City of Derby

Adopted Ordinances January 1, 2006 through December 31, 2016

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Be it hereby ordained by the Board of Aldermen of the City of Derby:
§ 7-111 Composition, organization.

(Delete)
§7-111 *~~Composition; organization~~*
~~The Office of the Mayor of the City of Derby is hereby designated as the Parking Division. The Mayor is authorized to employ a Director of the Parking Division, subject to the approval of the Board of Aldermen.~~

(New Language)
§7-111 Composition; qualifications of members; organization; compensation; fiscal matters; annual report.
The Parking Division shall consist of no more than seven (7) electors of the City who shall be appointed by the Mayor, not more than four of whom shall be of the same political party. Those first appointed shall be designated to serve for one, two, three, four and five year terms, respectively, and thereafter a member shall be appointed annually to serve for five (5) years, except that any vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment. Such authority shall select from among its members a chairman and may employ necessary personnel. The members of the Parking Division shall serve without compensation. No action of such Parking Division shall be valid unless authorized by a vote of the majority of its members. Such Parking Division shall maintain proper accounting and financial records and shall make an annual report to the Mayor and Board of Aldermen.

Adopted by the Board of Aldermen and approved by the Mayor on March 9, 2006.

Be it ordained by the Board of Aldermen of the City of Derby:

ARTICLE I General Licensing Requirements
§136-1. License required
A. No person or group of persons, except newsboys and such other persons as may be exempted by the Statutes of the State of Connecticut, shall engage in the vending or peddling of any goods, wares or merchandise of any sort or description or in the solicitation of funds upon any public street of the City of Derby without having first obtained a license therefore from the City.

§136-2. License fees.
The fee for the license required by §136-1 hereof shall be as follows:
B. All other groups or individuals: $200.00 per year.

§136-3. Application information; investigation
Any person or group of persons seeking to obtain a license under this article shall provide to the City the names, addresses and ages of all individuals who are proposed to be engaged in the sale of any merchandise or the solicitation of any funds. The Chief of Police shall then conduct or cause to be conducted a background investigation of each applicant and notify the Finance Office, in writing, whether or not the applicant passed the background check.

136-4. Issuance or denial of license.
After receipt of the results of the background check, along with written approval of the owner of the location for which said license is requested, if said location is private property, and any applicable food service license issued by the Naugatuck Valley Health District, the Finance Office shall submit the application to the Community Relations Committee which shall either recommend approval or disapproval of the application and submit it to the Board of Aldermen, which shall either:

§136-9. Definitions.
As used in this article, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

LOCATION LICENSE- A license issued by the City authorizing a food vendor or vendor to engage in business within the City of Derby and specifying the location from which the food vendor or vendor is authorized to operate.

§136-13. Duration of license; fee; issuance
The City shall issue the license upon receipt of said license fee, which shall be paid in cash. The Finance Office shall document receipt thereof for the Board of Appointment and Taxation.

The following fees and fines shall be increased as follows:

§136-5. Penalties for offenses.
From the amount of $50.00 to $250.00.

§136-12. License applications.
B (2.) From the amount of $10.00 to $15.00

§136 13. Duration of license; fee; Issuance.
B. The management itinerant vendor location licensee fee shall be $450.00. The itinerant vendor location license fee shall be $250.00.

§136-16. Penalties for offenses
From the amount of $100.00 to $250.00.

Vendor Permit Application Process, City of Derby, CT:
1. Vendor applications are available in Finance Office.

2. Fill in entire application in ink.
3. A Certificate of Insurance for the full year of the permit must be attached to the application
4. Food Vendor-A copy of the food service license for the full year of the permit must be attached to the application
5. Veterans Exception-A military DD214 Form, proof of ownership in the hawking or peddling business, and proof for Connecticut residency for the proceeding 2 years must be attached to the application
6. The completed application and attachments should be given, by the applicant, to the Derby Police Department along with the names, addresses and ages of all individuals who are proposing to be engaged in the sale of any merchandise. The Chief of Police shall conduct a background investigation and notify the Finance Office in writing whether or not the applicant passed the background check.
7. The Derby Police Dept. will forward the application to the City Clerk to check for completeness, then it will be submitted to the Community Relations Committee.
8. The Community Relations committee will either reject the application, or submit the application to the full Board for Aldermen for approval.
9. The approved application will be given to the Finance Office by the City Clerk. If application is approved, permit can be picked up and paid for in the Finance Office no sooner than 5 days of approval.

Application fee, $15.00, due at time permit application is picked up from Finance Office.

Adopted by the Board of Aldermen and approved by the Mayor on July 26, 2007.

Be it ordained by the Board of Aldermen of the City of Derby:

§140.3 Graffiti-Prohibited
No person shall write, paint or place any paint, chalk or any other substance or substances or otherwise mark, scratch, place, carve or etch graffiti on the real or personal property of another, whether said real or personal property be publicly or privately owned, unless the owner of such property has specifically consented to the same, prior to the commission of such act or acts. The owner or occupant of such property, or both, shall not permit graffiti to remain on any residential, commercial or industrial property for a period of more than five (5) business days after notification by the Building Official, in accordance with the provisions of §60 of this Code of Ordinances as authorized by the Connecticut General Statutes pertaining to anti-blight.

§140.4 Violations and Penalties
(A) Fine. In accordance with the provisions of the General Statutes any person violating any provision of §140.3 shall be fined not less than Fifty ($50.00) nor more than Two Hundred ($200.00) Dollars for each day that a violation continues.

(B) Issuance of Citations. Any police officer or other person authorized by the Mayor may issue a citation to any person who commits violation of §140.3.

(C) The City shall utilize its best efforts to require the offender to pay for the costs of the repair and removal of such graffiti.

§140.5 Rewards
The Office of the Mayor upon recommendation of the Community Relations Committee is authorized to offer and pay a reward, not exceeding One Hundred ($100) Dollars to any person who gives information that leads to the citation of anyone who violates §140.3.

Adopted by the Board of Aldermen and approved by the Mayor on July 26, 2007.

Be it ordained by the Board of Aldermen of the City of Derby:

ARTICLE XXIII Facilities Inspectors - Flood Control Supervisor
§32-81. Appointment; duties; compensation.
The Mayor may appoint up to two Facilities Inspectors whose duties shall be to inspect City facilities and roads to ensure that they are properly maintained and repaired, to inspect public works projects, to assist the Building Official in enforcing the City's anti-blight regulations, and to perform such other inspection duties relating to City property or facilities as may be assigned. The Facilities Inspectors shall work under the direction of the Mayor, the Building Official, and the Street Commissioner who shall prescribe their hours of employment and assign specific duties. The Facilities Inspectors shall be paid such compensation as the Mayor determines is appropriate, subject to the approval of the Board of Aldermen.

The Mayor may appoint a Flood Control Supervisor for a two (2) year term, and whose duties shall be to inspect the flood retention walls and to perform such other inspection duties, and weed control as may be directed by the Army Corp of Engineers. The appointment is subject to the approval of the Board of Aldermen. The Street Commissioner shall prescribe the hours of employment and assign specific duties and directions to the Flood Control Supervisor. The Flood Control Supervisor shall be paid such compensation as approved by the Board of Aldermen.

Adopted by the Board of Aldermen and approved by the Mayor on December 27, 2007.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

§ 172-8. Reimbursement for sidewalk renovation. (Amended 12/27/07)
The City of Derby shall reimburse 1/3 of the cost of materials to any owner of real property who has renovated or replaced an existing public sidewalk, for such renovation or replacement. No such reimbursement shall be authorized unless the property owner has filed a written application for reimbursement with the City Clerk; the Public Works Director approves the completed sidewalk as being in accordance with generally accepted construction standards; and the Board of Aldermen reviews the application at a regular monthly meeting.

The cost reimbursement for materials shall be based upon the following unit prices:

Materials	**Unit Price (per square foot)**
4" Portland cement concrete sidewalk	$9.50
5" Portland cement concrete sidewalk	$12.00
Portland cement concrete curbing	$30.00
Asphalt 2" bituminous concrete sidewalk	$5.00
Asphalt 3" bituminous concrete sidewalk	$6.00
Asphalt bituminous concrete driveway	$4.00
Gravel refill	$35.00

Adopted by the Board of Aldermen and approved by the Mayor on December 27, 2007.

Be it ordained by the Board of Aldermen of the City of Derby:

§ 64-2. Fees.
The following fees shall be paid to the City Clerk for permits:

PERMIT FEE TABLE	**Permit or Activity Fee**
Zoning Board of Appeals Variance	
One & Two-Family Residential (per Single Variance)	$175.00
Multifamily Residential, Commercial, Industrial (per Single Variance)	$250.00

Applications with multiple request for variance additional $50.00 per variance request.

