel and combustion forms must be provided.
2. That a fire truck must be stationed at the burning site.
3. That burning may be initiated only in the presence of the Burning Official.
4. That burning may not take place when the wind is from a specific direction.
5. That burning must be conducted on a specific day or at specific times.
6. That burning must be conducted only on a sunny or partly sunny day with the wind speed between 5 and 15 mph or other specified wind speed.

### Penalties, Enforcement

The Burning Official or the First Selectman shall have the authority to enforce this ordinance.

Any person who violates this ordinance shall be fined \$250.00 for each violation, and shall not be granted a subsequent permit for six months from the date of the violation. Any fines collected shall be given to the fire company serving the area in which the violation occurred.

Effective: June 14, 2002

## **ORDINANCE CITATION HEARING PROCEDURE**

### **#2002-02**

1. Pursuant To Section 7-152c of the Connecticut General Statutes, as amended, this ordinance established a citation hearing procedure.

2. The First Selectman of the Town of North Canaan shall appoint one or more citation hearing officers, other than police officers or employees or persons who issue citation, to conduct the hearing authorized by this section.

3. The Town of North Canaan, at any time within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to section 7-148 or section 226d, for any alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited: (1) Of the allegations against him and the amount of the fines, penalties, cost or fees due; (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof; (3) That if he does not demand such a hearing, an assessment and judgment shall be entered against him; and (4) That such judgment may issued without further notice.

4. If the person who is sent notice pursuant to subsection © of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by such municipality. Such payment shall be inadmissible in any proceeding civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection (3) of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in subsection (6) of this section

5. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of section 52-180 and evidence of the facts contained therein. The presence of the issuing official or policeman shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police reports, investigation and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath of affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the

violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the municipality.

6. If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall bill not less than thirty (3) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of the superior court facility designated by the Chief Court Administrator within the boundaries of the judicial district in which the municipality is located together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the municipality

Notwithstanding any other provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

7. A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259, in the superior court for the geographical area in which the municipality is located, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

8. This ordinance shall apply to the following ordinances for the Town of North Canaan.

No. 2002-01 Open Burning.

Burning Ordinances shall become effective fifteen (15) days after its publication, pursuant to the provisions of section 7-157 of the Connecticut General Statutes.

(Published on May 30, 2002)

(Effective: June 14, 2002)

## **AN ORDINANCE CONCERNING VETERANS**

**#2002-57A**

Be it Hereby Enacted and Ordained by the Town of North Canaan:

1. Any veteran who is entitled to an exemption from property tax in accordance with subdivision (19) of section 12-81 of the Connecticut General Statutes shall be entitled to an additional exemption applicable to the assessed value of property in the amount of ten thousand dollars, provided such veteran's qualifying income does not exceed the applicable maximum amount as provided under section 12-811 of the Connecticut General Statutes.
2. Any veteran's surviving spouse entitled to an exemption from property tax in accordance with subdivision (22) of section 12-81 of the Connecticut General Statutes shall be entitled to an additional exemption applicable to the assessed value of property in the amount of ten thousand dollars, provided such surviving spouse's qualifying income does not exceed the applicable maximum amount applicable to an unmarried person as provided under section 12-811 of the Connecticut General Statutes.

Adopted at Town Meeting: December 5, 2002

Effective: December 27, 2002

**AN ORDINANCE CONCERNING FARM MACHINERY**  
**#2002-57B**

Be it Hereby Enacted and Ordained by the Town of North Canaan:

Pursuant to Section 12-91 of the Connecticut General Statutes, an additional exemption from property tax shall be allowed for all farm machinery, (except motor vehicles as defined in section 14-1 of the Connecticut General Statutes), to the extent of an additional assessed value of one hundred thousand dollars over and above the exemption specifically allowed by section 12-91 of the General Statutes. Any such additional exemption is subject to the same limitation as the exemption provided for under subsection (a) of section 12-91, and the application and qualification process provided in subsection (c) of section 12-91 of the Connecticut General Statutes.

