

Chapter 205

FEES

ARTICLE I
Land Use Applications

§ 205-1. Purpose.

§ 205-2. Fees.

§ 205-3. Public improvements defined.

§ 205-4. Exemptions.

§ 205-5. Refunds.

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

GENERAL REFERENCES

Planning and zoning — See Ch. 90.

ARTICLE I
Land Use Applications
[Adopted 7-24-1990; amended in its entirety 6-25-2003]

§ 205-1. Purpose.

The purpose of this article is:

- A. To establish a schedule of fees, pursuant to §§ 8-1c and 22-a-42a(e) of the Connecticut General Statutes, for various land use applications.¹
- B. To establish a reasonable and equitable schedule of fees for reviewing, evaluating and processing applications to the Historic Commission, Inland Wetlands and Watercourses Commission, Planning and Zoning Commission, Water Pollution Control Authority and Zoning Board of Appeals.
- C. To encourage land use applicants to become familiar with and review municipal development regulations, to submit land use applications which comply with municipal regulations, and to submit plans and proposals with fewer errors and omissions.

§ 205-2. Fees.²

Fees for the following shall be set from time to time by the Historic District Commission, Inland Wetlands and Watercourses Commission, Planning and Zoning Commission, Water Pollution Control Authority, Zoning Board of Appeals and state statute, as appropriate:

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

- A. Historic District Commission actions.
- B. Inland Wetlands and Watercourses Commission.
- (1) Permits for residential and commercial use, including declaratory rulings, summary rulings, plenary rulings, and for disturbed wetlands or areas in which an activity is proposed.
 - (2) Modification of a previous approval.
 - (3) Wetlands Map amendments.
 - (4) Subdivision review, per-lot fee, IWWC. A fee shall be charged each time plans are resubmitted with substantial new and revised information. This fee is for the entire proposal and not just a section.
- C. Planning and Zoning Commission.
- (1) Permits for commercial/industrial buildings, single-family homes and accessory structures/additions. Fees will be determined by the square footage of the proposed building.
 - (2) Site plan review applications. Fees will be determined by the square footage of the proposed building and the impervious surface area.
 - (3) Special exception applications. Fees will be determined by the square footage of the proposed building and the impervious surface area.
 - (4) Change of zoning and subdivision regulations text.
 - (5) Change of Zoning Map.
 - (6) Application for a floating zone for a multifamily complex.
 - (7) Home occupations.
 - (8) Subdivision applications, planning and zoning. A fee shall be charged each time plans are resubmitted with substantial new and revised information. This fee is for the entire proposal and not just a section.
 - (9) A public improvement fee is required at the filing of the approved plans. This includes approvals under site plan review, special exception review, floating zones and subdivisions: a sum to be computed by the Town Engineer, equal to 5% of the estimated public improvements required by the approving commission or board, which is to be paid prior to the endorsement of the Mylars by the Chairman or Secretary of the Planning and Zoning Commission.
- D. Water Pollution Control Authority actions: all costs incurred by the Town during review, including engineering and legal fees to be paid prior to the endorsement of the agreement.
- E. Zoning Board of Appeals applications (application fee and/or appeal of action from the Zoning Enforcement Officer).

F. Public Act 92-235, the State of Connecticut fee to fund state review agencies.

§ 205-3. Public improvements defined.

For the purpose of this article, "public improvements" include, but are not limited to, the construction of new roads, to be constructed to standards approved by the Planning and Zoning Commission, whether such roads are to be privately owned or conveyed to the Town, improvements to existing roads, storm drainage facilities, water and sewer lines, the planting of trees or other landscaping and the installation of retaining walls or other structures, and sediment and erosion controls.

§ 205-4. Exemptions.

Boards, commissions, councils and departments of the Town of East Haddam are exempt from all fee requirements.

§ 205-5. Refunds.

The application fee is not refundable.

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Chapter 210

FIRE LANES

§ 210-1. Authority to establish.

§ 210-3. Parking prohibited.

§ 210-2. Marking of lanes.

§ 210-4. Penalties for offenses.

[HISTORY: Adopted by the Town of East Haddam 3-26-2003. Amendments noted where applicable.]

§ 210-1. Authority to establish.

The Fire Marshal of the Town of East Haddam shall have the authority to designate fire lanes in accordance with the provisions of the State Fire Safety Code.

§ 210-2. Marking of lanes.

The owner(s) of property benefited by the establishment of fire lanes shall be required to mark the lanes in a manner acceptable to the Fire Marshal.

§ 210-3. Parking prohibited.

Parking shall be prohibited within designated fire lanes.

§ 210-4. Penalties for offenses. ¹

If any vehicles are parked in designated fire lanes, the owners of said vehicles shall forfeit and pay for the use of the Town of East Haddam a fine not to exceed maximum amount allowed by law. In addition, any vehicles parked in designated fire lanes in violation of this chapter may be towed away by the Town of East Haddam at the vehicle owner's expense.

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

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Chapter 215

FOOD SERVICE ESTABLISHMENTS

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| § 215-1. Definitions. | § 215-7. Submission of plans; upgrading existing facilities. |
| § 215-2. Classification of establishments. | § 215-8. Examination and condemnation of food. |
| § 215-3. Licensing. | § 215-9. Establishments outside Town jurisdiction. |
| § 215-4. Qualified food operator required. | § 215-10. Penalties for offenses. |
| § 215-5. Inspections. | § 215-11. Service of notices. |
| § 215-6. Fees. | |

[HISTORY: Adopted by the Town of East Haddam 10-19-1999. Amendments noted where applicable.]

§ 215-1. Definitions.

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

CERTIFIED AGENT — One who has been certified by the State of Connecticut for food establishment inspections.

DIRECTOR OF HEALTH — The Director of Health for the Town of East Haddam or the Registered Sanitarian, who is his/her authorized agent, who shall enforce this chapter.

FOOD — Any raw, cooked or processed edible substance, drink or ingredient, including ice, used or intended for use, in whole or in part, or otherwise handled for human consumption.

FOOD ESTABLISHMENT — Any place, fixed or mobile, where food intended for human consumption is manufactured, prepared, stored, offered for sale, sold, served or given to the public or handled in any other manner for public use, regardless of whether consumption is on or off the premises or whether there is a charge for the food. The term does not include private homes where food is prepared for individual family consumption.

FOOD VENDING MACHINE — A device automatically operated to supply food without the direct supervision of a human being.

HAZARD ANALYSIS — An evaluation of food handling operations to identify points of potential product contamination and assess the adequacy of hot processing and hot and cold storage methods of foods.

SEASONAL ESTABLISHMENT — A food establishment which is seasonal in nature, i.e., not to exceed a six-month duration in any given year.

TEMPORARY FOOD SERVICE ESTABLISHMENTS — Food establishments that may operate in the Town of East Haddam at fixed locations for periods not to exceed 14 days in

any thirty-day period, in connection with a carnival, circus, public exhibition, festival, or similar transitory gathering.

§ 215-2. Classification of establishments.

- A. The Director of Health or his/her authorized agent shall classify each food service establishment at the time of licensure, license renewal or other registration with the Director of Health.
- B. The food service establishment classification shall be reviewed during each inspection, and in no case less than annually, and the establishment shall be placed into the highest classification that describes any of the food operations conducted. No food service establishment shall change operations to a different classification without prior written approval by the Director of Health or his/her authorized agent.
- C. The classes of food service are as follows:
- (1) Class I is a food service establishment with commercially prepackaged foods and/or hot or cold beverages only. No preparation, cooking or hot-holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four hours.
 - (2) Class II is a food service establishment using cold or ready-to-eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot-holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four hours, and commercially precooked hot dogs, kielbasa and soups may be heated if transferred directly out of the original package and served within four hours.
 - (3) Class III is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four hours of preparation.
 - (4) Class IV is a food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four hours prior to consumption by the public.

§ 215-3. Licensing.

- A. No person shall operate a food establishment who does not have a valid license issued to him/her by the Director of Health or certified agent who has been duly authorized. Only a person who complies with the requirements of this chapter and the Public Health Code of the State of Connecticut¹ shall be entitled to receive or retain such a license. Food service licenses are not transferable between or to another owner(s) or principal operator. Change of ownership or principal operator(s) shall immediately cause a reinspection and

1. Editor's Note: See Regulations of Connecticut State Agencies § 19-13-A1 et seq.

classification of the establishment, together with the application for a new food service license and payment of the appropriate fee. A valid license shall be posted prominently in plain view in every food establishment. Licenses for temporary food service establishments shall be issued for a period of time not to exceed 14 consecutive days.

- B. New license. Any person desiring to operate a food establishment shall make a written application for a license on forms provided by the Town Department of Health. Such application shall include the name and address of the owner, principal operator, and the designated qualified food operator (QFO), the location and type of the proposed food establishment, and the signature of all applicants. If the application is for a temporary food establishment, it shall also include the date(s) of the proposed operation. Prior to approval of an application for license, the Director of Health or his/her agent shall inspect the proposed food establishment to determine compliance with the provisions of this chapter and the Connecticut Public Health Code. Following this inspection, payment of fee, and a review that the proposed food establishment complies with the requirements of this chapter and the Connecticut Public Health Code and any other applicable statutes, ordinances or rules and regulations, the Director of Health shall issue a license to the applicant.
- C. License renewal. All food service licenses shall expire on December 31 of each year and may be renewed by the same owner or operator for another year upon application approval and payment of the annual fee. Licenses not renewed by February 15 following shall be considered lapsed and expired, and any subsequent application for renewal shall trigger reinspection of the establishment. Seasonal food establishments must complete the license renewal procedure no less than 45 days prior to the scheduled annual opening of operations to the public.
- D. License suspension.
- (1) The Director of Health or Registered Sanitarian may, without prior warning, notice, or hearing, suspend any license to operate a food establishment if the license holder does not comply with requirements of this chapter or the Connecticut Public Health Code, or if the operation of the food establishment otherwise constitutes a substantial hazard to public health, or for serious or repeated code violations, or for interference with the Director of Health, Registered Sanitarian or certified agent in the performance of their duties.
 - (2) Whenever a license is suspended, the license holder or person in charge shall be notified in writing that the license is, upon service of the notice, immediately suspended and that an opportunity for an appeal is provided if a written request for an appeal is filed with the Director of Health by the license holder within 48 hours. If no request for an appeal is filed within 48 hours, the suspension becomes final. The Director of Health or Registered Sanitarian may end the suspension at any time if the reasons for the suspension no longer exist.
- E. Revocation of license. The Director of Health may, after providing opportunity for an appeal, revoke a license for refusal to comply with an order of suspension or serious or repeated violations of any of the requirements of this chapter or of the Public Health Code of the State of Connecticut. Prior to revocation, the Director of Health shall notify

the license holder or person in charge, in writing, of the reasons for which the license is subject to revocation, and that the license shall be revoked at the end of 10 days following service of such notice unless a request for an appeal is filed with the Director of Health by the license holder within 48 hours. If no request for an appeal is filed within 48 hours, the revocation of the license becomes final.

- F. Reapplication for licensure. Whenever a suspension or revocation of a license has become final, the holder of the suspended or revoked license may make written application for reinstatement of the license or for a new license. Such request for reinstatement of license must contain a signed statement that the cited violations have been corrected. A license holder or establishment that has had its license revoked shall not be eligible for consideration for a new or renewed food establishment license until 30 days have elapsed after the correction of all defects and violations noted in prior inspection reports and notices of violations.

§ 215-4. Qualified food operator required.

Each person owning, operating or managing a food service establishment designated as Class III or Class IV shall be a qualified food operator (QFO) or shall employ on site at least one qualified food operator who is in a supervisory position at said establishment. Documentation for said QFO shall be maintained on file at the food service establishment and provided to the local Director of Health or his/her agent on request. Whenever the qualified food operator terminates employment, is terminated or is transferred, the person owning, operating or managing the food service establishment shall immediately notify the local health department in writing. A replacement qualified food operator shall be employed within 30 days from the date of termination or transfer of the qualified food operator. Exempt from this QFO requirement (but from no other food service regulations) are temporary food service establishments and special events sponsored by nonprofit civic organizations such as, but not limited to, school sporting events, little league food booths, church suppers and fairs.

§ 215-5. Inspections.

- A. All food service establishments shall be inspected by the Director of Health, registered sanitarian, or an authorized agent of the Director of Health. Such authorized inspectors from the Town or state health department shall be permitted to enter, at any reasonable time, any food service establishment for the purpose of making inspections to determine compliance with this section and the Connecticut Public Health Code.² All food service establishments are in four classes, as designated by the Connecticut Public Health Code, including so-called temporary, itinerant, seasonal/part-time, caterer, and vending/vendor.
- B. Classified food service establishments.
- (1) Class I food service establishments shall be inspected at intervals not to exceed 360 days.