Adopted by the Board of Aldermen and approved by the Mayor on February 28, 2008.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Chapter 53: Amusements
"ARTICLE LICENSING" - ADULT ORIENTED PRODUCTS & ESTABLISHMENTS -
§ 53-43. Location – Restriction
In order to protect and preserve the health, safety and welfare of the city's citizens, and to maintain property values and ensure sanitary and safe public places, no application for an adult-oriented establishment shall be granted if the business is located within 250 feet of a residential zone nor if located within 1500 feet of a public or private school.

Adopted by the Board of Aldermen and approved by the Mayor on May 22, 2008.

Be it hereby ordained by the Board of Aldermen and the City of Derby:

New:
§ 18-11.1 Fine doubling, immobilization and impound
If the owner of a motor vehicle who is the recipient of enforcement action under articles II, III and IV, fails to pay or appeal said ticket within ten (10) days, the amount of said ticket will double. Delinquents may be prosecuted or subject to civil penalties. The owner of a vehicle with more than $250.00 in unpaid parking tickets is subject to having their vehicle immobilized with a wheel boot and/or impounded at the owner's expense. The vehicle may not be released from impound or boot until the total amount due is satisfied.

Adopted by the Board of Aldermen and approved by the Mayor on September 25, 2008.

Be it hereby ordained by the Board of Aldermen and the City of Derby:

New:
§ 18-27.1 Violations and penalties
Any person violating the provisions of this article shall be fined ten dollars.($10) for each violation thereof, unless otherwise noted.

Adopted by the Board of Aldermen and approved by the Mayor on September 25, 2008.

Be it hereby ordained by the Board of Aldermen and the City of Derby:

Article V. Parking for Handicapped.

Repealed:
§ 18-44 Violations and penalties
~~Whenever any vehicle shall be found parked in violation of this regulation, any Derby police officer may issue a citation for such violation, which citation shall provide for a fine of twenty five dollars ($25.00) payable to the City of Derby Police Department within seven (7) days, a penalty in an amount equal to the fine shall immediately become due and payable in addition to the original fine and a warrant may be issued for the arrest of the violator. (11-17-83, S6)~~

New:

§ 18-44 Violations and penalties
Any person violating the provisions of this article shall be fined one hundred fifty dollars ($150.00) for each violation thereof.

Adopted by the Board of Aldermen and approved by the Mayor on September 25, 2008.

Be it hereby ordained by the Board of Aldermen of the City of Derby that the following section is hereby repealed:

§ 186-9. Redemption of impounded vehicles; appearance in lieu of impoundment.
Before the owner or person in charge of such vehicle impounded pursuant to this article shall be permitted to remove the same from the custody of the Department of Police, he shall furnish evidence of his identity and ownership or right to possession, shall sign a receipt for such vehicle, for a first violation, shall pay to the clerk of the Police Department at headquarters a fee of $3, plus storage at $1 per day, and for each subsequent violation, shall pay a fee of $5, plus storage charges; provided, however, that a police officer may, in lieu of towing such vehicle to such public garage, serve upon the owner or operator of such vehicle or attach to such a vehicle a notice directing the owner or operator thereof to appear at the office of police headquarters of the city before the time specified in such notice.

Repealed by the Board of Aldermen and approved by the Mayor on September 25, 2008.

Be it hereby ordained by the Board of Aldermen of the City of Derby that the following section is hereby repealed:

~~**§ 186-10. Effect of appearance in response to summons issued under § 186-9; failure to appear.**~~
~~When any person shall receive such notice required under § 186-9 from the Police Department to appear at the office of police headquarters of the city, such person may pay to the officer or clerk in charge thereof the sum of $1, and upon payment of such amount, a prosecution under this article shall be barred. In the event that such payment is not made within the time prescribed by the Police Department, a letter shall be written directing such person to make payment of the sum of $2 to police headquarters within a specified time. In the event that the direction contained in such letter is not complied with, the name of such person may then be referred to the prosecuting attorney for such action as may, in his opinion, be required.~~

Repealed by the Board of Aldermen and approved by the Mayor on September 25, 2008.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

ARTICLE IX: Limited Residential Parking Permits in West Fourth Street Area

§ 186-51 Purpose.
The Board of Aldermen of the City of Derby deems it to be in the interest of the citizens of the City of Derby to provide for the establishment of a limited residential parking permit program within the West Fourth Street area, to ensure primary access to available parking spaces to neighborhood residents, to reduce hazardous traffic conditions resulting from the use of streets within said area for vehicles parked by persons not residing therein and to promote the peace, comfort, convenience and welfare of the residents therein.

§ 186-52 Definitions.
As used in this article, the following terms shall have the meanings indicated:

LIMITED RESIDENTIAL PARKING PERMIT AREA - That designated residential district more particularly designated on a map entitled "Proposed Parking Restrictions Vicinity of West Fourth Street and a portion of Anson Street" on file in the office of the Clerk of the City of Derby, where curbside parking on public highways is limited to not more than two consecutive hours between 10:00 a.m. and 8:00p.m., unless the vehicle properly displays a parking permit authorized by this article.

PARKING- The standing of a vehicle, whether occupied or not, upon a highway otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, traffic signs or signals.

PROPRIETOR- A person who owns or leases real property within said residential area of which his is not a resident, but owns or engages a business enterprise or professional office maintained at that address. For the purpose of this article, a "proprietor" shall be entitled to one parking permit for said business or professional office address.

RESIDENT -A person who owns or leases real property within said residential area and who maintains either a voting residence or a bona fide occupancy, or both, at that address.

RESIDENTIAL DISTRICT- A contiguous or nearly contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and non-business property (such as schools, parks, churches, hospitals and nursing homes).

§ 186-53 Issuance of parking permits; signs.
The Chief of Police shall issue appropriate permits and shall cause parking signs to be enacted in said area. Said area shall be clearly designated and indicate that parking is limited to not more than two consecutive hours between 10:00 a.m. and 8:00 p.m. daily, unless the vehicle properly displays a parking permit as authorized by this article. A permit shall be issued, upon application and payment of the applicable fee, only to those who are residents or proprietors as defined herein. A separate permit shall be required for each motor vehicle.

§ 186-54 Permit application.
A. The application for a permit shall contain:
    1. The name and address of the permittee;
    2. The make, model, license plate number and registration number of the vehicle; and

3. The signature of the permittee for the residential parking permit.

B. The permit shall be renewable annually.

§ 186-55 Use of permits.

A. All parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the vehicle. Such parking permits shall contain the following:
   1. The numerical designation of the residential parking permit area;
   2. The name and address of the resident to whom the parking permit was issued; and
   3. The expiration date of the parking permit.

B. A parking permit shall not guarantee or reserve a parking space within the designated residential parking permit area. A parking permit shall not authorize the standing or parking of any vehicle in such places and during such times as the stopping, standing or parking of vehicles and shall not excuse the observance of any traffic regulations, other than the two-hour parking limit enforced in the residential parking permit area.

C. Whenever the holder of a parking permit, or the vehicle for which the parking permit was issued, no longer fulfills one or more of the applicable provisions of this article controlling issuance, renewal or transfer or parking permits, the holder shall so notify the Police Chief who may then direct the holder to surrender the parking permit.

D. Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside with the designated residential parking permit area.

E. A parking permit shall be valid only in the designated residential parking permit area for which it is deemed.

F. It shall be a violation of this article for the holder of a parking permit to fail to surrender it when directed to do so.

G. It shall be a violation of this article for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this article when it is not so entitled. The display of a parking permit on a vehicle not entitled to such a parking permit shall constitute such a representation.

H. It shall be a violation of this article for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this article. It shall also be a violation of this article for any person to display on any vehicle such a duplicate permit.

§ 186-56 Exceptions for service and delivery vehicles.

The parking restrictions imposed by this article shall not apply to any service or delivery vehicle when used to provide services or to make deliveries to residences or proprietors within the designated parking permit area, provided that the parking of the service or delivery vehicle within said parking area does not exceed one hour in duration on any given day.

§ 186-57 Penalties for offenses.

Whoever violates any provision of this article shall, upon conviction thereof by a court of competent jurisdiction, pay to the City of Derby a fine in the amount of $10.00 for each violation. Failure to pay said fine timely shall make the violator liable for further penalties, including imprisonment as provided for in the General Statutes of the State of Connecticut.