Adopted at Town Meeting: December 5, 2002

Effective: December 27, 2002

**AN ORDINANCE CONCERNING PUBLIC PARKING**  
**#2002-58**

Be it Hereby Enacted and Ordained by the Town of North Canaan:

It shall be unlawful for any person to park his or her motor vehicle too close to a hydrant, on the wrong side of the street, over twelve inches from the curb, to double park, to park on the sidewalk, to park past the time allowed on a parking meter, to park in a fire zone, to park over the time allowed for a designated parking spot, to obstruct a driveway, to park when a snow emergency has been declared, to park in or too close to a crosswalk, to park too close to a corner, to park in a restricted location, to park overnight in an area where such parking is not allowed, to park in violation of winter parking regulations as specified in Ordinance 1968-9c, and to park in a location designated for vehicles for the handicapped, when the owner's vehicle is not so designated. Any violation of the above shall result in a fine for each occurrence, in accordance with the list below..

The following constitutes a list of offenses and fined to be assessed:

A. Too close to hydrant	\$ 5.00
B. Wrong side of street	\$ 5.00
C. Over twelve inches from curb	\$ 5.00
D. Double parking	\$ 5.00
E. On sidewalk	\$ 5.00
F. Overtime meter	\$ 5.00
G. Fire zone	\$ 5.00
H. Overtime violation	\$ 5.00
I. Obstructing driveway	\$ 5.00
J. Snow Emergency	\$ 5.00
K. Vehicle in crosswalk	\$10.00
L. Too near corner	\$10.00
M. Restricted place	\$10.00
N. Overnight restriction	\$10.00
O. Winter parking violation (1968-9c)	\$10.00
P. Too close to crosswalk	\$10.00
Q. Handicapped	\$85.00

Adopted at Town Meeting: December 5, 2002

Effective: December 27, 2002

3. In addition to the above fines, the Town shall be authorized to tow any vehicles in violation of the above provisions. The cost of any towing and storage shall be solely at the expense of the owner or owners of said vehicle or vehicles.

Amended: May 18, 2004; Effective: June 11, 2004

## NORTH CANAAN LEAD TESTING & ABATEMENT ORDINANCE

#2004-60

### (1) Lead-Based Paint Testing (General)

The director of health may require the owner of a dwelling where lead-based paint may be present to engage the services of a state of Connecticut licensed lead consultant contractor at the owner's expense. The licensed lead consultant contractor shall utilize a state of Connecticut certified lead inspector or lead inspector/risk assessor to conduct paint testing, document paint conditions, and evaluate compliance with the requirements of the provisions of the Connecticut General Statutes (CGS) 19a-111c, 47a-54f, and the RCSA 19a-111-1 et seq. The owner shall provide a copy of the report that is generated by the lead consultant contractor to the director of health within a timeframe that is specified by the director of health.

### (2) Lead-Based Paint Testing, Abatement, and Lead Hazard Elimination Associated with Lead Poisoned Children.

**Inspection and Testing** Whenever the director of health receives a report of lead poisoning or otherwise determines that a child under the age of six (6) has an abnormal body burden of lead, the director of health may require the owner of the dwelling in which such child resides to engage the services of a state of Connecticut licensed lead consultant contractor to inspect and test the paint, soil, water, and dust on the premises for toxic levels of lead at the owner's expense. The owner shall provide a copy of the lead inspection report that is generated by the lead consultant contractor to the director of health within a timeframe that is specified by the director of health. The licensed lead consultant contractor shall utilize a state of Connecticut.

(A) certified lead inspector or lead inspector/risk assessor to conduct the lead inspection and testing.

(B) **Abatement and Lead Hazard Elimination** The director of health shall order the abatement or elimination of hazardous conditions if the lead content of paint, soil, water, and dust on such premises exceeds the permissible limits exceeds the permissible limits thereof as established and/or referenced in this subsection.

(a) **Paint** Abatement shall be required if the lead content and condition of paint on the premises do not conform to standards established in the RCSA 19a-111-1 et seq.