2. Editor's Note: See Regulations of Connecticut State Agencies § 19-13-A1 et seq.

- (2) Class II service establishments shall be inspected at intervals not to exceed 180 days.
 - (3) Class III food service establishments shall be inspected at intervals not to exceed 120 days.
 - (4) Class IV food service establishments shall be inspected at intervals not to exceed 90 days, except that an interval not to exceed 120 days may be allowed where one of the annual inspections is hazard analysis inspection.
- C. Temporary food service establishments, itinerants, and mobile caterers (not to exceed 14 business days of operation in any thirty-day period) shall be licensed and inspected at the start of each term of business; said operator, vendors and caterers must present verification of licensure and inspection from their town of origin as well as meet all East Haddam codes and regulations.
- D. Enforcement and reinspections.
- (1) All inspections shall be conducted according to the regulations and procedures as stipulated in the Connecticut food protection codes. Every food service establishment shall maintain a rating score of 80 or higher and shall not have one or more four-demerit-point items in violation, regardless of the total rating score. If the establishment fails this stipulation, the Director of Health or his/her agent shall order correction of the items in violation within two weeks. After the two weeks, the Director of Health or his/her agent shall make a reinspection and determine the new rating score; all reinspections are complete, not partial, inspections.
 - (2) If at the time of reinspection the rating score is below 80 or there is one or more four-demerit-point items, the Director of Health shall take immediate steps to have the food service establishment closed.
- E. Unsanitary conditions. If there are unsanitary or other conditions in the operation of a food service establishment which, in the judgment of the Director of Health, constitute an immediate and substantial hazard to the public health, he/she may immediately issue a written notice to the permit holder or operator citing such conditions, specifying the corrective action to be taken, and the time period within which such action shall be taken, and, if deemed necessary, ordering immediate correction. If correction is not made in the stated time, a written order shall be issued to close the food service establishment.
- F. Hearings and appeals.
- (1) Hearings. An owner or operator may request a hearing to appeal an order for license suspension or revocation. The hearing provided for in this chapter shall be conducted by the Director of Health at a time and place designated by the Director of Health. Based upon the recorded evidence of such hearing, the Director of Health shall make a final finding, and may vacate, modify or affirm any notice or order considered in the appeal. A written report of the hearing decision shall be furnished to the license holder by the Director of Health.
 - (2) Appeals. The owner or operator of an establishment who is aggrieved by such action of the Director of Health may, within 48 hours after the making of such

decision, appeal to the Connecticut Commissioner of Public Health, who shall thereupon immediately notify the authority from whose order the appeal was taken and examine the merits of such case and may vacate, modify or affirm such action. The appeal to the Commissioner must be delivered by hand or by mail to the office of the Commissioner within the 48 hours or a telephone call must be made to the office of the Commissioner within 48 hours with notification of the intent to appeal followed by a letter of appeal.

§ 215-6. Fees.

- A. At the time of licensure or other registration with the Director of Health, or at the time of annual license renewal, all food service establishments shall pay an annual fee to the Town of East Haddam. Fees or renewal of annual licensure shall be paid and delivered to the Building Department at Town Hall on or before February 15 of each year. Unpaid fees shall cause the food service license to immediately expire.
- B. Annual fees are calendar-based and set as follows:
- (1) Class I: \$75 per year.
 - (2) Class II: \$100 per year.
 - (3) Class III: \$150 per year.
 - (4) Class IV: \$200 per year.
 - (5) Temporary license: \$35 per registration, to a maximum of \$350 per calendar year; license valid for 14 consecutive days.
 - (6) Vending machines owned by one vendor, per location: \$25.
 - (7) (Reserved)
 - (8) Religious, civic, and philanthropic organizations: \$5 for Class I and II; \$15 for Class III and Class IV.
 - (9) Seasonal (less than 180 aggregate days of operation per year): 50% fee, each classification.
 - (10) Reinspection fee, each occurrence: \$45. The imposition of this fee or its payment shall not be deemed to excuse any violation found pursuant to this chapter or to prevent the imposition of any penalty prescribed by the chapter or other provision of law.

§ 215-7. Submission of plans; upgrading existing facilities.

- A. Whenever a food establishment is constructed or remodeled and whenever an existing structure is converted to use as food establishment, or when a change is made in the menu requiring a change in equipment or operation of an existing food establishment, properly prepared plans and specifications for such construction, remodeling or alteration

or change shall be submitted to the Director of Health or certified agent for review and approval before construction, remodeling or alteration is begun. The plans shall indicate the proposed layout, construction materials, arrangement of work and storage areas, location, size, model and type of fixed or movable equipment and facilities which must be NSF-approved or its equal. The menu, service expectations and any other information necessary to evaluate the proposed construction or alteration may be required for submission and evaluation.

- B. The Director of Health or certified agent shall approve the plans and specifications if they meet the requirements of this chapter and the Connecticut Public Health Code.³ No food establishment shall be constructed, remodeled or altered except in accordance with plans and specifications approved by the Director of Health or certified agent. Upon change of ownership of existing food establishments, upgrading of present facilities and equipment as deemed appropriate for effective maintenance and satisfactory operation may be required by the Director of Health or certified agent.
- C. Preoperational inspections. Whenever plans and specifications are required by this chapter to be submitted to the Director of Health or certified agent, the Director of Health, Registered Sanitarian or his/her certified agent shall inspect the food establishment as may be necessary prior to its beginning operation to determine compliance with the approved plans and specifications, and with the requirements of this chapter and the Public Health Code of the State of Connecticut.

§ 215-8. Examination and condemnation of food.

- A. Food may be examined by the Director of Health, Registered Sanitarian or certified agent as often as necessary for enforcement of this chapter or the Public Health Code of the State of Connecticut.⁴ The Director of Health or certified agent may condemn food or other related substances which have been subjected to fire, smoke, flooding, sewage contamination, loss of refrigeration, improper temperature requirements for potentially hazardous foods or other serious mistreatment. An itemized list of such destroyed items as required by the Director of Health or certified agent is to be kept on record, a copy of which shall be made available to the license holder upon request.
- B. The Director of Health or certified agent, without prior written notice, may at his/her discretion place a hold order on any food which he/she believes is in violation of the Public Health Code of the State of Connecticut or any section of this chapter. Confirmation of such action shall be by written notice to the license holder by means of an inspection report or notice of violation or his/her certified agent shall tag, label or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment.
- C. The Director of Health shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that

3. Editor's Note: See Regulations of Connecticut State Agencies § 19-13-A1 et seq.

4. Editor's Note: See Regulations of Connecticut State Agencies § 19-13-A1 et seq.

a request for hearing may be filed with the Director of Health within 48 hours, and that if no hearing is requested, the food shall be destroyed. The Director of Health shall hold a hearing, if so requested, and on the basis of evidence produced at the hearing, the hold order may be vacated or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this chapter or the Connecticut Public Health Code.

§ 215-9. Establishments outside Town jurisdiction.

Food from a food establishment outside the jurisdiction of the Director of Health of the Town of East Haddam may be sold within the Town of East Haddam if such food establishments conform to the provisions of this chapter or to substantially equivalent provisions. The Director of Health or certified agent may accept reports from responsible authorities in other jurisdictions where such food establishments are located.

§ 215-10. Penalties for offenses.

Any person who shall violate any of the provisions of this chapter and/or the Public Health Code of the State of Connecticut⁵ shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100. In addition thereto, such persons may be enjoined from continuing such violation. Each day upon which such a violation occurs shall constitute a separate violation.

§ 215-11. Service of notices.

A notice provided for in this chapter is properly served when it is delivered or left with the license holder or person in charge by means of an inspection report or other written notice or when it is sent by registered or certified mail, return receipt requested, to the last known address of the license holder. A copy of any notice shall be filed in the records of the Director of Health.

5. Editor's Note: See Regulations of Connecticut State Agencies § 19-13-A1 et seq.

Chapter 226

HISTORIC DISTRICTS

§ 226-1. Purpose.

§ 226-2. Historic District Commission.

§ 226-3. Historic District No. I.

§ 226-4. Historic District No. II: Little Haddam Historic District.

§ 226-5. Historic District No. III: Millington Green Historic District.

§ 226-6. East Haddam Historic District No. IV: Wickham Sawmill Historic District.

[HISTORY: Adopted by the Town of East Haddam 2-20-1974. Amendments noted where applicable.]

§ 226-1. Purpose.

To promote the educational, cultural, economic and general welfare of the public through the preservation and protection of buildings, places and districts of historic interest; by the maintenance of landmarks in the history of architecture of the Town, state or nation, and through the development of appropriate settings for such buildings, places and districts, there is hereby established an historic district in the Town of East Haddam.

§ 226-2. Historic District Commission. [Amended 12-19-1979]

- A. An Historic District Commission is hereby established which shall consist of five members and three alternates, all of whom shall be electors of the Town holding no salaried Town office. The members of said Commission shall be appointed by the Board of Selectmen, and the regular members shall be appointed in such manner that the term of at least one member shall expire each year, and their successors shall be appointed in like manner for terms of five years, and alternate members shall be appointed for terms of three years. An appointment to fill a vacancy shall be for the duration of the unexpired term. At least one member and one alternate member of the Commission shall be residents within the Historic District. Within a period of 30 days after the appointment of the original members of the Commission, the regular members shall meet and elect a Chairman, Vice Chairman and a Clerk from their own members. Alternate members shall not participate in any election of officers of the Commission. In all other matters in case of inability to act because of absence, sickness or self interest on the part of a member of the Commission, his place shall be taken by an alternate member designated by the Chairman. All members shall serve without compensation. The Commission shall adopt rules of procedure not inconsistent with the provisions of the statutes of the state and may, subject to appropriation, employ clerical or technical assistants or consultants and may accept money gifts and expend the same for such purpose.¹

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

- B. The Historic District Commission shall have such powers and perform such functions and shall be subject to such limitations as shall, from time to time, be provided by the General Statutes of Connecticut.

§ 226-3. Historic District No. I.

Historic District No. I shall encompass the following:

Southern Boundary: Beginning at a point on the southerly side of Route 82 at the intersection of the center line of Old Ferry Road and the Connecticut River;

Thence running easterly along said center line of Old Ferry Road to a point where the center lines of Old Ferry Road and Lumber Yard Road intersect;

Thence crossing Lumber Yard Road and running northeasterly 200 feet from and parallel to the center line of Route 82 to a point 200 feet south and east of the intersection of the center lines of Route 82 and Succor Brook;

Eastern Boundary: Thence turning and running northwesterly at a right angle across Route 82 to a point 200 feet north and west of the intersection of the center lines of Route 82 and Succor Brook;

Thence turning and running southwestly 200 feet from and parallel to the center line of Route 149 to a point 200 feet east of the intersection of the center line of Route 149 and Landing Hill Road;

Thence crossing Porges Road and running northerly 200 feet east of and parallel to the center line of Landing Hill Road to a point which is the northeast corner of the property of the Norwegian Deaconess Home and Hospital;

Northern Boundary:

Thence turning and running in a westerly direction to the center line of Landing Hill Road;

Thence turning and running in a northerly direction approximately 170 feet;

Thence turning and running in a westerly direction along the northern boundary of the H. Shailer Dow property and extending across Route 149 to the Connecticut River;

Western Boundary: Thence turning and running southerly along the eastern shoreline of the Connecticut River to the point of beginning.

§ 226-4. Historic District No. II: Little Haddam Historic District. [Added 6-7-1977]

In accordance with § 226-1, there is hereby established East Haddam Historic District No. II in the Town of East Haddam, to be known as "Little Haddam." "Little Haddam" shall encompass the following:

Northern Boundary: Beginning at a point in the center of the Old Colchester Turnpike formed by the intersection of the center of the turnpike and the eastern boundary of Pastore's parcel;

Thence running west approximately 2,900 feet along said center line of Old Colchester Turnpike crossing Town Street (Route 151) continuing westerly down the center of Orchard Road;

Thence at the point of intersection of the center of Orchard Road and the eastern boundary of the Holton's parcel turns north approximately 400 feet to the northern boundary of Holton's parcel;

Thence west approximately 500 feet to the intersection of the Holton's parcel western boundary.