Adopted by the Board of Aldermen and approved by the Mayor on December 18, 2008.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Chapter 58
ORDINANCE NUMBER 58-1

CONCERNING THE DESIGNATION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF DERBY AS THE TOWN'S **AQUIFER PROTECTION AGENCY**

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

WHEREAS, it has been determined that it is in the best interest of the City of Derby to designate the Planning and Zoning Commission as the town's aquifer protection agency.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF DERBY THAT:

(1) Designation and membership

(a) In accordance with the provisions of Conn. Gen. Stat. § 22a-354a, *et seq.,* the Planning and Zoning commission is hereby designated as the Aquifer Protection Agency (hereinafter the "Agency") of the City of Derby. [The staff of the Mayor's Office and Building Department shall serve as the staff of the Agency.]

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

(c) At Least one member of the Agency or staff of the Agency shall complete the Course in technical training formulated by the Commissioner of Environmental

Protection of the State of Connecticut, pursuant to Conn. Gen. Stat. § 22a-354v.

(2) Regulations to be adopted

(a) The Agency shall adopt regulations in accordance with Conn. Gen. Stat. § 22a-354p and Regulations of Connecticut State Agencies (R.C.S.A.) § 22a-354i-3. Said regulations shall provide for:
(i) The manner in which boundaries of aquifer protection areas shall be established and amended or changed.
(ii) Procedures for the regulation of activity within the area.
(iii) The form for an application to conduct regulated activities within the area.
(iv) Notice and publication requirements.
(v) Criteria and procedures for the review of applications.
(vi) Administration and enforcement.

(3) Inventory of Land Use

(a) In order to carry out the purposes of the Aquifer protection Program, the Agency will conduct an inventory of land use within the area to assess potential contamination sources.
(b) Not later than three months after approval by the Commissioner of the Connecticut Department of Environmental protection of Level B Mapping of aquifers, the Agency will inventory land uses overlying the mapped zone of contribution and recharge areas of such aquifers in accordance with guidelines established by the Commissioner pursuant to Conn. Gen. Stat. § 22a-354f. Such inventory shall be completed not more than one year after authorization of the Agency. [Conn. Gen. STAT. § 22a-354e]

Adopted by the Board of Aldermen and approved by the Mayor on May 28, 2009.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

"An Ordinance Requiring Reflective Symbol for Structure for Engineered Lumber"

Whereas, many new building structures currently use engineered lumber in their construction
Whereas, some types of engineered lumber burn at a faster rate than other types of lumber, and
Whereas, in fighting fires, it would be helpful to know the types of materials used in the construction and restructure

Now therefore be it ordained, by the Board of Aldermen and the City of Derby as follows:

1. Engineered Lumber shall be prefabricated I-joists, truss joists and trust rafters in what remains to be used in studs. A structure shall mean property primary, secondary and accessory structure as defined by the Derby zoning code that have electrical that serve the structure.
2. All structures constructed with engineered lumber after the effective date of this ordinance must have a reflective symbol affixed to the front of the structure.
3. The reflective symbol shall be in the form of a sticker issued by the City of Derby that states the structure is structured by engineered lumber
4. Any person violating this ordinance by refusing to use a reflective symbol or by removing a reflective symbol shall be subject to a fine in the amount of $25.00 per violation and each day that a violation occurs shall constitute a separate violation subject to a separate fine.

~~5. Though there are many structures that have been constructed with engineered lumber prior to the effective date of this ordinance, it is requested to place the reflective symbol on their structure on a voluntary basis.~~

~~6. Any chief officer of Derby Fire Department responding to an emergency or Fire Marshal inspecting any structure constructed with engineered lumber prior to the effective date of this ordinance may place the reflective symbol on the structure.~~

Adopted by the Board of Aldermen and approved by the Mayor on July 30, 2009.

Be it hereby ordained by the Board of Aldermen and City of Derby:

Article XIV
Water Pollution Control Authority (Adopted 12-17-86; amended 7-63 on 7.30.09)

Repealed:
~~**§ 7-63. Composition. (Amended 7.24.03)**~~
~~The Water Pollution Control Authority shall consist of all members of the Board of Apportionment and Taxation whose terms shall be determined by the Mayor. The Mayor of said City shall, ex officio, be a member of the Authority and shall preside at the meetings of the Authority. The Authority may employ personnel necessary to effectuate collection of the sewer use charge. The members of the Authority shall serve without compensation but may be reimbursed for necessary expenses. All plant employees of the Authority shall report to the Street Commissioner. The Authority shall utilize the City~~

~~Clerk to supervise the clerical staff of the Authority. The Authority shall maintain proper accounting and financial records and shall make a written biannual report to the Mayor and the Board of Aldermen each March and September.~~

New:

§ 7-63. Composition.

The Water Pollution Control Authority shall consist of five (5) electors of the City of Derby, who shall be appointed by the Mayor with the approval of the Board of Alderman, not more than three of whom shall be of the same political party. Those first appointed shall be designated to serve for one, two, three, four, and five year terms, respectively, and thereafter a member shall be appointed annually to serve for five years, except that any vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment. The Water Pollution Control Authority shall select from among its members a Chairman. No action of the Authority shall be valid unless authorized by the vote of a majority of the members present at a meeting.

The Authority may employ personnel necessary to effectuate collection of the sewer use charge. The members of the Authority shall serve without compensation but may be reimbursed for necessary expenses. All plant employees of the Authority shall report to the Street Commissioner. The Authority shall maintain proper accounting and financial records and shall make a written biannual report to the Mayor and the Board of Alderman each March and September.

Adopted by the Board of Aldermen and approved by the Mayor on October 1, 2009.

Be it hereby ordained by the Board of Aldermen:

ARTICLE XXIV
Emergency Response Committee

§ 7-121. Creation and duties.

An Emergency Response Committee is hereby created in order to examine, study and recommend procedures regarding the response by the various agencies of the City to major disasters. The Committee shall recommend the role of each agency involved and their primary activities during a disaster response. The Committee shall provide assistance for grant funding, training and projects in order to establish such procedures for emergency disaster response. The Committee shall act to coordinate such programs with Griffin Hospital, Valley Red Cross and the Valley Health Department.

§ 7-122. Committee Members.

The Committee shall be composed of the following City Employees and Officials:

- Police Department: Police Chief or his/her designee Fire Department: Fire Chief or his/her designee Storms Ambulance Director or his/her designee
- Office of Emergency Management: OEM Director or his/her designee Public Works: Commissioner or his/her designee
- School Department: Superintendent or his/her designee

§ 7-123. Chairman.

The Mayor of the City of Derby shall appoint a Chairman. The Chairman must have some emergency management or operation experience. The Chairman shall serve at the sole discretion of the Mayor. The Chairman shall call meetings to order and preside over it. The Chairman shall serve without compensation.

Adopted by the Board of Aldermen and approved by the Mayor on October 1, 2009.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

"Chronic Nuisance Properties Ordinance"

Providing a New Process for Enforcement and Abatement of Certain Activities that Repeatedly Occur or Exist at Chronic Nuisance Properties Within the Confines of the City of Derby

WHEREAS, the Board of Aldermen desires to provide a new process for abatement and enforcement against nuisance activities that repeatedly occur or exist at chronic nuisance properties;
WHEREAS, the Board of Alderman shall act pursuant to the authority granted by Connecticut General Statutes, including but not limited to Section 7-148 (c)(7)(E) and (H);
NOW, THEREFORE, the Board of Aldermen of the City of Derby does hereby ordain as follows:

SECTION 1. SHORT TITLE. This Ordinance may be cited as the "Chronic Nuisance Property Ordinance."

SECTION 2. PURPOSE.

Chronic nuisance properties present grave health, safety and welfare concerns, where the persons responsible for such properties have failed to take corrective action to abate the nuisance condition. Chronic nuisance properties have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This chapter is enacted to remedy nuisance activities that are particularly disruptive to quality of life and repeatedly occur or exist at properties by providing a process for abatement. This remedy is not an exclusive remedy available under any state or local laws and may be used in conjunction with such other laws.

Also, chronic nuisance properties are a financial burden to the city by the repeated calls for service to the properties because of the nuisance activities that repeatedly occur or exist on such property. This chapter is a means to address those conditions and hold accountable those persons responsible for such property.

Chronic Nuisance Properties

SECTION 3. DEFINITIONS

For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

(a) "Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition, which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the applicable City Department head or designee(s) determines is necessary in the interest of the general health, safety and welfare of the community;

(b) "Control" means the ability to regulate, restrain, dominate, counteract or govern property, or conduct that occurs on a property;

(c) "Chronic nuisance property" means property on which at least three or more nuisance activities occur or exist during any sixty day period;

(d) "Drug-related activity" means any unlawful activity at a property which consists of the manufacture, delivery, sale, storage, possession, or giving away of any controlled substance as defined by Chapter 420b, "Dependency-Producing Drugs," of the Connecticut General Statutes..