(b) **Soil** Abatement shall be required by the director of health if the lead content of bare soil areas on the premises exceeds four hundred (400) mg/kg (400 parts per million (PPM) or any applicable standard as may be established in the RCSA 19a-111-1 et seq.

**Dust** the director of health shall require the elimination of hazardous lead dust conditions. Hazardous lead dust conditions are lead dust levels greater than or equal to forty

(40) micrograms per square foot (ug/ft<sup>2</sup>) on floors, two hundred and fifty (250) ug/ft<sup>2</sup> on window sills, and/or four hundred (400) ug/ft<sup>2</sup> on window wells or any applicable standard as may be established in the RCSA 19a-111-1 et seq. The director of health may determine that hazardous lead dust conditions exist on surfaces other than those listed above.

(d) **Water** The director of health shall require appropriate action to reduce the potential for lead exposure when the lead content of potable water exceeds 0.015 mg/l (15 parts per billion (PPB)).

### **(3.) Lead Abatement Contractor**

The director of health may require the owner of a dwelling to engage the services of a state of Connecticut licensed lead abatement contractor, at the owner's expense, to ensure compliance with standards established in the RCSA 19a-111-1 et seq. and to abate and eliminate lead hazards as described in subsection three (3) above where, in the sole discretion of the director of health, the scope of work will exceed the capability of the owner and the owner's regular employees.

### **(4.) Penalty**

Any person, persons, or entities who are found in violation of any provision of this ordinance shall be subject to a fine of **\*\*Ten\*\***dollars (\$10.00) per day or **\*\*Five Hundred\*\***dollars (\$500.00) per occurrence.

### **RATIONALE OF PURPOSE**

Per various Connecticut statutes and regulations local health departments are designated as responsible parties for the comprehensive public health oversight and management of lead poisoned children. Additionally, local health departments must assume a proactive role in the development and implementation of measures that reduce the potential for lead exposure and promote the primary prevention of lead poisoning (i.e., prior to an individual becoming lead poisoned). In the event that a child is lead poisoned the local health department must require that appropriate measures be instituted to prevent further lead exposure. This amendment will enable the North Canaan Health Department to provide these services and fulfill these obligations in a more effective manner.

Effective: June 11, 2004

**ORDINANCE CONCERNING THE DESIGNATION OF THE  
PLANNING AND ZONING COMMISSION AS THE  
TOWN OF NORTH CANAAN'S AQUIFER PROTECTION AGENCY**

**#2005-61**

**WHEREAS**, Section 22a-354o of the Connecticut General Statutes (“Conn. Gen. Stat.”) provides that each municipality in which an aquifer protection area is located shall authorize by ordinance an existing board or commission to act as an aquifer protection agency; and

**WHEREAS**, it has been determined that it is in the best interest of the Town of North Canaan to designate the Planning and Zoning Commission as the town’s aquifer protection agency;

**NOW THEREFORE BE IT ORDAINED BY THE TOWN OF NORTH CANAAN THAT:**

(1) Designation and membership

(a) In accordance with the provision of Conn. Gen. Stat. 22a-354a, et seq., the Planning and Zoning Commission is hereby designated as the Aquifer Protection Agency (hereinafter the “Agency”) of the Town of North Canaan.

(b) Member of the Planning and Zoning Commission shall serve coexisting terms on this Agency. The membership requirements of the Agency shall be the same as those of the Planning and Zoning Commission including, but not limited to the number of members, terms method of selection and removal of members, and filling of vacancies.

© At least one member of the Agency or staff of the Agency shall complete the course in technical training formulated by the Commissioner of Environmental Protection of the State of Connecticut, pursuant to Conn. Gen. Stat. 22a-354v.

(2) Regulations to be adopted

(a) The Agency shall adopt regulations in accordance with Conn. Gen. Stat. 221-354p and Regulations of Connecticut State Agencies (R.C.S.A.) 22a-354i-3. Said regulations shall provide for:

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

(II) Procedures for the regulation of activity within the area.