Western Boundary: Thence south approximately 350 feet along the western boundary of Holton's parcel intersecting at a point formed by center of Orchard Road;

Thence approximately 150 feet east down the center of Orchard Road to a point formed by the intersection of western boundary of Morgan's parcel;

Thence south approximately 350 feet;

Thence east approximately 1,100 feet crossing through the First Ecclesiastical Society parcel to a point formed by the west and south boundaries of the First Church of Christ;

Thence south approximately 650 feet along the western boundary of the First Church Cemetery Association crossing through the First Ecclesiastical Society parcel to the northern side of Deanna Drive;

Thence east approximately 75 feet along the northern side of Deanna Drive (Deer Run);

Thence south approximately 375 feet across Deanna Drive (Deer Run) along the western boundary of the Milardo, Arena and Schutz parcel;

Thence east approximately 375 feet down the center of Town Street to a point formed by the intersection of the southern boundary of the Perry's parcel;

Southern Boundary: Thence east approximately 500 feet along the southern boundary of the Perry's parcel to a point formed by the intersection of the eastern boundary of the Perry's parcel;

Eastern Boundary: Thence north approximately 800 feet along the eastern boundary of the Perry's parcel, through the Everett's parcel, to a point formed by the eastern and northern boundaries of the Gibb's parcel;

Thence west approximately 150 feet to a point formed by the southern and eastern boundaries of the Masonic Association's parcel;

Thence north approximately 550 feet along the eastern boundaries of the Masonic Association's parcel, the Grange's parcel, and the Town Hall parcel to a point formed by the intersection of the eastern boundary of the Town Hall's parcel and the southern boundary of Kihn's parcel;

Thence northeast approximately 700 feet through the Kihn's parcel and Myer's parcel to a point formed by the intersection of the western and southern boundaries of Pastore's parcel;

Thence east approximately 400 feet along the southern boundary of the Pastore's parcel, following the boundaries of the Pastore's parcel, following the boundaries of the Pastore's parcel by turning north for approximately 250 feet, turning east for approximately 400 feet, and turning north for approximately 500 feet to the center of the Old Colchester Turnpike, which is the beginning point.

§ 226-5. Historic District No. III: Millington Green Historic District. [Added 4-9-1985]

In accordance with § 226-1, there is hereby established East Haddam Historic District No. III in the Town of East Haddam to be known as "Millington Green." "Millington Green" shall encompass the following:

Northern Boundary: Beginning at the northeast corner of the Boylan parcel, thence running westerly approximately 450 feet along the north boundary of said Boylan parcel, crossing Haywardville Road, continuing westerly along the north boundary of the Town of East Haddam schoolhouse parcel to the northwest corner of said schoolhouse parcel; thence southwesterly approximately 100 feet along the west boundary of said schoolhouse parcel to the intersection of said west boundary and the east boundary of the Way parcel; thence northwesterly approximately 390 feet along the east boundary of said Way parcel to the northeast corner of said Way parcel; thence westerly approximately 1,090 feet along the north boundary of said Way parcel to its intersection with the east boundary of the Hartke parcel, crossing through said Hartke parcel to the west boundary of said Hartke parcel.

Western Boundary: Thence southeasterly approximately 350 feet along the west boundary of said Hartke parcel intersecting at a point formed by the center of the Millington Road; thence easterly 250 feet down the center of the Millington Road to a point formed by the intersection of the western boundary of the Nichols parcel; thence southeasterly approximately 435 feet along the west boundary of said Nichols parcel to the southwest corner of said Nichols parcel.

Southern Boundary: Thence easterly approximately 200 feet along the south boundary of said Nichols parcel intersecting at a point formed by the center of the Tater Hill Road; thence northeasterly approximately 150 feet down the center of the Tater Hill Road to a point formed by the intersection of the south boundary of the Brindle parcel; thence, first easterly again approximately 240 feet along the south boundary of said Brindle parcel intersecting at a point formed by the center of the Old Hopyard Road.

Eastern Boundary: Thence northwesterly approximately 300 feet down the center of the Old Hopyard Road to a point formed by the intersection of the south boundary of the Boylan parcel; thence northeasterly approximately 315 feet along the south boundary of said Boylan parcel to the southeast corner of said Boylan parcel; thence northerly approximately 150 feet along the east boundary of said Boylan parcel to the northeast corner of said Boylan parcel, which is the beginning point.

**§ 226-6. East Haddam Historic District No. IV: Wickham Sawmill Historic District.
[Added 10-26-1988]**

In accordance with § 226-1, there is hereby established East Haddam Historic District No. IV in the Town of East Haddam to be known as "Wickham Sawmill." "Wickham Sawmill" shall encompass the following:

Northern Boundary: Beginning at a point formed by the intersection of a line running down the center of the Geoffrey Road and a line running down the center of the Old Wall Street; thence running northerly down the center of the Old Wall Street to the intersection of the northern boundary of the East Haddam Fish and Game Club parcel No. 1; thence continuing northwesterly along the northern boundary of said East Haddam Fish and Game Club parcel along the northern boundary of said East Haddam Fish and Game Club parcel No. 1 to the north corner of said East Haddam Fish and Game Club parcel No. 1; thence continuing southwesterly along the western boundary of said East Haddam Fish and Game Club parcel No 1 to the northern boundary of the Town right-of-way along the Geoffrey Road to the intersection of the Wickham Road; thence continuing westerly across the Wickham Road to the western boundary of the Town road right-of-way along the Wickham Road. Thence continuing southerly along the western boundary of the Town right-of-way along the Wickham Road to the intersection of the northern boundary of the Norton parcel; thence continuing westerly along the northern boundary of said Norton parcel approximately 1,680 feet to a pin marking the northwest corner of said Norton parcel.

Eastern Boundary: Thence running southeasterly along the western boundary of said Norton parcel 747.46 feet to a pin marking the southwest corner of said Norton parcel; thence continuing southerly along the western boundary of the Furstenberg parcel 710.08 feet to a pin marking the southwest corner of said Furstenberg parcel; thence continuing southeasterly along the southern boundary of said Furstenberg parcel approximately 1,298 feet to the northwest corner of the Fanelli parcel; thence continuing southerly along the western boundary of said Fanelli parcel 1,004.85 feet to a pin marking the southwest corner of said Fanelli parcel.

Southern Boundary: Thence running easterly along the southern boundary of said Fanelli parcel 450.71 feet to a concrete monument marking the southeast corner of said Fanelli parcel; thence continuing easterly to the center of the Wickham Road; thence running southerly down the center of the Wickham Road to a point formed by the intersection of the southern boundary of the East Haddam Fish and Game Club parcel No. 4; thence continuing easterly along the southern boundary of said East Haddam Fish and Game Club parcel No. 4 approximately 2,200 feet to the southeast corner of said East Haddam Fish and Game Club parcel No. 4; thence continuing easterly approximately 350 feet to the center of the Old Wall Street.

Eastern Boundary: Thence running northerly down the center of the Old Wall Street to the intersection of the Geoffrey Road; thence continuing northerly to the center of the Geoffrey Road to the point of the beginning.

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Chapter 251

NOISE ABATEMENT

§ 251-1. Prohibited conduct.

§ 251-3. Races, exhibitions and contests.

§ 251-2. Amusement or entertainment activities.

§ 251-4. Penalties for offenses.

[HISTORY: Adopted by the Town of East Haddam 7-20-1967. Amendments noted where applicable.]

GENERAL REFERENCES

Boating — See Ch. 171.

§ 251-1. Prohibited conduct.

No activity giving rise to excessive or disturbing noise shall be conducted anywhere in the Town of East Haddam. Necessary operations, such as blasting, lumbering and the like, shall be performed only during normal daytime working hours.

§ 251-2. Amusement or entertainment activities.

No amusement or entertainment enterprise that causes or induces excessive or unusual noise shall be conducted in the Town at any time. This includes, but is not limited to, such noises as are made by firearms, motors on land, water or in the air, and by jet engines in all applications. In the case of any such activity which may be determined to be in any respect nonconforming, it is specifically enacted that there shall be no extension of such activity, either as to manner or hours of operation. Under no circumstances shall any jet engines be used in any sport or amusement exhibition, contest or otherwise.

§ 251-3. Races, exhibitions and contests.

No races, exhibitions, contests or other activities, such as, but not limited to, motor boating, drag racing or airplane racing, shall be conducted between the hours of 7:00 p.m. and 7:00 a.m. The purpose of this section is not to validate such activities at other hours but to prohibit them during the specific hours without regard to the level of sound created.

§ 251-4. Penalties for offenses.

Violations of this chapter shall be punishable by a fine of not less than \$25 nor more than \$500, and each separate incident shall be adjudged a separate violation. The Town or any interested citizen thereof may also obtain injunctive relief for such violation or threatened violation.

DRAFT

Chapter 258

PARKING

§ 258-1. Prohibitions.

§ 258-4. Enforcement.

§ 258-2. Proof of vehicle ownership.

§ 258-5. Appeals.

§ 258-3. Penalties for offenses.

[HISTORY: Adopted by the Town of East Haddam 10-26-1988. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 285.

§ 258-1. Prohibitions. ¹

Pursuant to § 14-307 of the Connecticut General Statutes, the following motor vehicle parking regulations shall be applicable to all motor vehicles, operable or inoperable, on Town roads or the limits of rights-of-way thereof, of the Town of East Haddam, Connecticut:

- A. No persons, other than those on Town business, are privileged to park a motor vehicle on Town properties posted with signs bearing the language: "NO PARKING EXCEPT FOR THE PURPOSE OF TRANSACTING OR ATTENDING TO TOWN BUSINESS, PER ORDER OF THE BOARD OF SELECTMEN."
- B. No person shall park, or leave standing, a motor vehicle in an area marked or posted: "FIRE LANE — NO PARKING."
- C. No person shall park, or leave standing, a motor vehicle upon the Town highway known as Old Colchester-East Haddam Turnpike in the section of that highway known as "the Causeway," dividing the Moodus Reservoir.
- D. No person shall park, or leave standing, a motor vehicle along a Town highway where it is posted with signs bearing the language: "NO PARKING (applicable time periods optional) PER ORDER OF THE BOARD OF SELECTMEN."
- E. No person shall park, or leave standing, a motor vehicle so as to constitute a traffic hazard or obstruct or restrict the free movement of traffic upon any Town highway.
- F. No person shall park, or leave standing, a motor vehicle upon Town properties in any position other than those so designated by painted lines, or, in the absence of such designated parking slots, so as to obstruct garages, gas pumps, pedestrian walkways or other areas posted so as to come to the attention of the operator of said motor vehicle.

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

- G. No person shall park, or leave standing, an inoperable or unregistered motor vehicle along a Town highway, except that it be removed within 48 hours of being brought to the attention of the owner of said motor vehicle.
- H. No person shall park, or leave standing, a motor vehicle in front of or so as to obstruct or interfere with the ingress to or egress from any private driveway.
- I. No person shall park, or leave standing, a motor vehicle along a Town highway so as to hinder, obstruct, or interfere with the safe operation of snow-removal procedures.
- J. No person shall park, or leave standing, a motor vehicle without a valid Town of East Haddam facilities sticker in an area designated for such use by the Board of Selectmen.

§ 258-2. Proof of vehicle ownership.

In accordance with Connecticut General Statutes § 14-107, proof of the registration number of any motor vehicle in violation of any such parking regulation shall be prima facie evidence that the registered owner was in violation of such regulation and ordinance.

§ 258-3. Penalties for offenses. ²

Violators of this chapter shall be subject to a fine of \$25, payable to the Town of East Haddam within 14 days of the date of said violation.

§ 258-4. Enforcement.

The duly appointed East Haddam Constables, East Haddam Special Constables and the Resident State Troopers of the Town of East Haddam are authorized to enforce the provisions of this chapter via the issuance of a municipal styled violations tag. A claim of not receiving said violation tag will not relieve the vehicle owner from the prescribed fine.

§ 258-5. Appeals.

Appeals from the issuance of a citation (violation tag) under this chapter may be made in writing to the First Selectmen within 10 days of such issuance and subsequently directed to the appointed hearing officer according to the format outlined in Connecticut General Statutes § 7-152b.

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

Chapter 263

PEDDLING AND SOLICITING

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| § 263-1. License required. | § 263-6. Exceptions. |
| § 263-2. Application for license. | § 263-7. Display of license. |
| § 263-3. License fee. | § 263-8. Record of licenses issued. |
| § 263-4. License expiration. | § 263-9. Penalties for offenses. |
| § 263-5. Residents acting as agents for nonresidents. | § 263-10. Vending and hawking. |

[HISTORY: Adopted by the Town of East Haddam 10-1-1934. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 285.

§ 263-1. License required.

Except as hereinafter specified, no person shall, within the Town of East Haddam, peddle or sell upon the streets, sidewalks, public places, or from house to house, or at public or private sale, any goods, wares or merchandise, without first having been duly licensed so to do by a license issued to him by the Clerk of said Town upon the payment to said Town of a license fee hereinafter prescribed.

§ 263-2. Application for license.

Before engaging in such business, every person shall make application therefor in writing to the Clerk of said Town on blank forms to be supplied by such Clerk.

§ 263-3. License fee.

- A. Every person who resides in said Town of East Haddam who engages in such business for himself shall pay a license fee of \$0.50 per year or portion thereof.
- B. Every person who is not a resident of the Town of East Haddam who engages in such business shall pay a license fee of \$50 per year or portion thereof.