(e) "Nuisance activity" means and includes:

- (1) Any nuisance as defined by state law or local ordinance occurring on, around or near a property, including but not limited to, violations of the following laws and regulations:
  - (a) Unauthorized activities;
  - (b) Junk Vehicles;
  - (c) Fire Code;
  - (d) Health and Sanitation;
  - (e) designation as a blighted property pursuant to City of Derby Ordinance, Chapter 60, "Blighted Premises;"
- (2) Any conduct that is determined to be a violation of Federal, State or Municipal laws or local ordinance occurring on, around or near a property, including, but not limited to, the following activities or behaviors:
  - (a) Failure to Disperse;
  - (b) Disorderly Conduct;
  - (c) Assault;
  - (d) Any Domestic Violence Crime;
  - (e) Reckless Endangerment;
  - (f) Prostitution;
  - (g) Patronizing a Prostitute;
  - (h) Public Disturbance Noises;
  - (i) Lewd Conduct;
  - (j) Any Firearms/Dangerous Weapons violations;
  - (k) Drug related loitering
  - (l) Any Dangerous Animal violations;
  - (m) Any Drug related activity;
  - (n) False burglar/ intruder alarm calls.
- (3) For purposes of this chapter, "Nuisance Activity" shall not include conduct where the person responsible is the victim of a crime and had no control over the criminal act.

(f) "Person responsible for the property" or "Person responsible" means, unless otherwise defined, any person who has titled ownership of the property or structure which is subject to this chapter, an occupant in control of the property or structure which is subject to this chapter, a developer, builder, or business operator or owner who is developing, building or operating a business on the property or in a structure which is subject to this chapter and/or any person who has control over the property and allows a violation of this chapter to continue.

(g) "Person" means natural person, joint venture, partnership, association, club, company, limited liability company, corporation, business trust, organization, or the manager, lessee, agent, officer or employee of any of them;

(h) "Premises/' or "property" may be used by this chapter interchangeably and means public or private building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof including property used as a residential or commercial property;

(i) "Rental unit" means any structure or that part of a structure, including but not limited to single family home, room or apartment, which is rented to another and used as a home residence, or sleeping place by one or more persons, or which is rented to another on commercial property or premises.

SECTION 4. VIOLATION.

Any property within the City of Derby which is a chronic nuisance property is in violation of this Chapter and subject to its remedies; and

Any person responsible for property who permits property to be a chronic nuisance property shall be in violation of this chapter and subject to its remedies.

SECTION 5. PROCEDURE.

(a) When the Chief of Police, or his/her designee(s), receives written documentation confirming the occurrence of three or more nuisance activities within a sixty-day period on any property, the Chief of Police or his/her designee(s), shall review such documentation to determine whether it describes the nuisance activities enumerated in Section 3 (e). The Chief of Police, or his/her designee(s) shall have thirty (30) days to investigate the matter and make a finding. Upon a finding, the Chief of Police, or his/her designee(s), within ten (10) days of findings, shall notify the person responsible for such property, in writing, by certified mail, return receipt requested, to the address indicated on the Tax Assessor's records, or by such other means and to such other address as may be determined to result in the delivery of notice, that the property is subject of being declared a chronic nuisance property.

(b) The warning shall contain:

- (1) the street address or legal description sufficient for identification of the property;
- (2) a concise description of the nuisance activities that exist, or that have occurred on the property;
- (3) a demand that the person responsible for such property respond to the Chief of Police or his/her designee(s) within ten days of service of the notice to discuss the nuisance activities and create a plan to abate the chronic nuisance;
- (4) offer the person responsible an opportunity to abate the nuisance activities giving rise to the violations, but for no more than ninety (90) days; and
- (5) a statement describing that if legal action is sought, the property could be subject to closure and civil penalties and/or costs assessed up

to one hundred dollars ($100.00) per day if remains a chronic nuisance property.

(c) The Chief of Police or his/her designee(s) shall serve or cause to be served such warning upon the person responsible in accordance with the procedures set forth above.

(d) If the person responsible fails to respond to the warning within the time prescribed, the Chief of Police or his/her designee(s) shall issue a notice in such form as the Chief of police authorizes with consultation with the Corporation Counsel, declaring the property to be a chronic nuisance property and post such notice at the property and issue the person responsible a civil violation, punishable by a maximum penalty of Thirty Thousand Dollars ($30,000.00). If the person responsible fails to respond to the issued infraction and/or continues to violate the provisions of this chapter, the matter shall be referred to the Corporation Counsel for further action.

(e) If the person responsible responds as required by the notice and agrees to abate the nuisance activity, the Chief of Police or his/her designee(s), and the person responsible, may work out an agreed upon course of action which would abate the nuisance activity. If an agreed course of action does not result in the abatement of the nuisance activities or if no agreement concerning abatement is reached, the matter shall be forwarded to the Corporation Counsel for enforcement action. Provided, that in the event the Chief of Police or his/her designee(s) or the Corporation Counsel determines that the person responsible has taken reasonable steps to abate the nuisance activity, the Corporation Counsel shall not commence an enforcement action under this Chapter, notwithstanding the continuance of the nuisance activity.

SECTION 6. COMMENCEMENT OF ACTION

(a) Once the matter is referred to the Corporation Counsel, the Corporation Counsel shall immediately review and make a determination to initiate legal action authorized under this chapter or state statute, or may seek alternative forms of abatement of the nuisance activity. The Corporation Counsel may initiate legal action on the chronic nuisance property and seek injunction and/or civil penalties and costs in Superior Court for the abatement of the nuisance.

(b) In determining whether a property shall be deemed a chronic nuisance property and subject to the court's jurisdiction, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property. The City may submit official police reports and other affidavits outlining the information that led to arrest(s), and other chronic nuisance activity occurring or existing at the property. The failure to prosecute an individual or the fact no one has been convicted of a crime is not a defense to a chronic nuisance action.

(c) Once a court determines the property to be a chronic nuisance under this Section, the court may impose a civil penalty against any or all of the persons responsible for the property and may order any other relief deemed appropriate. A civil penalty may be assessed for up to one hundred dollars ($100.00) per day for each day the nuisance activity continues to occur following the date of the original warning by the Chief of Police or his/her designee(s), as described in Section 5. In assessing the civil penalty, the court may consider the following factors, citing to those found applicable:

(1) the actions taken by the person responsible to mitigate or correct the nuisance activity;
(2) the repeated or continuous nature of the nuisance activity;
(3) the statements of the neighbors or those affected by the nuisance activity; and
(4) any other factor deemed relevant by the court.

(d) The court which determined the property to be a chronic nuisance property shall also assess costs against the person responsible in the amount it costs the City to abate or attempt to abate the nuisance property.

(e) If the court determines the property to be a chronic nuisance property, the court shall order the property closed and secured against all unauthorized access, use and occupancy for a period up to one year, and may impose a civil penalty and costs.
Once a determination has been made by the court that the chronic nuisance property shall be subject to closure, the court may authorize the City to physically secure the premises and initiate such closure. Costs for such closure shall be submitted to the court for review. Any civil penalty and/or costs awarded to the City may be filed with the .Town Clerk who shall cause the same to be filed as a lien on the property and recorded on the Land Record.

(f) The Superior Court shall retain jurisdiction during any period of closure or abatement of the property.

SECTION 7. SUMMARY CLOSURE.

Nothing in this chapter prohibits the City from taking any emergency action for the summary closure of such property when it is necessary to avoid an immediate threat to public welfare, health and safety. The City may take summary action to close the property without complying with the notification provisions, but shall provide such notice as is reasonable under the circumstances.

SECTION 8. SEVERABILITY.

If any portion of this ordinance, or its application to any person or circumstances, is held invalid, the validity of the ordinance as a whole, or any other portion thereof, or the application of the provisions to other persons or circumstances is not affected.

If any one or more sections, subsection, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 9. REMOVAL

The Board of Alderman shall preside over any written request by a property owner to remove a property from the list of chronic nuisance properties.

Adopted by the Board of Aldermen and approved by the Mayor on April 28, 2011.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Chapter 26

"Be it ordained by the Board of Aldermen of the City of Derby, after the public hearing and at the meeting of March 22, 2012, THAT
No person shall take domestic or exotic animals onto the Greenway. Animals including but not limited to dogs, cats, birds, snakes, rodents, and horses.
Any violation of the rules and regulation of this Ordinance may be enforced by the City of Derby Police Department, by citation and fine in the amount of $75.00, or any other fine as allowed by law.
The City of Derby Police Department shall be authorized to direct person(s) who violate this Ordinance to leave the Greenway".