(III) The form for an application to conduct regulated activities within the area.

(IV) Notice and publication requirements.

(V) Criteria and procedures for the review of applications.

(VI) Administration and enforcement.

Approved at Town Meeting: April 5, 2005 – Effective: April 28, 2005

**ELECTION OF REPRESENTATIVE TO REGIONAL SCHOOL DISTRICT #1  
#2005-62**

Be it hereby enacted and ordained, pursuant to Public Act 96-244, Section 4: The North Canaan representative to the Regional District Number One shall be elected for two

years. The first election shall be in November of 2005, and in November of each odd numbered year thereafter. The term of the representative shall commence, pursuant to Section 10-46(d) on the first day of the month following his or her election. The representative shall be an elector of the Town of North Canaan.

**APPOINTING AN ALTERNATE**

In addition, the Selectmen shall appoint one alternate representative for the same terms as set for the regular representative, who shall serve in the absence of the town's regular representative. The alternate shall be an elector of the town.

Approved at Town Meeting: April 5, 2005

Effective; April 28, 2005

**ESTABLISHING FEES FOR THE PLANNING AND ZONING COMMISSION, THE ZONING BOARD OF APPEALS, AND THE INLAND WETLANDS COMMISSION**

**#2005-62A**

Pursuant to Section 8-1c of the Connecticut General Statutes, the Town of North Canaan does hereby enact and ordain the following schedule of fees for applications to the Planning and Zoning Commission, the Zoning Board of Appeals, and the Inland Wetlands Commission, as follows:

**I. FEES TO THE PLANNING AND ZONING COMMISSION**

Zoning Permit.....	\$ 50.00
Special Permit.....	125.00
Subdivision Application.....	50.00 per lot

**II. FEES TO THE ZONING BOARD OF APPEALS**

All applications.....	\$ 75.00
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**III. FEES TO THE INLAND WETLAND COMMISSION**

All applications.....	\$ 50.00
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**IV. ADDITIONAL FEES APPLICABLE TO ANY OF THE ABOVE**

A. When the actual cost of processing an application exceeds the scheduled application fee set forth above, due to the need for outside consultant services, the Board or Commission, as the case may be, shall charge the applicant a surcharge fee to fund the approximate actual costs of processing the application.

B. The expenses for such outside consultants may be estimated by the Board or Commission, as the case may be, upon receipt of the application, or at any of subsequent review or hearing on the application, based on the projected expenses of reviewing, evaluating and processing the application. This reasonable estimate shall be paid forthwith and the application shall be deemed incomplete until the surcharge fee(s) has (have) been submitted.

C. For the purpose of this ordinance, an “outside consultant” means a professional who is not an employee of the town (as defined by the IRS), and may include, but is not limited to, engineering, traffic, environmental and planning professionals.

D. Any portion of the surcharge fee not expended by the town on the project shall be rebated to the applicant upon completion of the application.

E. The Board or Commission, as the case may be, shall bill the applicant for any costs incurred by the town in excess of the surcharge fee or fees paid by the applicant. This bill shall be paid by the applicant prior to the issuance of any permit.

F. Add the actual cost of publication of notices and certified mail in connection with the application.

V. If any section, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

VI. This ordinance shall be effective fifteen (15) days after its publication, pursuant to the provisions of Section 7-1578 of the Connecticut General Statutes.

Published: December 1, 2005

Effective: December 16, 2005

## **CODE OF ETHICS**

### **I. STATEMENT OF PURPOSE**

Public office is a public trust. The trust of the public is essential for government to function effectively. Public officials and public employees are expected to act on behalf of the municipality as a whole rather than on behalf of their own private interests. Government service

must be free from threats, favoritism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. This Code establishes the minimum ethical standards that public officials and public employees must observe. By adhering to this Code, public officials and public employees will avoid both actual and potential conflicts of interest, and the municipality will maintain and increase the confidence of our citizens in the integrity and fairness of their government.