§ 263-4. License expiration.

Each license herein provided for shall expire on the 31st day of March succeeding the date of issue thereof.

§ 263-5. Residents acting as agents for nonresidents.

Every resident of East Haddam who engages in such peddling business who is doing so as the agent, representative, servant or employee of a nonresident of said Town shall pay the license fee required of nonresidents of said Town.

§ 263-6. Exceptions.

This chapter shall not apply to such persons who are excepted by the state laws of the State of Connecticut or to wholesalers selling and delivering their goods to the merchants of East Haddam, or to goods, wares, merchandise or foodstuffs sold and delivered by merchants of East Haddam, or to goods, wares or merchandise of residents of the Town of East Haddam sold by the maker, manufacturer or producer thereof.

§ 263-7. Display of license.

Each person so licensed shall, on exercising his vocation, wear conspicuously on his left breast a suitable badge designed and furnished by the Town Clerk of said Town with the words "licensed vendor" and the number of his license and the year such license is in force, in numerals plainly inscribed thereon; and each person so licensed, when using a vehicle for the purpose for which he is licensed, shall have plainly displayed on both sides of such vehicle a sign designed and furnished by said Town Clerk bearing the number of his license and the year such license is in force.

§ 263-8. Record of licenses issued.

It shall be the duty of the Town Clerk to keep a record of all licenses granted under the provisions of this chapter in a book provided for that purpose, giving the number and date of each license, name, age and residence of the person licensed and the amount of the license fee paid. Said Town Clerk shall keep account of his receipts for such licenses and make a return thereof to the Town Treasurer.

§ 263-9. Penalties for offenses.

Any person who shall engage in the business without being duly licensed as herein provided or who shall violate any of the provisions of this chapter shall be fined not more than \$25 for each offense.

§ 263-10. Vending and hawking. [Added 3-12-1940]

The Town hereby enacts this section concerning the vending or hawking upon its public streets of any goods, wares or other merchandise at public or private sale or auction, or vending or peddling of such articles from house to house within its limits, including the imposition of a fee not to exceed \$25 a year for each team or vehicle used in connection with such vending, hawking or peddling for the privilege of so vending, hawking or peddling such merchandise as provided by Chapter 174 of the Cumulative Supplements to the General Statutes, 1935.

Chapter 274

SCENIC ROADS

§ 274-1. Purpose.

§ 274-4. Appeal and rescission.

§ 274-2. Authority to designate.

§ 274-5. Effect of designation.

§ 274-3. Designation criteria.

§ 274-6. Enforcement.

[HISTORY: Adopted by the Town of East Haddam 8-23-1994. Amendments noted where applicable.]

§ 274-1. Purpose.

The purpose of this chapter is to help preserve the natural beauty, character and condition of the Town of East Haddam's rural roads from the destruction of their scenic values caused by unnecessary alterations. In general, highways or portions of highways designated as "scenic roads" should remain as they are.

§ 274-2. Authority to designate.

Pursuant to the provisions of § 7-149a of the Connecticut General Statutes (Public Act 81-401), the Planning and Zoning Commission of the Town of East Haddam may designate Town highways or portions thereof as scenic roads. No state highway or portion thereof may be designated as a scenic road under this chapter.

§ 274-3. Designation criteria.

- A. To be eligible for designation as a scenic road, a highway or portion thereof must be free of intensive commercial development and intensive vehicle traffic and must meet at least two of the following additional criteria:
- (1) It offers scenic views.
 - (2) It is bordered by mature trees or stone walls.
 - (3) It blends naturally into the surrounding terrain.
 - (4) It parallels or crosses over brooks, streams, lakes or ponds.
 - (5) It is unpaved.
 - (6) The traveled portion is no more than 20 feet in width.
- B. No highway or portion thereof may be designated as a scenic road by the Planning and Zoning Commission pursuant to this chapter, regardless of where the application originates, unless the owners of the majority of lot frontage, as listed in the Town of East Haddam Assessor's records, abutting said highway or portion thereof agree to such designation by filing a written statement or statements of approval with the Town Clerk

of the Town of East Haddam, who shall promptly transmit a copy thereof to the Planning and Zoning Commission.

- C. The Planning and Zoning Commission may on its own initiative submit an application for designating a highway or portion thereof as a scenic road hereunder. Alternatively, any property owner who owns land within the Town may apply to the Planning and Zoning Commission for designation of a highway or portion thereof as a scenic road. Such application shall include a specific description of said highway or portion thereof to be considered for designation along with a statement of the reasons why designation should be granted and shall be submitted to the Town Clerk and accompanied by a list of the names and addresses of the owners of all lot frontage abutting the highway or portion thereof to be designated. The Town Clerk will first review the application, including the names and addresses of owners, for accuracy and completeness and then promptly submit the entire application to the Planning and Zoning Commission for action. Following verification of the application by the Town Clerk, the applicant shall notify by certified mail all owners of lot frontage along such highway or portion thereof of such application. The Planning and Zoning Commission will hold a public hearing on the application. Hearing notices and deadlines therefor shall be in accordance with the terms of §§ 8-26d and 8-26e of the Connecticut General Statutes.
- (1) The Planning and Zoning Commission shall notify the Board of Selectmen, Board of Fire Commissioners, East Haddam Police Department, Inland Wetlands and Watercourses Commission, the Historic District Commission and the Superintendent of Public Highways for the purpose of review and comment. Each agency shall submit its recommendation to the Planning and Zoning Commission within 60 days of receipt of its copy of the application. If such a report is not received from any agency, it shall be presumed that such agency approves the scenic road designation as described in the application.
 - (2) Following the receipt of the agency reports and public hearings, the Planning and Zoning Commission shall vote on the proposed designation pursuant to the procedures set forth in the Connecticut General Statutes and pursuant to the designation procedure set forth in § 7-149a of the Connecticut General Statutes. The Planning and Zoning Commission shall vote on each scenic road application in accordance with the terms of § 8-26d of the Connecticut General Statutes. If such vote is in the affirmative, the Planning and Zoning Commission shall set an effective date and notify the owners abutting said highway or portion thereof that has been designated as a scenic road.

§ 274-4. Appeal and rescission.

- A. Any person aggrieved by a designation of a highway or portion of a highway as a scenic road by the Planning and Zoning Commission may appeal such designation in the manner and using the same standards of review provided for appeals from the decisions of the Planning and Zoning Commission under § 8-8 of the Connecticut General Statutes.
- B. The scenic road designation may be rescinded by the Planning and Zoning Commission by two-thirds vote of the entire Commission, provided that the consent of the owners of

the majority of lot frontage abutting said highway or portion thereof shall be necessary before such rescission can be effective.

§ 274-5. Effect of designation.

- A. In general, it is the intent of this chapter that no road which has been designated as a scenic road be altered or improved except for good cause as determined by the Planning and Zoning Commission. However, scenic roads will not be subject to:
- (1) Widening of the right-of-way or of the traveled portion of the highway.
 - (2) Paving (if not already paved).
 - (3) Changes of grade.
 - (4) Straightening.
 - (5) Removal of mature trees and/or stone walls.
- B. If any of the above-listed alterations are proposed, they shall be permitted only if the owners of the majority of lot frontage abutting the scenic road indicate their approval by signing a written statement agreeing to the alterations and filing it with the Town Clerk.
- C. A scenic road under this chapter shall be maintained by the Town of East Haddam in good and sufficient repair and in passable condition. It is understood, however, that road repairs and safety improvements will not, insofar as practicable, alter the scenic quality of the road. Minor repairs and routine road maintenance can be done at the discretion of the Superintendent of Highways.
- D. Major repairs which might require widening of the right-of-way (but in no case beyond 20 feet or the legal boundaries) or improved drainage will require a public hearing by the Planning and Zoning Commission and a vote of approval by 2/3 of the full Commission before the major repairs can begin.
- E. Nothing in this chapter shall be construed to prevent emergency repairs as needed in the event of a natural disaster in which a scenic road becomes impassable or unsafe for public travel. These repairs will be done in a manner that maintains the scenic characteristics of the road as much as practicable. Similarly, to the extent that reconstruction is required, the road shall be restored as nearly as practicable to its scenic character at the time of designation.
- F. This chapter does not prohibit a person owning or occupying land abutting a scenic road from maintaining and repairing land and/or driveways which abut the scenic road; provided, however, the maintenance and/or repair occurs on land not within the right-of-way, paved or unpaved, of the scenic road.

§ 274-6. Enforcement.

This chapter shall be enforced by the Planning and Zoning Commission acting through its designated enforcement representatives. Violation of this chapter shall be subject to such sanctions, legal and equitable, as are allowable under state law.

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Chapter 279
SOLID WASTE

ARTICLE I
Refuse Area

- § 279-1. Maintenance.
- § 279-2. Regulations.
- § 279-3. Penalties for offenses.

ARTICLE II
Solid Waste Facility

- § 279-4. Definitions.
- § 279-5. Restrictions on use of facility.

- § 279-6. Licensing of commercial collectors; fees.
- § 279-7. Bulky waste.
- § 279-8. Penalties for offenses.
- § 279-9. Hearing upon suspension of dumping rights.
- § 279-10. Rules and regulations; determination of fees.
- § 279-11. Separation of recyclable materials; deposit of bulky waste materials.
- § 279-12. When effective.

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

GENERAL REFERENCES

Open burning — See Ch. 183.

ARTICLE I
Refuse Area

[Adopted 3-12-1940; amended 8-15-1968]

§ 279-1. Maintenance.

The Town shall provide for the upkeep of a public dumping ground with an attendant in charge. The Selectmen shall be empowered to choose a committee to work with them.

§ 279-2. Regulations.

- A. The Board of Selectmen shall be authorized to regulate the hours when the refuse area shall be open to the public.
- B. Dumping shall be done only when a Town custodian is on duty.
- C. Only residents of the Town of East Haddam may be allowed use of the refuse area. A form of identification must be displayed as proof of residence.
- D. There will be no lighting of fires except in accordance with law or regulations set by the State Department of Public Health.

- E. There will be no littering in or around the refuse area. Dumping in areas other than those authorized by the custodian will be considered littering.
- F. No commercial refuse or waste collector will be permitted use of the Town refuse area unless he first registers his name and address with the Public Works Director, upon which he will receive an identification number which will serve as a permit. If such collector should violate any of the Town ordinances or state regulations regarding refuse, his registration may be revoked, in which case he will be refused the privileges of using the refuse area. The revocation shall be governed by the majority vote of the Board of Selectmen after a hearing with the refuse collector present.¹

§ 279-3. Penalties for offenses. ²

Violation of this article shall be punishable by a fine of not more than \$250. Each provision of this article shall be determined separate from all other provisions.

ARTICLE II Solid Waste Facility [Adopted 7-24-1990]

§ 279-4. Definitions.

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

ACCEPTABLE WASTE — Garbage, trash, rubbish, refuse and other solid waste normally collected and disposed of by the Town of East Haddam. The following are included within the term "acceptable waste":

- A. Lumber not exceeding six feet in length or six feet in width or four inches in thickness.
- B. Metal pipe, tracks or banding, wire and cable not exceeding three feet in overall length or 1 1/2 inches inside diameter.
- C. Cans or drums, no larger than five-gallon capacity, with tops removed and empty.

BOARD OF SELECTMEN or BOARD — The duly elected Board of Selectmen of the Town of East Haddam.

BULKY WASTE — As defined by the State of Connecticut Department of Energy and Environmental Protection.

COMMERCIAL COLLECTOR — Any person, firm, partnership, association or corporation who or which collects, transports and/or dumps garbage for the payment of a fee.

DUMPING — The depositing, discharging, placing and/or disposing of garbage by any person.

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

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

HAZARDOUS WASTE or HAZARDOUS MATERIALS — As defined by the State of Connecticut Department of Energy and Environmental Protection.

LICENSED COMMERCIAL COLLECTOR — Includes only such commercial collector which is the holder of a valid current and unexpired license issued by the Board of Selectmen pursuant to the provisions of § 279-6 of this article.

OVERSIZED WASTE — Acceptable waste too large to be processed in most resource recovery facilities and normally disposed of in a landfill. Generally, includes any individual items which, uncompacted, are greater than four feet high by four feet wide by four feet long, and includes household furniture such as sofas, mattresses, and appliances and industrial material such as paper butts or rolls, plastic or leather stamping or similar material.

PERSON — Includes, but not limited to, individuals, societies, associations, municipal corporations and/or its agents and employees, firms, partnerships, associations and corporations.

RECYCLABLE MATERIAL — Any material so designated by the laws or regulations of the State of Connecticut and/or the East Haddam Board of Selectmen, pursuant to § 279-10C.