Adopted by the Board of Aldermen and approved by the Mayor on March 22, 2012.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

§ 136-12. License applications
B. (4) The Board of Aldermen shall consider and vote upon duly filed applications.

(The BOA can vote on a vendor permit at any time.)

§ 136-12. License applications
B. (6) No License shall be granted at a location within 15 feet of the Derby Green unless approved by the Board of Aldermen.

The Board shall not issue any location license for any location on or within 15 feet of the Derby Green. This subsection can by waived by a simple majority vote of the full Board of Aldermen.

(The BOA can allow certain vendors on the Green)

§ 136-12. License applications
B. (4) This subsection will be waived if the applicant held a valid City of Derby vendor permit for 12 consecutive months prior to the date of the new application.

(A vendor with an existing license does not have to come before the BOA or subcommittee to renew the license, as long as they are keeping same location, etc. They will still have a background check, pay a fee, etc though)

§ 136-20. Conduct of Business
A. Vending canvassing or soliciting under the provisions of this article shall be limited to the hours of 9am to 7pm. This subsection can be waived by a simple majority vote of the full Board of Aldermen.

(The BOA can allow vending after 7pm with a vote)

§ 136-21. Special Event Licensing
A. Any vendor with an existing and valid City of Derby Vendor Permit shall have the right to attend special events within the City, without occurring any additional fees provided they comply with rules, guidelines and stipulations of the event.
(An existing licensed vendor can attend City events without an additional fee as long as they follow the rules for that event)

B. The General Licensing Requirements can be waived for special events within the City provided a list of attending vendors is submitted to the Board of Aldermen and Chief of Police at least 15 days before the scheduled event.

(The BOA can waive the ordinance for special events as long as the event coordinator submits a list of vendors 15 days before the event)

§ 136-21, SEC B .....AND THE CHIEF OF POLICE BY THE DAY OF THE SCHEDULED EVENT .....

§ 136-13. Day Permit Licensing
A. Only business with a valid City of Derby business address will be permitted to file for a day permit for a fee of $25.00. A day permit does not negate any other articles in this chapter. The fee will be waived if the activity occurs on the business' location.

(Day permits will be allowed for Derby businesses only. If they vend on their own property they do not need to pay the $25)

§ 136.1. License required
A. No person or group of persons, except newsboys and such other persons as may be exempted by State and Federal Laws, shall engage in the vending or peddling of any goods, wares or merchandise of any sort or description or in the solicitation of funds upon any public street or via door to door solicitation within the City of Derby without having first obtained a license therefore from the Chief of Police of the municipality. Any vendor soliciting door to door within the City limits must be wearing a photo ID at the time of solicitation.

(We are going to require a vending license for door to door solicitation and also require these vendors to wear a photo id.)

Adopted by the Board of Aldermen and approved by the Mayor on August 23, 2012.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

ARTICLE IV, Fire Watch
§ 89-15. Fire Marshal to make determination.
The Derby Fire Marshal shall be the solejudge of whether a potential fire or health hazard exists. If it is determined that a potential fire or health hazard exists, he will notify the Derby Fire Commissioner.

§ 89-16. Establishment of fee.
The Derby Fire Commissioner shall establish the rate of pay for the firefighter(s) for fire watch and shall set the schedule for said fire watch for such firefighters(s). The Derby Fire Commissioner shall have the exclusive authority to designate the number of firefighter(s) necessary to conduct the fire watch. The fire watch shall be in place at all times when the contractor is not on the demolition/renovation sight. The Derby Fire Marshal shall determine when a potential fire or health hazard has been removed and shall contact the Derby Fire Commissioner to discontinue the fire watch.

§ 89-17. Payment required for issuance of demolition permit.

The Derby Fire Commissioner shall demand that any person, entity or corporation intending to demolish and/or renovate a building or structure in a manner aforesaid pay, in advance, an estimate of the fire watch fee. The Building Inspector shall not issue a demolition permit until said advance is paid to the Derby Fire Commissioner.

Adopted by the Board of Aldermen and approved by the Mayor on November 15, 2012.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Article XIX Fire Marshal
32-66. Office established.
There is hereby created the full-time position of Fire Marshal who shall be appointed by the Board of Aldermen.

§32-67. Qualifications of Fire Marshal.
At a minimum, the Fire Marshal shall possess the necessary certification as required by the State Fire Marshal and the Codes and Standards Committee. Moreover, the Fire Marshal shall attend such training programs or other approved programs of training as are necessary to meet the minimum requirements established by the State Fire Marshal and the Codes and Standards Committee, and present proof of successful completion thereof to the State Fire Marshal.

§32-68. Appointment of deputies and inspectors.
A. Upon the recommendation of the Fire Marshal, the Board of Aldermen may appoint the following Deputy Fire Marshals and Fire Inspectors ~~and Fire Safety Code Inspectors~~:
   (1) In the City of Derby, there shall not be more than four Deputy Fire Marshals. In the appointment of the aforesaid Deputy Fire Marshals, one Deputy Fire Marshal shall be appointed from each of the volunteer fire companies of the City of Derby.
   (2) In the City of Derby, there shall be not more than ~~four~~ eight Fire Inspectors.
   ~~(3) In the City of Derby, there shall be not more than four Fire Safety Code Inspectors.~~
B. Each Deputy Fire Marshal and Fire Inspector shall meet the minimum standards of qualification as the same are defined by Connecticut General Statutes and the Regulations of the State of Connecticut. If a candidate recommended for the position of Deputy Fire Marshal or Fire Inspector shall not meet the minimum standards, said candidate with the approval of the Fire Marshal and Board of Aldermen, may attend the necessary classes in order to meet the minimum standards as defined above. Upon meeting said minimum standards, the Board of Aldermen may appoint said candidate in accordance with Subsection A above.

§32-69. Powers, duties and responsibilities.
The Fire Marshal, and the Deputy Fire Marshals and Fire Inspectors ~~and Fire Safety Code Inspectors~~ who shall act under the direction and supervision of the Fire Marshal, shall have all the powers, duties and responsibilities and shall be subject to all of the qualifications as prescribed for such persons by the laws of the State of Connecticut, including but not limited to §29-298 of the Connecticut General Statutes and any amendments thereto.

§32-70. Compensation.
A. The Fire Marshal shall be paid an annual salary as the Mayor determines is appropriate based upon qualification, experience and performance, subject to the approval of the Board of Aldermen.
B. The persons occupying the following positions shall receive the indicated salary per annum, as may be amended from time to time by the Board of Aldermen:
   (1) Deputy Fire Marshal: ~~$3,500.~~ $4,160.00.
   (2) Fire Inspector: ~~$3,000.~~ $4,160.00.
   ~~(3) Fire Safety Code Inspector: $2,000.~~

Adopted by the Board of Aldermen and approved by the Mayor on January 24, 2013.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Chapter 64 Building Construction
§ 64-2. Fees. [Amended 2-14-1978; 9-13-1990; 1-9-1992]

The following fees shall be paid to the City Clerk for permits:

PERMIT FEE TABLE
Permit or Activity Fee

Building Permits

Minimum $1.00 to $1,001.00 - $20.00
$1,001.00 or more - $9.00

Adopted by the Board of Aldermen and approved by the Mayor on April 25, 2013.

Be it here by ordained by the Board of Aldermen of the City of Derby that the following sections are hereby repealed:

~~**§7-104. Created; composition; qualifications.**~~
~~Under the authority contained in Connecticut General Statutes Title 8, Chapter 130, there is hereby created the Derby Redevelopment Agency of five members who shall be electors and residents of the City.~~

~~**§7-105. Appointment, terms of office and vacancies.**~~

~~The members of the redevelopment agency shall be appointed by the Mayor with the approval of the Board of Aldermen. Those first appointed shall be designated to serve for one, two, three, four and five years, respectively, and thereafter members shall be appointed annually to serve for five years. Each member shall serve until a successor is appointed and has qualified, and any vacancy shall be filled in like manner for the unexpired term. Any member who is absent from three consecutive duly called meetings of the agency or shall not have attended, 75% of the meetings of the agency during the calendar year shall be considered to have resigned from such body, and the seat held by the member shall be deemed to be vacant.~~

~~§ 7-106. Officers and employees.~~

~~The redevelopment agency shall elect from among its members a Chairman and a Vice Chairman and may employ, subject to provisions of the Charter, a secretary and such other officers, agents, technical consultants, legal counsel and employees as it requires, subject to the approval of the Board of Aldermen. The members shall serve without compensation.~~

~~§ 7-107. Majority vote required.~~

~~Action by the redevelopment agency shall be taken only on the majority vote of all the members.~~

~~§ 7-108. Powers and duties.~~

~~The redevelopment agency shall have all the powers and duties as authorized under the Connecticut General Statutes Title 8, Chapter 130.~~

Adopted by the Board of Aldermen and the Mayor on February 27, 2014.