## **II. DISTRIBUTION OF CODE**

The Town Clerk shall distribute a copy of this Code of Ethics to every public employee and public official within 30 days of the Code's enactment. Each public employee and public official shall receive a copy before entering upon the duties of his or her office or employment and shall sign a receipt which shall be returned to the town clerk and retained on file

## **III. CODE OF CONDUCT FOR PUBLIC EMPLOYEES AND PUBLIC OFFICIALS**

(1) No public employee or public official shall engage in or participate in any business or transaction, including outside employment with a private business, or have an interest, direct or indirect, which is incompatible with the proper discharge of the employee's or official's responsibilities in the public interest or which would tend to impair the employee's or official's independent judgment or action in the performance of the employee's or official's responsibilities.

(2) No public employee or public official shall solicit or accept any gift from any person who, to the employee's or official's knowledge, is interested in any pending matter within such individual's official responsibility. If a prohibited gift is offered, the employee or official shall refuse it.

(3) (A) A public employee or public official shall refrain from voting upon or otherwise participating in any matter on behalf of the municipality if the employee or official, a business with which he or she is associated, or a member of his or her immediate family has a financial or personal interest in the matter, including, but not limited to, the sale of real estate, material, supplies or services to the municipality.

(B) If such participation is necessary and within the scope of the public employee's or public official's official responsibility, the employee or official shall, immediately after such participation, provide written disclosure, which sets forth in detail the nature and extent of such interest.

© Notwithstanding the prohibition in subparagraph (a) of this subdivision, a public employee or public official may vote or otherwise participate in a matter that involves a determination

of general policy if the employee's or official's interest in the matter is shared with a substantial segment of the population of the municipality.

(4) In addition to the restrictions in subdivision (3) of this section, a public employee who serves on any governmental body of a municipality shall not vote or participate in any matter involving, for the department or program employing such public employee, (A) collective bargaining, (B) compensation or benefits, (C) personnel policies and procedures, (D) the budget, other appropriation or capital funding, or (E) employment, compensation, benefits or performance of personnel, unless such public employee is permitted to vote or participate pursuant to the provisions of a municipal charter or 147 home rule ordinance.

(5) No public official or public employee shall appear on behalf of any private person, other than himself or herself, spouse or minor children, before any municipal agency or court. However, a mayor, selectman, or city council member may appear on behalf of his or her constituents before municipal agencies in the course of duties as a representative of the electorate or in the performance of public or civic obligations.

(6) No public employee or public official shall disclose confidential information concerning municipal affairs, nor shall a public employee or public official use such information for the financial interest of the employee or official or others.

(7) No public employee or public official shall use or permit the use of municipally-owned vehicles, equipment, facilities, materials or property for personal convenience or profit, except when such are available to the public generally or are provided as municipal policy for the use of such public employee or public official in the conduct of official business.

(8) No public employee or public official, or a business with which he or she is associated, or a member of his or her immediate family shall enter into a contract with the municipality unless the contract is awarded through a process of public notice, competitive quotes or competitive bidding.

(9) No public employee or public official may use the employee's or official's position or office for the financial benefit of the employee or official, a business with which he or she is associated or a member of his or her immediate family.

(10) No public employee or public official shall accept a fee or honorarium for articles, appearance or speech, or for participation at an event, in the employee's or official's official capacity.

(11) No public employee or public official, or member of such individual's immediate family or business with which he or she is associated, shall solicit or accept anything of value, including, but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the public employee or public official would be or had been influenced thereby.

(12) No public employee, public official or candidate for elected office of a municipality shall engage in political activity while on municipal duty or within a period of time during which such person is expected to perform services for which such person receives compensation from the municipality or utilize municipal funds, supplies, vehicles or facilities for the purpose of any such political activity.

#### **IV.CODE OF CONDUCT FOR MUNICIPAL COSULTANTS**

(1) No paid consultant of a municipality shall represent a private interest in any action or proceeding against the interest of the municipality that is in conflict with the performance of said person's duties as a consultant.