RESIDENT — Includes only the following:

- A. An individual who resides, owns real property, or operates a business within the corporate boundaries of the Town of East Haddam.
- B. Any person having a place of business within the corporate boundaries of the Town of East Haddam.

SOLID WASTE DISPOSAL FACILITY or FACILITY — The area that has been designated by the Town of East Haddam and is presently in operation.

§ 279-5. Restrictions on use of facility.

- A. Only licensed commercial collectors and residents of the Town of East Haddam shall be permitted to dump garbage in or at the solid waste disposal facility.
- B. No garbage collected and/or generated outside of the corporate boundaries of the Town of East Haddam shall be dumped or caused to be dumped at the facility by any person, resident, or commercial collector, licensed or otherwise.
- C. Prior to allowing the dumping of any solid waste in the facility, the Board of Selectmen or its agents and employees or the First Selectman may require any person, including but not limited to a licensed commercial collector, seeking to dump garbage to certify in writing, under penalties of false statement as provided in the General Statutes of Connecticut, that the garbage to be dumped was not generated or collected outside the Town of East Haddam. Any licensed commercial collector refusing to provide certification in writing as specified in this subsection as to any load of garbage shall not be permitted to dispose of the garbage in the facility and shall be ordered to remove his vehicle from the facility immediately.

- D. Prior to permitting any person other than a licensed commercial collector to dump garbage in the facility, the Board of Selectmen or its agents and employees or the First Selectman may require that person, or that person's agent or employees, to present satisfactory proof of residence within the Town of East Haddam.
- E. Dumping shall be permitted only at times and on days established by the Board and in particular locations as designated by the Board through its agents or employees on duty. No person shall enter or be permitted within the facility except during the hours when the area is open to the public and the custodian is on duty.
- F. All solid waste shall be secured in transit in such a manner so as to prevent the waste from being scattered on roads and highways.
- G. No hazardous materials and/or hazardous waste shall be dumped at the facility without approval of the Board of Selectmen.

§ 279-6. Licensing of commercial collectors; fees.

- A. No person engaged in the business of collection or disposal of garbage shall deposit garbage in the facility without first obtaining a license from the Board.
- B. All licenses shall be for a period of one year from date of issuance. The license fee shall be paid in advance of granting said license. The fee for a license shall be \$250 per year.³
- C. The Board is authorized and empowered, prior to issuing a license, to require evidence of liability insurance in effect covering all vehicles to be used to transport garbage into the facility.
- D. Any licensee owning more than one vehicle and one removable body will provide a list of all vehicles and removable bodies to the Board. Changes in vehicles or removable bodies used to transport garbage to the facility shall be provided by the licensee as changes occur. The list shall designate each vehicle by Connecticut registration number, cubic yard capacity, tare weight and gross weight; and each removable body by identification number, cubic yard capacity, tare weight, and gross weight.
- E. A licensed commercial collector attempting to deposit garbage in the facility which was collected or generated in a town other than East Haddam shall be ordered by any member of the Board of Selectmen, or its employees or agents or by the First Selectman, to remove the vehicle from the facility area immediately, notwithstanding the fact that part of said load of garbage was collected or generated in the Town of East Haddam.
- F. Licenses must be in the possession of the operator of a vehicle described in the license and shall be shown on request at the time of dumping. No commercial collector shall be allowed to dump a load of garbage in the facility if the operator of the vehicle fails to have said license in his possession or fails to show said license on request. In such instances, such vehicle shall be ordered by any member of the Board of Selectmen or any

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

of its employees or agents, or by the First Selectman, to be removed from the facility immediately.

- G. It shall be the responsibility solely of the licensed hauler to ensure proper separation of materials discarded at the Town facility. The hauler shall notify the Town's agent of any/all violations by its customers.

§ 279-7. Bulky waste.

- A. No person shall, without prior written permission of the Board of Selectmen, deposit any stump at the bulky waste area of the facility the dimensions of which exceed 24 inches in height or 24 inches in width.
- B. Stumps not exceeding 24 inches in diameter may be deposited at the facility, provided that a permit is first obtained from the Board of Selectmen. A disposal fee for stumps will be collected as set by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.
- C. All commercial operations in the Town of East Haddam partially involving stump removal are encouraged to dispose of such stumps utilizing an approved alternative manner and shall chip all brush, limbs and branches. A disposal fee for chipped wood products will be collected as set by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.
- D. Vehicle tires may be deposited at the facility, at a disposal fee as set by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.
- E. No person shall deposit at the facility any icebox, refrigerator or other container which has an airtight door or lid, snap or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator, or container. A disposal fee for large appliances will be collected as set by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.
- F. Demolition material may be deposited, provided that a permit is first obtained from the Board of Selectmen. A disposal fee shall be collected as set by the Board of Selectmen on a per-cubic-yard basis based on the full registered capacity of the vehicle or container dumping and based on the actual disposal costs to the Town of East Haddam.
- G. No person shall dispose of any motor vehicles at the facility except as follows: motor vehicle parts will be accepted from commercial establishments operating within the Town of East Haddam and licensed by the State of Connecticut, at a disposal fee set as by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.
- H. Oversized waste may be deposited, provided that a disposal fee is collected as set by the Board of Selectmen based on the actual disposal costs to the Town of East Haddam.

§ 279-8. Penalties for offenses.

- A. Each commercial collector who violates any of the sections of this article shall be subject to a fine in an amount not exceeding \$1,000. Any resident who violates any section of this article shall be subject to a fine in an amount not exceeding \$1,000.⁴
- B. Each commercial collector who violates any of the sections of this article shall be subject to the following penalties in addition to the fines set forth in Subsection A of this section: in the event of two or more violations within any calendar year, suspension of the right to dump at the facility for the remainder of the calendar year or for a period of time not to exceed six months, whichever is greater.
- C. The Board of Selectmen shall post notice in conspicuous locations in and around the facility informing persons of the penalty for violating this article.

§ 279-9. Hearing upon suspension of dumping rights.

- A. Any commercial collector whose right to dump at the facility has been suspended under § 279-8 of this article, within five calendar days of the receipt of written notice of such suspension, may apply in writing to the First Selectman for reinstatement of the right to dump in the facility.
- B. Filing such an application will stay the suspension until the Board of Selectmen issues a decision as stated below.
- C. Within five calendar days of the filing of the application, the First Selectman shall set a date for a hearing on the application, which date shall be within 10 calendar days of the filing of the application, and shall give written notice of the time and place of the hearing to the commercial collector.
- D. At such hearing, the commercial collector may present evidence in support of its claim that its right to dump at the facility should not be suspended. The commercial collector may be represented by counsel and may present testimony, documentary or other evidence in support of its position, and may cross-examine any persons testifying against it.
- E. If the Board of Selectmen, based on evidence presented at the hearing, decides that the commercial collector's right to dump at the facility should be reinstated, it shall so advise the commercial collector in writing, whereupon such suspension shall end. If the Board of Selectmen decides that the commercial collector's suspension should stand, it shall so advise the commercial collector in writing. Notification to the commercial collector of the decision shall be sent by certified mail and such decision shall become effective upon receipt by the commercial collector.

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

§ 279-10. Rules and regulations; determination of fees.

- A. The Board of Selectmen is authorized to adopt reasonable rules and regulations to put this article into effect. Such regulations shall be in writing and shall be effective upon publication in a newspaper having general circulation in the Town of East Haddam.
- B. The Board of Selectmen is authorized to determine the amount of fee per each assessed material based on actual disposal costs to the Town of East Haddam.

§ 279-11. Separation of recyclable materials; deposit of bulky waste materials.

- A. The goal of this section is to achieve and surpass a recycling level of 25% of East Haddam's waste stream.
- B. No person shall deposit or attempt to deposit refuse in the facility which has not been separated according to the regulations pertaining to separation of all applicable recycled materials as defined in § 279-4 and adopted pursuant to § 279-10A. Bulky waste materials, including but not limited to tires, brush and stumps, furniture, mattresses, appliances, etc., and demolition materials, are permitted to be deposited, as specified herein, in the facility at locations designated by the Board of Selectmen or its agents and employees, but only by licensed commercial collectors and residents of the Town.
- C. Each load of refuse transported to the facility by any commercial collector or resident will be subject to inspection by any member of the Board of Selectmen, prior to permission being granted to dispose of the load of refuse at the facility. Refuse which has not been separated in accordance with current recycling materials regulations shall not be permitted to be deposited at the East Haddam facility.
- D. The Board of Selectmen, operating within its authority as provided in § 279-10A of this article, is authorized and empowered to add items to be recycled by the Town, including designated recyclable materials as defined in this article.

§ 279-12. When effective.

- A. Sections 279-4 through 279-10, inclusive, of this article shall be effective 15 days following publication in a newspaper having circulation in the Town of East Haddam.
- B. Section 279-11 shall be effective as of October 1, 1990.

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Chapter 285

STREETS AND SIDEWALKS

ARTICLE I
Acceptance of Town Roads

§ 285-1. Required width.

ARTICLE II
Ice and Snow on Sidewalks

§ 285-2. Deposit on highways prohibited.

§ 285-3. Removal from roof required.

§ 285-4. Removal from sidewalks.

§ 285-5. Removal of snow and ice by Town.

§ 285-6. Duty to clear Town property.

§ 285-7. Inspection of sidewalks.

§ 285-8. Limitations on Town liability; continuing liability of property owners; statute of limitations.

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

GENERAL REFERENCES

Parking — See Ch. 258.

Scenic roads — See Ch. 274.

ARTICLE I
Acceptance of Town Roads
[Adopted 5-11-1953]

§ 285-1. Required width.

In the future, all roads that the Town takes over shall be at least 50 feet wide.

ARTICLE II
Ice and Snow on Sidewalks
[Adopted 4-6-1988]

§ 285-2. Deposit on highways prohibited.

No person shall plow, throw, put or cause to be thrown or put any snow or ice from any private property or from any area in the rear of said private property or in the area between a private dwelling house or structure and the legally laid out sidewalk into any public highway in the Town of East Haddam.

§ 285-3. Removal from roof required.

No person, either as owner, occupant or as the person entitled to legal possession, shall permit snow to remain on the roof of any building in such condition that the same may slide therefrom upon any street or highway in the Town.

§ 285-4. Removal from sidewalks.

Whenever the sidewalk, or any part thereof, adjoining or fronting any building or lot of land or any street, square or public place in the Town of East Haddam shall have upon it an accumulation of snow, sleet or ice, it shall be the duty of the owner, occupant or any person having the care of such building or lot to cause such sidewalks to be made safe and convenient by removing the snow, sleet or ice therefrom, or by covering the same with sand or some other suitable substance, and in case such owner, occupant or other person having the care of such building or lot shall neglect to do so for the space of eight hours during the daytime, the person whose legal duty it shall be to clear the sidewalk, and so neglecting, shall be fined not more than \$25 for each occurrence, and every hour of neglect to make the sidewalks safe in accordance with the provisions of this section, after notice from the First Selectman or his designee, shall constitute a separate offense.

§ 285-5. Removal of snow and ice by Town.

If any sidewalk shall remain encumbered with snow, ice, or sleet for four hours after the owner or person having charge or care of the lot or building bordering on such sidewalk and legally liable to clear the same has been notified by the First Selectman or his designee to clear the same, and if the sidewalk shall not be covered with sand or some other suitable substance, the Board of Selectmen shall cause the same to be cleared and collect the expense thereof from such owner or other persons. The Town Attorney shall, at the request of the Board of Selectmen, collect by suit such expense as a debt due to the Town of East Haddam.

§ 285-6. Duty to clear Town property.

It shall be the duty of the Board of Selectmen to cause to be cleared all crosswalks and all sidewalks properly belonging to the Town of East Haddam and not adjoining the land of private individuals.

§ 285-7. Inspection of sidewalks.¹

The Board of Selectmen shall provide for the reasonable inspection of sidewalks, and shall order the owner or occupants of property adjoining any sidewalk to remove the snow, ice, sleet or any foreign materials impeding passageways thereon. If such removal is not accomplished within four hours from the time of notice thereof, the Board of Selectmen may remove such snow, ice, sleet or other obstacles, which shall be a charge against the owner/occupant of the property adjoining such sidewalk or the person responsible for such obstacles; and the cost shall be collected by the Town of East Haddam from the person responsible for the use of said Town, and if payment is not made within a sixty-day period, there shall be a lien upon the property of the person responsible.

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

§ 285-8. Limitations on Town liability; continuing liability of property owners; statute of limitations. [Added 3-12-2015]

- A. Notwithstanding the provisions of Section 13a-149 of the Connecticut General Statutes or any other General Statute or Special Act, the Town of East Haddam shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town of East Haddam is the owner or the person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided that the Town of East Haddam shall be liable for its affirmative acts with respect to such sidewalk.
- B. The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk abutting his property as the municipality had prior to the effective date of this section, adopted pursuant to the provisions of Public Act No. 81-340 (C.G.S. § 7-163a), and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.
- C. No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two years from the date when the injury is first sustained.