Be it hereby ordained by the Board of Aldermen:

DESIGNATION OF BUILDINGS OR STRUCTURES AS HAZARDOUS OR UNSANITARY

§ 60-9. Purpose.

The purpose of this section is to provide for the designation of buildings or structures as hazardous or unsanitary and to provide the procedures for the demolition or repair of such buildings, which shall be carried out in compliance with the requirements of this ordinance and/or requirements set forth under the Connecticut General Statutes.

§ 60-10. Definition of hazardous buildings.

All buildings or structures which have any or all of the following defects shall be deemed to be "hazardous buildings":

(A) Unsanitary, constituting a hazard to health or safety because of inadequate maintenance, dilapidation or neglect through abandonment, or because of a lack of proper sanitation, or otherwise dangerous to life and/or property; and/or

(B) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

§ 60-11. Administration by building inspector.

This section shall be administered by the City of Derby building official, who shall:

(A) Determine if a certain structure or building appears to be a hazardous building as defined above;

(B) Upon determining that a structure or building is hazardous, the building official shall give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown by the land records of the city, to appear before him on the date specified in the notice to show cause why the building or structure reported to be hazardous should not be repaired or demolished;

(C) Hold a public hearing to hear such testimony as the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as above provided, shall offer relative to the building in question; notice of time and place of the public hearing shall be published in a newspaper having a general circulation in the City of Derby at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days prior to the public hearing and the second not less than two (2) days prior to the public hearing;

(D) At such hearing, the building official shall solicit the testimony, either written or oral, of appropriate officials of the City of Derby as to the condition of the buildings or structures;

(E) Make written findings of fact from the testimony offered pursuant to subsections (c) and (d) whether or not the building in question is hazardous within the meaning of section 60-11 hereof;

(F) Issue an order based upon the findings of fact made pursuant to subsection (e), commanding the owner, occupant, mortgagee, lessee, agent, and/or other persons having an interest in the building found to be hazardous within a time to be specified in said order, which time shall not be less than twenty-five (25) days from the date of service of the order was made upon those persons described above.

§ 60-12. Service of notice, findings and orders.

All notice, findings and orders shall be served by certified or registered mail, or by any proper officer including but not limited to State Marshal and by posting a copy thereof on said building.

In the event any such owner or interested person cannot be located to receive any such notice, finding and/or order, then service shall be made by publication at minimum twice in a newspaper having general circulation in the City of Derby.

§ 60-13. Appeal of order.

(A) Within twenty (20) days after the order is served, the owner, occupant, or other parties with an interest in said building, upon filing of a twenty-five dollar ($25.00) fee, payable to the city, may appeal the order as provided in section 60-11 of the City of Derby code to the Board of Appeals for its review of the order, which order may be affirmed, modified, extended or otherwise altered by said Board of Appeals.

(B) In the event the appellant is aggrieved by the decision of the Board of Appeals, the appellant may appeal said decision to the state Codes and Standards committee by filing his/her appeal within seven (7) days of receipt of the notice of filing of the decision with the building official. The appeal shall be made pursuant to section 60-25 City of Derby code and section 29-266 et seq. Connecticut General Statutes.

(C) In the event the appellant is aggrieved by the decision of the state Codes and Standards committee, the appellant may appeal to the superior court in and for the judicial district where such building or structure is located pursuant to Section 29-266, et seq. Connecticut General Statutes.

§ 60-14. Demolition, removal and recovery of costs.

If the owner, occupant or other parties fail to comply with the order provided for in section 60-11, and/or upon the expiration of the appeal period provided in section 60-13, the building official shall cause such building or structure to be repaired or demolished including removal of debris as the facts may warrant, and shall notify the said interested persons of the costs of such repairs, demolition or removal which costs shall become a municipal lien against the land on which the building is or was situated, provided such lien is recorded on the land records within the time provided by and under Chapter 847 of the Connecticut General Statutes as the same is currently enacted and as may be amended from time to time. The City of Derby may recover the costs of such repair, demolition and/or removal as provided by and under and within the limitations and power of Chapter 847 of the Connecticut General Statutes as the same is currently enacted and as may be amended from time to time.

§ 60-15. Penalties for violation.
Violation of the provisions of this section shall be punishable by a penalty of ninety-nine dollars ($99.00) per day. Each day a building or structure is in violation of this section shall constitute a separate offense.

Adopted by the Board of Aldermen and approved by the Mayor on April 24, 2014.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

BOARD OF BUILDING APPEALS
§ 60-16. Established.
Pursuant to Section 29-266 of Connecticut General Statutes, as amended, the City of Derby hereby creates and establishes a board of building appeals.

§ 60-17. Membership of board.
The board of building appeals shall consist of five members appointed by the Mayor and subject to the Board of Aldermen approval.

§ 60-18. Terms of membership.
Members shall be appointed initially as follows: One member for one year; one member for two years; one member for three years; one member for four years; one member for five years. Thereafter, members shall be appointed to a term of five years. The terms should commence within 30 days of the Mayor taking office.

§ 60-19. Qualifications of board members; compensation.
Each member shall be qualified by training to pass upon matters pertaining to building construction and shall have at least ten years' experience in building construction in responsible charge of work as an architect, construction engineer, general construction contractor or construction supervisor.

(**a**) ***Absence of members***. During absence of a member, the appointing officer shall designate a qualified substitute. The officer shall appoint alternate members who may sit on the board of appeals in the absence of any regular members. Such alternates shall meet the same qualifications as required for regular members of the board and, while sitting on the board, shall have the full power and authority of the regular member.
(b) ***Chairman of board.*** The board shall select one of its members to serve as chairman, and shall designate a secretary to the board, who shall keep a detailed record of all proceedings on file in the department of building inspection.
(c) ***Exemption of members.*** A member of the board shall not pass on any question in which he is engaged as a contractor or material dealer, or in the preparation of plans or specifications, or in which he has any personal interest.

§ 60-20. Application for appeal.
(a) When the building official rejects or refuses to approve the mode or manner of construction proposed to be followed or the materials to be used in the erection or alterations of the building or structure, or when it is claimed that the provisions of the code do not apply or that any equally good or more desirable form of construction can be employed in a specific case, or when it is claimed that the true intent and meaning of the code and regulations have been misconstrued or wrongly interpreted, the permit in whole or in part, having been refused by the building official, the owner of such building or structure, whether already erected or to be erected, or his authorized agent, may appeal in writing the decision of the building official to the board of appeals in accordance with the General Statutes of Connecticut, Section 29-266.
(b) A fee shall be paid when the application is filed, said fee to be determined by the board and approved by the board of aldermen**.**

§ 60-21. Hearing on appeal.
In accordance with the General Statutes of Connecticut, Section 29-266, upon receipt of an appeal from an owner or his representative, the chairman of the board of appeals shall appoint a panel of not less than three members of such appeal. Such appeal shall be heard in the municipality for which the building official serves within five days, exclusive of Saturdays, Sundays and legal holidays, after the date of receipt of such appeal.

§ 60-22. Conduct of hearing.
All hearings shall be public, and the appellant, his representative, the officials of the municipality, and any other persons whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard.

§ 60-23. Decision of panel.
The panel shall affirm, modify or reverse the decision of the building official by a concurring majority vote; the decision of the panel shall be in the form of a written resolution, and shall be filed with the building official from whom such appeal has been taken. The decision shall be filed not later than five days, exclusive of Saturdays, Sundays and holidays, following the day of the hearing thereon. Prior to such filing, a copy of the decision shall be mailed to the party taking the appeal.

§ 60-24. Enforcement of decision.
The building official shall take immediate action in accordance with the decision of the panel unless further appeal is taken.

§ 60-25. Review of action.