(2) No paid consultant may represent anyone other than the municipality concerning any matter in which the consultant participated personally or substantially as a consultant to the municipality.

(3) No paid consultant shall disclose confidential information learned while performing the consultant's duties for the municipality nor shall the consultant use such information for the financial interests of the consultant or others.

#### **V.CODE OF CONDUCT FOR FORMER PUBLIC EMPLOYEES AND FORMER PUBLIC OFFICIALS.**

(1) No former public employee or public official shall appear for compensation before any municipal board or agency in which the employee or official was formerly employed at any time within a period of one year after termination of the employee's or official's service with the municipality.

(2) For a period of two years after termination of the employee's or official's service with the municipality, no former public employee or public official shall represent, for compensation, anyone other than the municipality concerning any particular matter in the employee or official participated personally and substantially while in municipal service.

(3) No former public employee or public official shall disclose or use confidential information acquired in the course of and by reason of the employee's or official's duties, for financial gain for himself or herself or others.

(4) No former public employee or public official who participated substantially in the negotiation or award of a municipal contract obliging the municipality to pay an amount of one hundred thousand dollars or more, or who supervised the negotiation or award of such a contract shall accept employment with a party to the contract other than the municipality for a period of one year after such contract is signed.

## **VI. DEFINITIONS**

(1) “Business” means any entity through which business for profit is conducted, including a corporation partnership, proprietorship, firm enterprise, franchise, association, organization or self-employed individual.

(2) “Business with which he or she is associated” means a business of which a public official or public employee or a member of his or her immediate family is a director, officer, owner, employee, compensated agent or holder of stock which constitutes five per cent or more of the total outstanding stock of any class.

(3) “Confidential information” means 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.

(4) “Financial interest” means any interest with a monetary value of one hundred dollars or more of which generates a financial gain or loss of one hundred dollars or more in a calendar year.

(5) “Gift” means 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:

(A) A political contribution otherwise reported as required by law or a donation or payment as described in subdivision (9) or (11) of subsection (b) of section 9-333b of the general statutes;

(B) Services provided by persons volunteering their time for a political campaign;

(C) A commercially reasonable loan made on terms not more favorable than loans made in the ordinary course of business;

(D) A gift received from:

(I) an individual’s spouse, fiancé or fiancée,

(II) the parent, brother or sister of such spouse or such individual, or

(III) the child of such individual or the spouse of such child;

(E) Goods or services which are provided to the municipality and facilitate governmental action or functions;

(F) A certificate, plaque or other ceremonial award costing less than one hundred dollars;

(G) A rebate or discount on the price of anything of value given in the ordinary course of business without regard to the recipient's status;

(H) Printed or recorded informational material germane to governmental action or functions;

(I) Items of nominal value, not to exceed ten dollars, containing or displaying promotional material;

(J) An honorary degree bestowed upon a public official or public employee by a public or private university or college;

(K) A meal provided at an event or the registration or entrance fee to attend such an event, in which the public employee or public official participates in said person's official capacity;

(L) A meal provided in the home by an individual who resides in the municipality; or

(M) "Gifts in-kind of nominal value not to exceed twenty-five dollars 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 or bat mitzvahs, provided the total value of such gifts from each individual or business in any calendar year does not exceed fifty dollars."

(6) "Immediate family" means any spouse, child or dependent relative who resides in the individual's household.

(7) "Individual" means a single human being.

(8) "Municipality" means a town, city or borough.

(9) "Official responsibility" means 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.

(10) "Person" means an individual, a business, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.

(11) "Personal interest" means an interest in any action taken by the municipality in which an individual will derive a non-financial benefit or detriment but which will result in the expenditure of municipal funds.

(12) "Public employee" means a person employed, whether full or part time, by a municipality.

(13) "Public official" means 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.

(14) "Paid consultant" means a person, firm or corporation hired by a municipality to provide services to the municipality for a fee.