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Chapter 290

TAXATION

ARTICLE I

Payment of Taxes in Installments

- § 290-1. Due dates.
- § 290-2. Single payments for certain taxes.

ARTICLE II

Exemption for Blind Persons

- § 290-3. Exemption adopted; amount.

ARTICLE III

Exemption for Veterans

- § 290-4. Exemption adopted; amount.
- § 290-5. Exemption for surviving spouse.

ARTICLE IV

Waiver of Property Taxes

- § 290-6. Amount authorized to be waived.

ARTICLE V

Improvements on Property with Delinquent Taxes

- § 290-7. Permits not to be issued.

ARTICLE VI

Tax Incentive Program for Emergency Service Volunteers

- § 290-8. Statutory authority.
- § 290-9. Definitions.
- § 290-10. Incentive.
- § 290-11. Limitations.
- § 290-12. Procedure.

- § 290-13. Eligibility.

- § 290-14. Impact on pension plans.

- § 290-15. Report.

ARTICLE VII

Delinquent Motor Vehicle Tax Fees

- § 290-16. Imposition of fee; amount.

- § 290-17. Effective date.

ARTICLE VIII

Tax and Business Incentive Program

- § 290-18. Agreements authorized.

- § 290-19. Purpose and intent.

- § 290-20. Interested parties.

- § 290-21. Qualifying businesses.

- § 290-22. General requirements.

- § 290-23. Application procedures.

- § 290-24. Assessment of property subject to agreement.

- § 290-25. Requirements of tax incentive agreement.

- § 290-26. Default by owner or lessee.

- § 290-27. Assignment of agreement.

- § 290-28. Amendments to applicable statutes.

ARTICLE IX

Tax Relief for Elderly and Disabled

- § 290-29. Statutory authority; applicability.

- § 290-30. Qualifications for tax relief.

- § 290-31. Property limits.

§ 290-32. **Implementation of provisions; documentation of qualifying income; confidentiality.**

§ 290-34. **When effective; amendments.**

§ 290-35. **Severability.**

§ 290-33. **Tax relief granted; limits.**

§ 290-36. **Appeals.**

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

GENERAL REFERENCES

Pension and retirement plans — See Ch. 84.

Special Acts regarding assessments — See Ch. A350, Art. V.

ARTICLE I

Payment of Taxes in Installments

[Adopted 2-9-1971; amended in its entirety 9-29-1993]

§ 290-1. **Due dates.**

All taxes on the list of 1970 shall be due and payable in two installments, the first on July 1, 1971, and the second on January 1, 1972, and taxes on all subsequent lists shall be payable on the first days of July and January of each year.

§ 290-2. **Single payments for certain taxes.**

Commencing on the list of 1970, all property taxes due thereon in an amount not to exceed \$100, and all automobiles, regardless of the amount, shall be due and payable in a single payment on July 1 and for every year thereafter.

ARTICLE II

Exemption for Blind Persons

[Adopted 11-7-1985]

§ 290-3. **Exemption adopted; amount.** ¹

The recommendation of the Board of Selectmen to adopt an additional exemption of up to \$3,000 on property assessment for qualified legally blind persons, as per Public Act No. 85-165, is accepted.²

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

² Editor's Note: See C.G.S. § 12-81j.

ARTICLE III

Exemption for Veterans

[Adopted 11-7-1985; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 290-4. Exemption adopted; amount.

The recommendation of the Board of Selectmen to adopt an additional exemption of up to \$10,000 on property assessment for qualified veterans, as per State Statute 84-486, is accepted.³

§ 290-5. Exemption for surviving spouse.

In accordance with C.G.S. § 12-81f, Subsection (b), the exemption is extended to the surviving spouse of a veteran.

ARTICLE IV

Waiver of Property Taxes

[Adopted 5-21-1986]

§ 290-6. Amount authorized to be waived.

Any property tax due in an amount of less than \$3 levied on any grand list is hereby waived.

ARTICLE V

Improvements on Property with Delinquent Taxes

[Adopted 9-18-1990]

§ 290-7. Permits not to be issued.

No official, agent, or employee of the Town of East Haddam shall issue a zoning permit, building permit, certificate of occupancy, new sanitary system permit, or any other permit for improvements pertaining to real property on which there are property taxes past due. Said improvements shall not include simple maintenance of existing structures.

ARTICLE VI

Tax Incentive Program for Emergency Service Volunteers

[Adopted 9-5-2002]

§ 290-8. Statutory authority.

The provisions of C.G.S. § 12-81w are hereby adopted, and are set forth in §§ 290-9, 290-10, 290-11, 290-12 and 290-13.

3. Editor's Note: See C.G.S. § 12-81f.

§ 290-9. Definitions.

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

ACTIVE — Certified by the Chief of the East Haddam Volunteer Fire Department, LLC (hereinafter "the Fire Department"), or by the Chief of the East Haddam Volunteer Ambulance Association (hereinafter "the Ambulance"), on or before the certification date, as eligible for tax exemption under this article.

CERTIFICATION DATE — March 15 of the assessment year commencing October 1, 2001, and each assessment year thereafter.

ELIGIBLE RESIDENT — Each resident of the Town of East Haddam who volunteers his or her services:

- A. As an active fire fighter for the Fire Department;
- B. As an active emergency medical technician, paramedic or ambulance driver for the Ambulance; or
- C. As the volunteer Director of Civil Preparedness.

INCENTIVE — The reallocation of property tax burden among taxpayers described in § 290-11 below.

§ 290-10. Incentive.

Each eligible resident shall be entitled to an exemption applicable to the assessed value of real or personal property owned by said eligible resident up to an amount equal to the quotient of \$1,000,000 divided by the mil rate, in effect at the time of assessment, expressed as a whole number of dollars per \$1,000 of assessed value.

§ 290-11. Limitations.

The incentive shall be subject to the following limitations: residents who are eligible residents under one or more of Subsection A, B or C under the definition of "eligible residents" in § 290-9 shall be entitled to one incentive only.

§ 290-12. Procedure.

- A. The Chief of the Fire Department and the Chief of the Ambulance shall, on or before the certification date:
 - (1) Submit original certifications to the Tax Collector for the Town of East Haddam; and
 - (2) Forward a copy of certifications to:
 - (a) The Board of Finance;
 - (b) The Office of the First Selectman;

- (c) The Office of the Tax Assessor;
 - (d) The Board of Fire Commissioners;
 - (e) The Fire Department; and
 - (f) The Ambulance.
- B. The Assessor for the Town of East Haddam shall determine the amount of tax exemption to be applied to the assessments of each eligible resident on the certification list, and shall apply same by certificate of correction.

§ 290-13. Eligibility.

All members of the Fire Department and the Ambulance shall be eligible for the benefit under this article so long as they meet the criteria for attendance at emergency responses, training and drills for yearly credit toward the respective pension plans of the Fire Department and the Ambulance.

§ 290-14. Impact on pension plans.

The incentive shall not constitute compensation within the meaning of the provisions of § 84-2G of Chapter 84, Article II, Volunteer Fire Pension Plan (Adopted, Town Meeting, December 13, 1990; Published, Middletown Press, December 4, 1990), nor shall it be deemed to impact the Ambulance pension plan.

§ 290-15. Report.

The Fire Department and the Ambulance Association shall, on an annual basis, submit a report to the Board of Selectmen describing recruitment efforts, the number of volunteers in active service, and the number who presently qualify and will qualify for this tax incentive program in the future.

ARTICLE VII
Delinquent Motor Vehicle Tax Fees
[Adopted 1-22-2004]

§ 290-16. Imposition of fee; amount.

When property tax owed to the Town of East Haddam following a lawful assessment by the Town upon any motor vehicle remains unpaid on the first day of the month following the month in which the tax first became due, the Tax Collector shall submit to the Connecticut Department of Motor Vehicles a notice, in form and content as prescribed by such Department, declaring said tax unpaid. Thereafter, the sum of \$5 shall be added as a fee to the unpaid tax and collected by the Tax Collector upon payment of said tax.

§ 290-17. Effective date.

This article shall apply to any such delinquent tax reported to the Department of Motor Vehicles on or after January 1, 2004.

ARTICLE VIII**Tax and Business Incentive Program**

[Adopted 6-30-2010; amended in its entirety 6-30-2015]

§ 290-18. Agreements authorized.

Subject to Connecticut General Statutes (C.G.S.) §§ 12-65b and 12-65h, the Town of East Haddam (sometimes referred to herein as "the Town") may, by affirmative vote of its legislative body, enter into a written agreement with any party owning or proposing to acquire an interest in real property or an interest in air space in the Town or with any party who is the lessee of, or proposes to be the lessee of, air space in the Town in such manner that the air space leased or proposed to be leased shall be assessed to the lessee pursuant to C.G.S. § 12-64, or an interest in real property upon which is located or proposed to be located a manufacturing facility as defined in Subdivision (72) of C.G.S. § 12-81, fixing the assessment of the real property or air space and all improvements to be constructed thereon and therein or of the personal property located in the manufacturing facility, which is the subject of the agreement in accordance with provisions of § 290-25 of this article.

§ 290-19. Purpose and intent.

- A. The purpose of the Tax and Business Incentive Program (the "program") is to attract new businesses to the Town, promote expansion of existing businesses (including home-based businesses relocating into commercial and industrial zones), and to encourage rehabilitation and reuse of vacant commercial and industrial buildings.
- B. It is the intent of the Town:
- (1) To assist in the creation of jobs for local area residents;
 - (2) To create long-term tax base growth through the replacement, reconstruction, expansion and remodeling of existing business facilities where appropriate and not injurious to the surrounding environment;
 - (3) To encourage construction of new commercial and industrial facilities; and
 - (4) To encourage substantial investment in new machinery, equipment and other personal property subject to taxation within the Town.

§ 290-20. Interested parties.

The East Haddam Economic Development Commission (EDC) shall provide any property owner or lessee with general information concerning the program, prepare and supply interested parties with a fact sheet about the Town, an application to participate in the program and any other information that may be reasonably requested by an interested party.

For purposes of this article, an "interested party" is one who owns or proposes to acquire an interest in real property or air space in East Haddam or otherwise meets the definition of an owner or lessee of real property or air space as defined in C.G.S. § 12-65b and who is considering replacement, reconstruction, expansion or remodeling of existing business facilities located or to be relocated in East Haddam. The EDC may perform research about any party applying to participate in the program and may request of such party any relevant information that in the opinion of the EDC or the Board of Selectman (BOS) bears upon consideration of the application. The EDC shall obtain from the Tax Assessor an opinion of the impact of any proposed abatement of taxes on the applicable grand list and an estimate of the impact on future grand lists.

§ 290-21. Qualifying businesses.

- A. The following types of businesses, consistent with Town ordinances, regulations, rules and codes and with the East Haddam Plan of Conservation and Development, shall receive priority consideration under the provisions of this article and the program:
- (1) All business uses enumerated in Subdivision (b) of C.G.S. § 12-65b.
 - (2) Resorts and other tourist attractions.
 - (3) Other business uses.
- B. All applicants should have no fines or violations assessed against the applicant or its subsidiaries by state or federal agencies regarding environmental or health codes, and be able to demonstrate adequate financial strength to undertake the proposed capital improvements and expansions to the real property and machinery and equipment purchases that would be the subject of the agreement.

§ 290-22. General requirements.

Applications filed with the Town will be considered, provided:

- A. The proposed use is located in an appropriate zone as defined in East Haddam's Zoning Regulations.
- B. The proposed use receives approvals, licenses and permits from the East Haddam Planning and Zoning Commission and any other Town, State of Connecticut, and federal agencies, boards, commissions and officials having jurisdiction with respect to the project, if such approvals, licenses or permits are required under applicable laws, regulations, rules and codes.
- C. If the applicant is a tenant operating under a written lease, the term of the lease must be for no less than the applicable term of the tax abatement period and preferably longer. The agreement and the tax incentives must be clearly recited in said lease and be for a period no less than the applicable term of the tax abatement period. A copy of said lease should be submitted at the same time as the application to enter the program is submitted.

- D. No real estate property tax or other tax or fee or municipal charge due East Haddam is unpaid at the time the application is submitted or at any time thereafter.
- E. If the applicant is relocating its business to East Haddam, the applicant should provide a minimum of a five-year history of tax assessments and payments to the municipality or municipalities and/or other political subdivisions in which its business was operated, as is available, and as determined by the Town.
- F. The project should have a clear economic benefit to East Haddam. The applicant should submit in writing with the application a list of benefits, such as new jobs and growth of the Town grand list, to be realized by East Haddam if the applicant receives tax incentives under the program.
- G. Applicants are encouraged to provide East Haddam residents with the opportunity to apply for open positions and businesses the opportunity to bid for construction jobs and projects and be accorded priority, provided such applicants meet all of the criteria of established job requirements or are competitive and qualified bidders.
- H. Definitions. As used in this article, the following terms shall have the meanings indicated:

BUSINESS EXPANSION PROJECT — An eligible project involving an addition or renovation of the applicant's existing property and/or facilities.