Any person aggrieved by the decision of the panel may appeal to the state codes and standards committee within seven days after the filing of the decision with the building official. Any determination made by the local panel shall be subject to review de novo by said committee. Upon any such appeal to the committee pursuant to the General Statutes of Connecticut, Section 29-266, the following rules shall apply:

(a) *Commencement of appeal.* The appeal shall be commenced upon the postmarking of the envelope containing the appeal and addressed to the Committee, State Office Building, Hartford, Connecticut 06115 or, if the appeal is hand delivered, upon its receipt by the committee.
(b) *Pleadings.* The appeal shall include a copy of the decision of the local board of appeals, a statement that the appellant is aggrieved thereby, and at the option of the appellant, a statement of his factual and legal claims. A copy of the appeal shall be mailed to the building official who may respond to it by admitting or denying in part or in whole, and in the absence of such a response, it shall be considered that the building official denies it in whole.
(c) *Hearing by panel.* The committee shall fix a time and place for the hearing to be held within 30 days from the commencement of the appeal. The appeal shall be considered by a panel of not less than three members of the committee appointed by the chairman.
(d) *Procedure of hearing.* The hearing shall be presided over by the chairman of the committee, or a member designated by him. The panel may be assisted by counsel. The appellant shall be entitled to be represented by counsel and a transcript of the hearing shall be made. The local building official shall attend if requested by the panel. The rules of procedure and evidence shall be used as a guide but may be waived by the panel, by consent of the appellant, or by its own decision if the interests of its convenience so require and the interests of justice are not abridged thereby.
(e) *Recommendation of panel.* The panel, having heard the evidence may recommend in whole or in part the nature of the decision to be made by the committee.
(f) *Decision of the committee.* The committee, with the assistance of its panel members and after due deliberation, shall render its decision in writing within 30 days from the date of the hearing, unless it shall for cause extend this limit. The decision shall set forth the findings and conclusions upon which it rests.

§ 60-26. Enforcement of committee decision.
The building official shall take immediate action in accordance with the decision of the state codes and standards committee unless an appeal is taken to a court of law.

§ 60-28. Court review.
Any person aggrieved by any ruling of the state codes and standards committee may appeal to the superior court in the judicial district where such building or structure has been or is being erected, by complaint returnable within 60 days of the state codes and standards committee's decision.

Adopted by the Board of Aldermen and approved by the Mayor on April 24, 2014.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

§ 7-2 Membership
The City of Derby shall be a member of the Naugatuck Valley Council of Governments in accordance with Sections 4-124i through 4-124p, inclusive, of the Connecticut General Statutes and any amendments thereto.

Adopted by the Board of Aldermen and approved by the Mayor on May 22, 2014.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Ordinance
Street Excavations
Pursuant to the power vested in the Board of Aldermen by virtue of § 22 of the Charter of the City of Derby and Connecticut General Statutes § 7-148, the Board of Aldermen hereby declares that:

The procedure by which the opening, excavation, or construct any walk, curb, pavement, driveway, or perform other construction work within, on, through, or under any public street, highway or public right-of-way located in the City of Derby needs to be amended in order to allow more supervision and control by the City of Derby

Therefore, be it ordained by the Board of Aldermen of the City of Derby that:
1. The following Ordinances of the City of Derby hereby be repealed as follows:

Chapter 172-7
2. The following Ordinances of the City of Derby hereby be enacted as follows:

§ 172-7. Highway Openings and Excavations
§ 172-7a. Permit—Required.
§ 172-7b. Same—Notice to director of public works; term.
§ 172-7c. Public service companies.
§ 172-7d. Requirements if closing of public highway required.
§ 172-7e. Materials not to interfere with travel; barricades required.
§ 172-7f. Backfilling.
§ 172-7g. Inspections.
§ 172-7h. Maintenance of work by contractor.
§ 172-7i. City responsible for permanent repair.
§ 172-7j. Bituminous concrete.
§ 172-7k. Liability of permittee for unsafe conditions or abandonment.
§ 172-7l. City's right to not issue, revoke permits.
§ 172-7m. Termination of permit; release of contractor's obligations.

§ 172-7a. Permit—Required.

(a) No person shall make any opening, excavation, or construct any walk, curb, pavement, driveway, or perform other construction work within, on, through, or under any public street, highway or public right-of-way located in the City of Derby, including a state highway, for any purpose whatsoever, unless a permit has been issued pursuant to this article from the Street Commissioner or his designated agent. Any permit issued shall be valid for a period of ninety (90) days from the date thereof. Any work performed pursuant to such permit shall be subject to approval by the Street Commissioner or his designated agent.

(b) On state highways located within the City of Derby, the City of Derby street opening permit must be obtained prior to the issuance of a permit by the Department of Transportation of the State of Connecticut. This article does not supersede any regulations as set forth by the State of Connecticut with regard to excavation in state highways.

(c) Street opening permits will not be issued until an applicant has as a condition precedent:

(1) Paid to the City of Derby a permit fee of twenty-five dollars ($25.00) for each opening, excavation, etc.; and

(2) Unless exempted as provided in this article, paid to the City of Derby a fee for the cost of permanent patching of the street as calculated on a cost of per square yard basis by the Street Commissioner; and

(3) Unless exempted as provided in this article, filed with the City of Derby a surety bond in an amount which is sufficient, in the opinion of the Street Commissioner, to secure the adequate restoration of the street as required by this article. In lieu of a surety bond the Street Commissioner may require a cash bond or a letter of credit;

(4) Unless exempted by this article, provided the City of Derby with evidence of general liability insurance in minimum amounts of five hundred thousand dollars ($500,000.00) for each person, one million dollars ($1,000,000.00) for each occurrence, bodily injury insurance and one hundred thousand dollars ($100,000.00) property damage insurance which policies shall name the City of Derby as an additional insured;

(5) Provided the City of Derby with the full name and business address and telephone number of the applicant as well as the name, address and telephone number of two (2) persons with authority from the applicant to take action in case of an emergency and who will be available on a twenty-four-hour basis;

(6) Provided a general statement of the scope of the proposed work in such detail as may reasonably be required by the Street Commissioner, or his designated agent, including the number of days that the work is estimated to take and specific plans for safeguarding the work and any condition left prior to the final completion of the work. These plans shall be subject to review and approval by the Street Commissioner or his designated representative and the Street Commissioner or his designated agent may make such reasonable requirements as are necessary in order to insure safe passage on the highway and to protect the public health, safety and welfare. Such requirements may include, but are not limited to, provisions for lights, barricades, warning signs and the like depending upon the nature of the work.

(7) Provided a letter from the chief of police, acting as the traffic authority or from the designee of the chief of police, acting as the traffic authority, setting forth such measures as are required in order to insure the safety of the public and to maintain adequate traffic flow and control. The letter shall specify whether or not police officers are required on site to maintain traffic flow and maintain public safety.

(8) The provisions of paragraphs (6) and (7) may be waived by the Street Commissioner for conduit work for service lines, the alignment of which shall be determined by the Department of Public Works and in cases of emergency to provide utility service to residential properties.

§ 172-7b. Notice to Street Commissioner; term.

The Street Commissioner and the police department shall be notified at least twenty-four (24) hours in advance of actually starting any work authorized under a permit. Failure of the permittee to notify the Street Commissioner and the Police Department will result in the revocation of the permit. Permits are void three (3) months after their issue date.

§ 172-7c. Public service companies.

Nothing in this article shall be construed to prevent making of any necessary excavation or the performance of any work related thereto by any public service company in the event of an emergency. In the event of an emergency, the public utility company shall notify the City of Derby immediately or if after hours the start of the next city hall business day at which time an application for a permit shall be made.

Any public service company which has complied with the provisions of Section 16-230 of the Connecticut General Statutes shall be exempted from the requirement of posting a bond as hereinbefore set forth and shall be further exempted from the requirement of paying a fee for the cost of permanent patching of the street opening as hereinbefore set forth provided that the utility shall place on file with the city a written agreement constituting a continuing obligation binding the utility to make the permanent repair required by this article at its own expense and in such a manner as is required by this article as if the work were to be done by the city contractor as further guaranteeing the quality of the workmanship and materials to the same extent as would the city contractor and agreeing to complete the work at the times required by the city engineer. The utility shall warranty all their permanent repairs for one (1) year.

§ 172-7d. Requirements if closing of public highway required.

No highway may be closed without the approval of the traffic authority. Such approval shall only be issued in extraordinary circumstances, for a short period not to exceed one (1) work day, and when occupied properties can obtain access by an alternate route. If the work of the permittee requires the closing of a public highway for any period of time, notice shall be given in writing to the traffic authority and to the Street Commissioner or his designated agent twenty-four (24) hours in advance. The traffic authority may determine the need for closing the highway and may require the work or work method be so altered as to provide for traffic flow. The Street Commissioner or his agent shall provide written notice to the police and fire departments upon receipt of notice of the intent in advance of closing any public highway.

§ 172-7e. Materials not to interfere with travel; barricades required.

All excavation materials shall be compactly piled and shall not interfere with public travel to any greater extent than necessary. Suitable barricades shall be provided, and warning lights kept burning between sunset and sunrise and any other time as may be required by the Street Commissioner or his agent.

§ 172-7f. Backfilling.

Backfill in trenches within paved areas shall be placed in layers not more than twelve (12) inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the director or his agent. Compaction equipment must be at the excavation site and shall be utilized during all backfilling operations.