Effective: November 17, 2005

**ORDINANCE ESTABLISHING THE TOWN OF NORTH CANAAN  
VOLUNTEER AMBULANCE CORP'S INCENTIVE PROGRAM**

**#2006-68**

SECTION 1. PREAMBLE. This Ordinance is adopted pursuant to Connecticut General Statutes Revised to 2005, Section 12-81w.

SECTION 2. DEFINITIONS. As used in this Ordinance, these terms shall be defined as follows:

(1) "Active Member" means a member of good standing certified by the President of the NCVAC as to members of its organization, on or before the certification date, as eligible for incentives under this Ordinance.

(2) "Certification Date" means February 1 of each year commencing February 1, 2006, and each fiscal year thereafter.

(3) "Eligible Volunteer" means each individual who volunteers his or her services as an active member of NCVAC.

(4) "Incentive" means the property tax abatement or payment in lieu of property tax abatement, described in this Ordinance

(5) "Volunteers' Incentive Program" means the "Town of North Canaan Emergency Services Volunteers' Incentive Program" as established by this Ordinance.

SECTION 3. INCENTIVE. Each eligible volunteer shall be entitled to an incentive not to exceed \$1,000.00 under either of the following options:

(1) By a property tax abatement for the fiscal year immediately following the certification date; or

(2) By a payment in lieu of tax abatement incentive by August 1 of the fiscal year immediately following the certification date.

SECTION 4. INCENTIVE LIMITATIONS. The incentive shall be subject to the following limitations:

- 1). Incentives will be paid with four incentive bands:
  - a. Band 1 shall be the maximum incentive.
  - b. Band 2 shall be 75% of the maximum incentive.
  - c. Band 3 shall be 50% of the maximum incentive.
  - d. Band 4 shall be 25% of the maximum incentive.
- 2). No incentive may be awarded or paid to a delinquent taxpayer until his or her taxes are brought current. A taxpayer may use the tax abatement incentive only for the current year's taxes.
- 3). Those persons with taxable real or personal property assessed on the grand list for the prior year shall be eligible for the tax abatement. If a taxpayer conveys, transfers or otherwise disposed of such property before July 1, and acquires no replacement property, he or she may elect the payment in lieu of tax abatement. Only persons with no assessed property or who property assessment is insufficient to support the full amount of the tax abatement may elect the payment in lieu of tax abatement. The election must be filed with the North Canaan Selectman's Office on or before February 1 of each year.
- 4). Benefits are not transferable or assignable, and may not be accumulated from year to year.

SECTION 5. PROCEDURE. The procedure for certifying eligible volunteers shall be as follows:

- 1). The qualifying period shall run annually from January 1 through December 31. The President of NCVAC shall, on or before February 1 of the following year, submit their certification of eligible members and their earned bands to the Office of the First Selectman
- 2). The Board of Selectmen shall certify the list of tax abatement and payments to the Tax Collector on or before April 1.
- 3). The performance of the program shall be subject to review and renewal on an annual basis.

SECTION 6. ELIGIBILITY. The NCVAC shall determine the criteria for certification of eligibility for its members. A person needs to be a member for at least one (1) year to become eligible for the incentive. Eligibility criteria shall be kept on file in the First Selectmen's Office. Eligibility to be reviewed annually with the President of the NCVAC and his or her designated committee and an independent member of the Board of Directors.

SECTION 7. FISCAL LIMITATIONS. This Ordinance shall be construed as creating a discretionary incentive and not an entitlement. Notwithstanding the provisions of this Ordinance, if the Town fails to appropriate the funds necessary to fund the cash incentive for a

given fiscal year, the cash incentive and the tax abatement shall be suspended for that fiscal year. If the Town funds the cash incentive at less than the full amount, then the cash incentive and the tax abatement shall be reduced to proportion to the actual funding level. Any cash incentive or tax abatement suspended or reduced shall not accumulate and shall be deemed to have been rescinded.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect as the grand list of October 1, 2006, and benefits shall be awarded for the initial benefit year commencing January 1, 2006, upon publication of a summary of the Ordinance in accordance with Connecticut General Statutes.

Approved at Town Meeting: October 30, 2006