NEW BUSINESS DEVELOPMENT — An eligible project involving real property acquisition, new construction or renovation, for either a new-to-Town business or the relocation of a Town business to the new project site.

§ 290-23. Application procedures.

All tax incentive requests shall be made in writing on a form referred to as "Tax and Business Incentive Application" ("the application") published and provided by the EDC and approved by the BOS, as it may be amended from time to time. The application and all accompanying documentation required hereunder or voluntarily provided shall be submitted in duplicate at the office of the First Selectman. Upon receipt by the BOS, one copy of the application shall be provided to the EDC for preliminary review. For purposes of this article, "receipt by the BOS" means an application and all accompanying documentation required in accordance with all applicable provisions of this article are submitted. The following time periods for review of the application and action are not mandatory; nonetheless, the EDC and the BOS shall try to meet the time limits stated hereafter: From the date of receipt by the BOS of the application, the EDC shall have 45 days to review the application, request additional information and meet with the property owner and/or lessee or the property owner's and/or lessee's representatives. Provided the property owner and/or lessee has provided all information required in the application by this article and by the EDC, the EDC will, within 30 days thereafter, report its findings to the BOS. The BOS will place the report on the agenda of the next regularly scheduled BOS meeting for discussion and action. If the BOS approves the report, the First Selectman and the property owner/lessee shall enter into a written agreement (subject to the affirmative vote of the Board of Finance and the Town Meeting), which agreement, accompanied by the report, will be referred to the Board of

Finance for its review and action. If the Board of Finance approves the financial terms of the agreement, the BOS shall place the agreement on the agenda of the next Town Meeting for its review and action.

§ 290-24. Assessment of property subject to agreement.

The East Haddam Assessor shall, in the Assessor's sole discretion, determine the assessment of the real property or the air space or the personal property and any and all improvements constructed or to be constructed on or in the real property which is the subject of the agreement.

§ 290-25. Requirements of tax incentive agreement.

A. Pursuant to C.G.S. § 12-65b(a), the assessment of real property and all improvements in or on or to be constructed in or on said real property or air space may be fixed:

- (1) For a period of not more than seven years, provided the cost of such improvements to be constructed is not less than \$3,000,000;

Percentage of Abatement	80%	70%	60%	50%	40%	30%	20%
Year	1	2	3	4	5	6	7

- (2) For a period of not more than two years, provided the cost of such improvements to be constructed is not less than \$500,000; or

Percentage of Abatement	80%	70%
Year	1	2

- (3) To the extent of not more than 50% of such increased assessment, for a period of not more than three years and provided the cost of such improvements to be constructed is not less than \$25,000.

Percentage of Abatement	50%	50%	50%
Year	1	2	3

B. The fixed assessment will be based on the following:

- (1) New business development with the value of improvements to be constructed greater than \$3,000,000: the fixed assessment will be calculated using the assessed value after completion of the improvements.

- (2) Business expansion projects with the value of improvements to be constructed greater than \$3,000,000: the abatement will be based on the increase in the assessment.
 - (3) New business development with the value of improvements to be constructed greater than \$500,000 but less than \$3,000,000: the fixed assessment will be calculated using the assessed value after improvements.
 - (4) Business expansion projects with the value of improvements to be constructed greater than \$500,000 but less than \$3,000,000: the abatement will be based on the increase in the assessment.
 - (5) Projects with the value of improvements to be constructed greater than \$25,000 but less than \$500,000: the abatement will be based 50% or the difference between the "before" and "after" improvements assessments.
- C. The fixed assessment period shall commence the first fiscal year for which a tax list is prepared on the October 1 immediately following the issuance of a certificate of occupancy by the appropriate building official for construction of the buildings or manufacturing facilities or other structures and all improvements in or on the real property or air space which is the subject of the agreement.
- D. Notwithstanding anything written in this article to the contrary and provided in all other respects the applicant qualifies under the provisions of C.G.S. §§ 12-65b and 12-65h and this article, the Town may, in its sole discretion, offer to enter into an agreement with such applicant for abatement of taxes of a lesser percentage and/or of fewer years.
- E. On a case-by-case basis, the Town may provide other incentives in addition to the incentives provided by C.G.S. §§ 12-65b and 12-65h or in lieu thereof as follows:
- (1) Waiver of building permit fees;
 - (2) Waiver of filing fees with land use agencies; or
 - (3) Provision of in-kind services such as construction of access roads or road widening, construction of storm drains and culverts or sidewalks or curbing, extension of water and/or sewer lines or other public improvements.
- F. Machinery and equipment defined in Subdivision (72) of C.G.S. § 12-81 and intended to qualify for tax relief pursuant to C.G.S. § 12-65h shall have for federal income tax purposes a depreciable useful life of five years or seven years.
- G. Construction shall commence within six months of approval of the agreement by the Town Meeting and shall be completed no later than 24 months from date of approval by the Town Meeting. The times for commencement and completion of the construction are mandatory, except the owner's or lessee's performance may be excused when the owner or lessee is prevented from performing by causes beyond the owner's or lessee's control, including natural disasters, fires or other calamities or a state or national declared state of emergency.

§ 290-26. Default by owner or lessee.

In the event the owner or lessee of the real property or air space 1) fails to pay real estate and/or personal property taxes when such taxes are due and payable; 2) fails to commence or complete on time the construction of all improvements upon the property which is the subject of the agreement; 3) becomes insolvent or bankrupt or files any debtor proceedings or others file such debtor proceedings against the owner or lessee, in any court, in any jurisdiction, state or federal, and does not withdraw such filing within 90 days or such other proceedings have not been dismissed or withdrawn by such other parties within 90 days or makes an assignment for the benefit of creditors or if the property or lease is taken under any writ of execution or becomes the subject of foreclosure proceedings; 4) abandons the real property or, in the case of the lessee, purports to assign its lease without the express consent of the Town as set forth in § 290-27 of this article; or 5) fails to perform any obligation of owner or lessee under the terms of the agreement; such event shall constitute a material default of the agreement and the Town may terminate the agreement on the giving of written notice, whereupon a) the right of the owner and/or lessee to receive tax abatements and any other considerations granted to the property owner and/or lessee under the terms of the agreement shall cease and come to an end; and b) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of C.G.S. § 12-146, all waived fees, if any, and all actual costs of the Town in providing in-kind considerations to the property owner and/or the lessee. In the event of failure to pay a tax when due and if such delinquency continues for six months and one day, the Town shall terminate the agreement, whereupon i) the right of the owner and/or lessee to receive the tax abatement and any other considerations granted to the property owner or lessee under the terms of the agreement shall cease and come to an end; and ii) the property owner and/or lessee shall be obligated to repay the Town the amounts of all tax abatements retroactive to the due date of the first abated tax payment plus interest at the rate set and payable pursuant to provisions of C.G.S. § 12-146, all waived fees, if any, and all actual costs of the Town in providing in-kind considerations to the property owner and/or the lessee.

§ 290-27. Assignment of agreement.

The agreement between the Town and the owner and/or lessee of real property or of air space shall not be assigned by the owner or lessee to any person(s) or business organization or entity or estate or trust without the express consent of both the BOS and the Board of Finance, which boards shall signify their consent by an affirmative vote taken at a separate meeting of each board duly warned and noticed for the stated purpose. A conveyance of the real property or a transfer of ownership of the business or substantially all of the assets of the business, which is the subject of the agreement, to a person or business organization or entity that is not owned or controlled by the owner of the real property and/or the owner of the business who are parties to the agreement with the Town shall not constitute a valid assignment of the agreement or vest any rights under the agreement in the grantee of the real property or transferee of the business or of the assets of the business or allow for enforcement of any obligations of the Town against the Town by the grantee of the real property or transferee of the business or of the assets of the business, including but not limited to any remaining tax abatements under terms of the agreement. For purposes of this section, a

"controlled entity" means a business which is 80% or more owned by the grantor or transferor, as the case may be.

§ 290-28. Amendments to applicable statutes.

All references to C.G.S. § 12-65b, 12-65h or 12-81 or any other section of C.G.S. made herein shall include all amendments to such statutes enacted and signed into law subsequent to the effective date of this article.

ARTICLE IX
Tax Relief for Elderly and Disabled
[Adopted 10-17-2017]

§ 290-29. Statutory authority; applicability.

This article is adopted pursuant to the authority granted to the Town under Section 12-129n of the Connecticut General Statutes, as the same may be amended from time to time, and shall be effective for the Grand Lists of 2015 through 2020.

§ 290-30. Qualifications for tax relief.

To qualify for the tax relief provided in this article, the taxpayer shall meet the following requirements:

A. Shall be either:

- (1) Sixty-five years of age or over at the close of the previous calendar year, or his or her spouse, who is domiciled with him or her, or has been confined to a nursing home from his or her residence in East Haddam, shall be 65 years of age or over or the surviving spouse of a taxpayer previously qualified under this section at the time of his or her death and over the age of 62, subject to requalification hereunder; or
- (2) Under age 65 and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under social security, or has not been engaged in employment covered by social security and accordingly has not qualified for permanent total disability under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government-related teachers' retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under social security.

B. Shall have occupied the real property for which tax relief is sought as his or her principal residence and which property must either be owned by the applicant or be real property for which the applicant or his or her spouse is liable for taxes under Section 12-48 of the Connecticut General Statutes, except as provided in Subsection C hereinbelow.

- C. Shall have been liable for residential real property taxes to the Town of East Haddam for a period of one year immediately preceding the receipt of tax benefits under this article, and not owe any delinquent property taxes to the Town of East Haddam; provided, however, that if property is held in trust for a person who would otherwise qualify for this elderly and disabled tax relief program, the tax relief may still be granted if the claimant is the primary beneficiary of the trust and the claimant meets all other requirements under this program. Under these circumstances, the application for relief shall be accompanied by a copy of the trust agreement. The trust agreement shall be reviewed by Town Counsel prior to any relief being granted to the claimant.
- D. Shall have individually, if unmarried, or jointly if married, adjusted gross income, as defined in the Internal Revenue Code of 1986, as amended, plus social security benefits, income from other tax-exempt retirement and annuity sources and income from tax-exempt bonds, hereinafter called "qualifying income," during the calendar year, preceding the filing of his or her application in an amount of no more than \$50,000.

§ 290-31. Property limits.

The benefits under this article shall be limited to the residence of the taxpayer, the house lot upon which such residence is located and any non-income-producing accessory buildings located upon said lot.

§ 290-32. Implementation of provisions; documentation of qualifying income; confidentiality.

The Tax Collector and the Assessor of the Town of East Haddam shall prescribe, with regard to their respective duties under this article, such forms and procedures as may be necessary to implement this article. The Assessor, in addition, shall satisfy himself or herself as to the qualifying income of an applicant for benefits under this article by requesting and reviewing such evidence, including documents, of qualifying income as he or she may deem pertinent. All applications, federal income tax returns filed herewith and any additional evidence of qualifying income which the Assessor may require shall be kept confidential and not open to public inspection.

§ 290-33. Tax relief granted; limits.

- A. Tax relief shall be provided by the Town to applicants who meet the requirements of this article, subject to the limitations contained herein.
- B. Amount of relief.
 - (1) The yearly allowable relief shall be established as follows:

Income	Relief Amount
\$0 to \$24,999	\$500
\$25,000 to \$34,999	\$400

Income	Relief Amount
\$35,000 to \$50,000	\$300

- (2) However, in no event shall the total yearly program exceed the sum of \$150,000. In such event, the amount of relief granted shall be reduced in a pro rata manner by maintaining, as far as possible, the maximum relief amount for the lowest income taxpayers and then reducing the relief amount for each higher income tier until said program does not exceed said amount.
- C. The property tax relief provided by this section shall be in addition to and not dependent upon those benefits available to qualified taxpayers under any Connecticut General Statutes, Sections 12-129b to 12-129d, 12-129h⁴ and 12-170aa, provided that the Town and state benefits in any one year shall not exceed 75% of the real property tax which would have been imposed on a qualified taxpayer in the absence of such statute and this section.
- D. If a qualifying taxpayer owns property jointly with a non-spouse, tax relief under the elderly tax relief program will be proportionate to the qualifying taxpayer's interest in the property.
- E. Before the tax relief or any portion thereof under this section shall be given, such person must first apply for tax relief under any state statute for which he/she is eligible. If such applicant has not applied for tax relief under any state statute because he/she is not eligible, he or she shall so certify by filing annually to the Assessor or authorized agent on a form acceptable to the Assessor an affidavit testifying to his or her eligibility. The application must be filed each year with the Assessor between February 1 and May 15 for tax relief for the following fiscal year which begins on July 1.
- F. Any otherwise qualified applicant must own and reside on the property subject to tax relief for at least 183 days per year for the property to qualify as the taxpayer's principal residence. Only one tax credit shall be allowed for each property eligible for tax relief. In any case where title to such real property is recorded in the name of the taxpayer or his or her spouse who is eligible for tax relief and any other person or persons, the tax amount shall be prorated to allow a tax credit equivalent to the fractional share in the property of such eligible taxpayer or spouse; if such property is a multiple-family dwelling, such tax credit shall be prorated to reflect the fractional portion of such property occupied by the eligible taxpayer as provided by state statutes. Persons not otherwise eligible shall not receive any tax relief.
- G. If any person entitled to the tax relief dies without leaving a qualified spouse, prorated tax relief shall be given from October 1 of the assessment year in which death occurs to the date of death. Such prorated portion shall be determined by a fraction, the numerator of which shall be the number of full months from the first day of October in such assessment year to the date of death and the denominator of which shall be 12. If such person dies, the tax relief which such person shall be allowed for his or her estate shall be given for the next fiscal year and for any subsequent fiscal years in which the

4. Editor's Note: C.G.S. § 12-129h, which related to tax relief for special taxes, was repealed by P.A. 99-89, § 9, effective 6-3-1999.

surviving spouse of such person meets the requirements set forth. If any person receiving qualified tax relief hereunder sells the property on which the tax relief is granted, no additional tax relief shall be allowed for his or her interest in the property, and the purchaser of such property shall pay the Town a prorated portion of the tax relief for that fiscal year. Such prorated portion of such relief shall be determined by a fraction, the numerator of which shall be the number of months from the date of conveyance, including the month of conveyance, to the end of the assessment year and the denominator of which shall be 12. If such conveyance occurs in the month of October, the grantor shall be disqualified for tax relief in such assessment year. The grantee shall be required, within a period not to exceed 10 days immediately following the date of such conveyance, to notify the Assessor thereof, whereupon the Assessor shall determine the amount of tax reduction to which the grantor is entitled for such assessment year.

- H. Applications for benefits under this section shall be filed biennially with the Assessor or authorized agent between February 1 and May 15, when State of Connecticut applications are due.
- I. Any applicant who has received benefits from this section and is later found to be ineligible after filing a false affidavit will be liable for all benefits received. The amount due will be treated as taxes not paid from the date they would have been due and will be subject to interest and penalties as prescribed by law.

§ 290-34. When effective; amendments.

This article shall take effect on passage and publication. Once the article takes effect, it may be amended by vote of the Town Meeting, upon the recommendation of the Board of Finance, without complying with requirements of C.G.S. § 12-129n applicable to the article's initial approval.

§ 290-35. Severability.

If any section, subsection or other portion of this article shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining portions of this article if they can be given effect without the unconstitutional or invalid provisions.

§ 290-36. Appeals.

Any person aggrieved by the action of the Assessor in determining the amount of relief or in disapproving any such application under this article may appeal to the Board of Selectmen in writing, within 10 days after the date of the written notification of the Assessor on such application. The Board of Selectmen shall promptly consider such appeal and may grant or deny the relief requested, or make such other modifications necessary to comply with the article.

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Chapter 296

TOBACCO PRODUCTS

§ 296-1. Purpose.

§ 296-3. Prohibited conduct.

§ 296-2. Definitions.

§ 296-4. Penalties for offenses.

[HISTORY: Adopted by the Town of East Haddam 12-30-1998. Amendments noted where applicable.]

§ 296-1. Purpose.

This chapter is intended to prohibit the sale of self-service cigarettes and other tobacco products in establishments open to children under the age of 18. This chapter will require customers to ask the assistance of a store clerk to obtain possession of tobacco products, thereby inhibiting theft of product by minors.

§ 296-2. Definitions.

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

ESTABLISHMENT — Any place of business open to the public, including children 17 years and younger.

SELF-SERVICE — Any product available to or within the reach of customers of an establishment without the assistance of a store employee.

TOBACCO PRODUCTS — Any products containing tobacco and shall include, but not be limited to, cigarettes, cigars, cigarillos, tiparillos, and chewing tobacco.

§ 296-3. Prohibited conduct.

No East Haddam establishment shall offer self-service tobacco products for consumption by the public after the effective date of this chapter.

§ 296-4. Penalties for offenses.¹

The owner of an establishment which violates this chapter shall be fined not more than \$250.

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

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Chapter 301

TRAILERS

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| § 301-1. Purpose. | § 301-7. Electricity. |
| § 301-2. Definitions. | § 301-8. Fire protection. |
| § 301-3. Parking of single trailers. | § 301-9. Fuel. |
| § 301-4. Trailer parks and campgrounds. | § 301-10. Location in flood hazard areas prohibited. |
| § 301-5. Right of entry. | § 301-11. Penalties for offenses. |
| § 301-6. Adoption of regulations. | |

[HISTORY: Adopted by the Town of East Haddam 10-11-1979. Amendments noted where applicable.]

§ 301-1. Purpose.

The purpose of this chapter is to promote the health, sanitation and welfare of the Town of East Haddam, to reduce fire hazards and to mitigate congestion and the influx of transients which would increase the burden on educational and other facilities.

§ 301-2. Definitions.

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

CAMPER COACH or TRAVEL TRAILER — Any conveyance which is or can be mounted on wheels, whether or not self-propelled, and which shall be used exclusively for travel, camping, recreation and vacationing and not as a fixed dwelling place and which shall not exceed eight feet in width and 26 feet in length.

CAMPGROUND — A plot of ground used for recreational purposes which can accommodate two or more tents, travel trailers or camper coaches.

COMMERCIAL TRAILER — Any vehicle designed to serve exclusively as a temporary office for any construction project.

HE — When used in apposition to a licensee, owner or applicant, shall include persons of both sexes or corporations.

HEALTH OFFICER — The legally designated health authority of East Haddam or its authorized representative.

LICENSE — A written license by the Board of Selectmen or its authorized representative permitting a trailer coach to be parked or located off the public highways in the Town of East Haddam.

OCCUPY — Occupied for sleeping and dwelling purposes.

SINGLE TRAILER SPACE — A space on which a single trailer is accommodated on one parcel of real estate.

SINGLE TRAILER, TRAILER, OR TRAILER COACH — Any movable or portable dwelling built on a chassis and which is, has been or may be mounted or moved on wheels and so constructed as to permit its use not only as a conveyance upon the public streets or byways but also as a dwelling and sleeping place occupied by one or more persons. This definition shall embrace all vehicles (however designated) answering such description except camper coaches and travel trailers and commercial trailers.

TRAILER PARK — Any plot of ground upon which two or more trailers occupied for dwelling and sleeping purposes are located, whether designated as a trailer camp, trailer park or mobile home park or otherwise.

§ 301-3. Parking of single trailers.

- A. After the effective date of this chapter, no person, firm or corporation shall park a trailer off the public highways within the limits of East Haddam without first having obtained a license therefor.
- B. Such trailer license shall be issued in the name of the Town of East Haddam by the Board of Selectmen.
- C. A license or permit issued prior to the effective date of this chapter, the renewal thereof and the continued parking of a trailer pursuant thereto shall remain subject to the provisions of law in effect at the time such license or permit was granted, and the same shall for such purpose remain in full force and effect.
- D. The owner of the trailer, and the owner of the land on which the trailer is to be parked, if different therefrom, shall apply to the Board of Selectmen for such license, for occupancy by the landowner, through a written application. An application shall be accepted only when made in conjunction with an application for a building permit for a detached dwelling, in accordance with the zoning regulations of the Town of East Haddam, or when made for a renewal of a license or permit granted prior to the effective date of this chapter, and shall set forth the following:
 - (1) Name and address of the applicant(s).
 - (2) Ownership, make, model, serial number and motor vehicle registration number of the trailer, if any.
 - (3) Description of the plot of land upon which applicant intends to park such trailer, its location, area and the name of the owner and his relationship to applicant, if any.
 - (4) The sewage disposal arrangements provided or to be provided.
 - (5) The water supply arrangements provided or to be provided.
- E. No single trailer shall be parked for occupancy in East Haddam unless:

- (1) The plot upon which it is parked is at least two acres in area.
 - (2) An area of not less than 10,000 square feet immediately surrounding the trailer is kept free from heavy and dense growth of brush or weeds, including poisonous or obnoxious weeds, and the front area of the trailer is landscaped and properly graded in a normal acceptable manner before a certificate of occupancy can be granted by the Building Official.
 - (3) The trailer space is provided with a sewage disposal outlet connected with a public sewer system or a septic tank or, if the health officer shall certify that in the particular location no health menace is involved, an approved cesspool.
 - (4) The trailer space is provided with an adequate supply of potable water for all the occupants of the trailer, together with a water connection for the trailer.
 - (5) Rubbish and refuse is collected at least once a week and between collections is placed in flytight, watertight, rodentproof containers.
 - (6) It is 100 feet distant from any public highway or street other than trailers already on location.
- F. Subsections A and E(1) shall not apply to any single trailer already parked off the public highway in East Haddam on or before July 1, 1957.
- G. The Board of Selectmen shall approve or disapprove such application within 30 days after the date of filing. No approval of an original application shall be granted until the health officer has inspected the site, examined the sanitation plans and facilities and approved, in writing, the granting of such license and such approval has been filed, together with the application, in the office of the Town Clerk. No approval of such application shall be granted and no license issued unless and until the building permit for the detached dwelling has been issued in accordance with the zoning regulations of East Haddam, as hereinabove referred to in Subsection D.
- H. All trailer licenses issued subsequent to the effective date of this chapter shall expire six months after date of issue. Renewal of such permits, whether upon their expiration or subsequently, shall be valid for only six months from date of expiration of the original license, and only one such renewal shall be granted and then only provided that reasonable progress shall have been made toward the completion of the dwelling for which the building permit was issued in conjunction with the trailer license. Such reasonable progress shall be evidenced by the completion within the initial six-month period of the foundation, the water supply system, sewage disposal system, the framing and closing in of the dwelling.
- I. The fee for any trailer license, including the renewal thereof, and the fee for any renewal of a trailer license or permit issued prior to the effective date of this chapter shall be \$50.

§ 301-4. Trailer parks and campgrounds.

After the effective date of this chapter, no person, firm or corporation shall establish, maintain, or operate a trailer park or campground within the limits of East Haddam without

first having obtained a license or permit in accordance with zoning regulations of the Town of East Haddam nor establish, maintain, conduct or operate a campground/trailer park without complying with such regulations and continue to maintain and operate such campground/trailer park.

§ 301-5. Right of entry.

The health officer or his deputy and the Fire Marshal or his deputy shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or of regulations promulgated thereunder.

§ 301-6. Adoption of regulations.

The Board of Selectmen is hereby authorized to make and to adopt such written regulations as may be necessary for the proper enforcement of the provisions of this chapter, provided that such regulations shall not be in conflict with the provisions of this chapter. Such regulations shall have the same force and effect as the provisions of this chapter and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this chapter as above provided.

§ 301-7. Electricity.

If a trailer uses electricity, the installation shall comply with all state and local electrical codes and ordinances. All electric outlets shall be weatherproof.

§ 301-8. Fire protection.

Every single trailer space shall be kept free of flammable material at all times and shall be equipped with one or more portable fire extinguishers maintained in good repair for use in fighting fires. Fires shall be made only in stoves or other equipment designated for that purpose and in incinerators when otherwise permissible. The space shall be subject to all rules and regulations of the Fire Department of East Haddam.

§ 301-9. Fuel.

Liquefied petroleum gas for cooking purposes shall not be used at any trailer space unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum cylinders shall be securely fastened in place and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in any trailer nor within five feet of the door thereof.

§ 301-10. Location in flood hazard areas prohibited.

No mobile home, camper coach, travel trailer, and/or trailer park shall be located in "special flood hazard area" or "floodway" as defined in the Federal Insurance Administration's

scientific and engineering report entitled "The Flood Insurance Study for the Town of East Haddam, Connecticut, Middlesex County," and dated May 1979, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, as amended or revised.

§ 301-11. Penalties for offenses.

Any person found guilty of violating this chapter or any provision thereof shall be deemed guilty of a misdemeanor and shall be fined not less than \$5 nor more than \$100, and each day such violation exists shall be constituted a separate offense and shall be punished as such hereunder. In addition to such penalties, the Board of Selectmen shall be authorized to revoke or suspend any license whenever the licensee has violated any provision of this chapter or the regulations thereunder. The Board may, on such conditions as may be just, restore any license when the violation is remedied and compliance resumed.

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APPENDIX