The material used for backfill shall be subject to the inspection and approval of the director, or his agent, and if in his opinion, the excavated material is unsuitable for backfill, the contractor shall be required to dispose of the unsuitable materials in the amounts and proportions specified by the director or his agent. When backfill has been completed within fifteen (15) inches of the finished pavement or surface grade, the next fourteen (14) inches shall be filled and compacted using an approved grade of bank-run or processed gravel. The last two (2) inches shall be covered with adequate temporary hot bituminous paving material (when available) and in such a manner as shall be approved by the Street Commissioner.

§ 172-7g. Inspections.
The Street Commissioner or his agent is empowered to inspect all excavations for workmanship and materials. The excavation may not be permanently backfilled without the Street Commissioner or his agent present at the site. The City of Derby will require the permittee to excavate and expose for inspection any portion of the excavation backfilled without inspection or authorization to backfill.

§ 172-7h. Maintenance of work by contractor.
The contractor will be required to maintain his work until permanently paved by the City of Derby. During this period he shall inspect the trench at such regular intervals as may be necessary to maintain the area in satisfactory condition. The contractor shall make all necessary repairs, and in the event that the contractor fails to make such repairs as are deemed necessary and the City of Derby must perform any work, the contractor shall pay the cost of this work. Failure on the part of the City of Derby to give notice that repairs are needed shall not relieve the contractor of any of the duties set forth herein.

§ 172-7i. City responsible for permanent repair.
The permanent repair of street openings shall be the responsibility of the City of Derby. The City of Derby shall charge each permittee a fee for cost of the permanent repair based on the area of the final repair as calculated by the Street Commissioner. The square yard unit prices shall be annually determined by the Street Commissioner in accordance with current costs and construction practices.

In the event the size of the permanent repair exceeds the estimated size of permanent repair, the permittee shall pay the additional fee to the city within ten (10) working days. Failure to pay the additional fee will result in the permittee forfeiting any rights to future permits until the outstanding balance is received.

§ 172-7j. Bituminous concrete.
Hot-laid bituminous concrete shall be as specified by the state department of transportation in their specifications and latest revisions for "Bituminous Concrete, Class 2".

§ 172-7k. Liability of permittee for unsafe conditions or abandonment.
Any person, firm or corporation who violates any provision of this article shall be subject to a fine of not more than two hundred fifty dollars ($250.00) for each violation. Any person, firm or corporation who receives a permit and leaves an excavation in an unsafe condition in violation of any of the provisions of this article or abandons a street opening, shall be subject to a fine of not more than two hundred fifty dollars ($250.00) for each violation and shall be liable for all costs incurred by the City of Derby to correct any condition.

§ 172-7l. City's right to not issue, revoke permits.
Any permit may be revoked by the Street Commissioner for just cause including, but not limited to, defective workmanship, trench settlement, failure to notify or nonpayment of additional fees. The Street Commissioner may refuse to issue a permit to any person, firm or corporation which has not paid to the City of Derby any fees incurred under the provisions of the ordinance prior to making such permit application.

§ 172-7m. Termination of permit; release of contractor's obligations.
Six (6) months after completion of construction, the contractor shall apply for termination of the permit and release from any obligation involved thereafter. If in the opinion of the Street Commissioner or his agent the work is not satisfactorily completed or settlement is occurring, necessary repairs shall be undertaken by the contractor and an additional period of liability established by the Street Commissioner or his agent will be established before release. The installation of permanent repairs by the City of Derby to such opening shall terminate the permit and release the permittee from any obligations thereafter.

Adopted by the Board of Aldermen and Approved by the Mayor on August 28, 2014.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Chapter 50-Article V- Section 50-10 Municipal Notice of Alcoholic Liquor Permit Renewals.
Any person who files an application pursuant to Connecticut General Statutes Section 30-39 for renewal of a liquor permit that allows on-premises serving or consumption of alcoholic liquor shall simultaneously give written notice of such liquor permit renewal application to the Chief of Police of the City of Derby. The Chief of Police of the City of Derby may respond in writing, not later than fifteen (15) days after receipt of such notice, to the Commissioner of Consumer Protection, with comments regarding the renewal application that is the subject of such notice. The Chief of Police shall simultaneously provide a copy of said comments to the Board of Aldermen and the Mayor.

Adopted by the Board of Aldermen and approved by the Mayor on September 25, 2014.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Chapter 60 of the Code of Ordinance entitled "Blighted Premises" is hereby amended a follows:

1. (New) 60 9(C)(5)- If the owner does not timely demand a hearing as set forth in subsection (C) (2)above, and the owner fails to correct and/or remove the blighted condition within. ten (10) business days, that the City may cause such correction and/or removal of the blighted condition by use of the Public Works Department or independent contractor engaged by the City at the expense of the owner of the property.

2. Section 60-6(E) Any property owner who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing the notice of hearing, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial citation issued by the Building Official shall be filed and retained by the municipality and shall be deemed to be a business record -within the scope of Connecticut General Statutes Section 51-180 and evidence of the facts contained therein. The presence of the Building Official shall be required at the hearing if the owner so requests. An owner wishing to contest liability shall appear at the hearing in person or by counsel and may present evidence in his/its behalf. The Building Official, or his designee, may present evidence on behalf of the municipality. If the owner fails to appear in person or by counsel, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes and this chapter. The hearing officer may accept from the owner copies of any investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the owner is not liable, the hearing officer shall dismiss the matter and enter his/her determination in writing accordingly. If the hearing officer determines that the owner is liable for the violation(s), he shall forthwith enter and assess the fines against such owner as provided by § 60-4 and as set forth in the citation. Further, if the hearing officer determines that the owner has failed to correct and/or remove the blighted condition, the hearing officer shall provide thee property owner with an additional ten (10) days to correct and/or remove the blighted condition. If the property owner has failed to correct and/or remove said blighted condition, the City may cause such correction and/or removal of the blighted condition by use of the Public Works Department or by use of an independent contractor engaged by the City at the expense of the owner of the property.
3. (New) 60-1d- If the City of Derby has been required to expend costs and expenses pursuant to Section 60-6(C)(5) or 60-6(E)., the reasonable expenses and costs incurred by the City of Derby shall be a lien against the real property in accordance with Connecticut General Statutes Section 49-73b.

Adopted by the Board of Aldermen and approved by the Mayor on September 25, 2014.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

§ 64 5. Procedure for withholding of approval of application for building permit when real estate taxes are delinquent

a. Pursuant to section 7-148(c)(2)(8) of the Connecticut General Statutes, as may be amended, the Building Inspector and the office of the Building Inspector shall not approve an application for a building permit when taxes are delinquent for the property for which the application is made, except as hereinafter provided.
b. Upon request of the Building Inspector or the office of the Building Inspector, the City Tax Collector or such other person or persons as designated by the City Tax Collector, shall determine if there are delinquent taxes for a property for which an application for a building permit is made and report the ·findings thereof in written form to the official requesting same; provided, that if the property owner, or other person responsible for payment of taxes on such property, has entered into an agreement with the City Tax Collector for the installment payment of delinquent real property taxes for such property, said permit shall not be withheld if the payments called for in said agreement are not in default, provided further, that if the property owner, or other person responsible for the payment of taxes on such property, has filed a petition seeking relief in the U:S. Bankruptcy Court, said permit shall not be withheld during the pendency of such bankruptcy proceedings solely on the basis of the delinquent taxes owed for the subject property.
c. Nothing in this section shall be so construed as to authorize the Building Inspector or the office of the Building Inspector to withhold an application for a zoning permit, a demolition permit, a sign permit, a heating permit, a plumbing permit, an electrical permit, an air conditioning permit, a ventilating permit, a refrigeration permit, any other mechanical equipment permit, or any permit for equipment for which provision is made or the installation of which is regulated by the Connecticut State Building Code.

Adopted by the Board of Aldermen and approved by the Mayor on October 23, 2014.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Chapter 136 PEDDLING AND SOLICITING
ARTICLE I
General Licensing Requirements

§136-1. License required.

A. No person or group of persons, except newsboys and such other persons as may be exempted by State and Federal Laws, shall engage in the vending or peddling of any goods, wares or merchandise of any sort of description or in solicitation of funds upon any public street or via door to door solicitation within the City of Derby without having first obtained a license therefore from the City of Derby. Any vendor soliciting door to door within the City limits must be wearing a photo ID at the time of solicitation.
B. The provisions of the foregoing subsection notwithstanding, no person shall sell or offer for sale upon a public street, sidewalk or other public place any of the following articles or devices: spray string, stink bombs and any other articles or devices which in their use could reasonably constitute a nuisance or could be unsafe and/or hazardous to the public health and safety.

§136.2. License Fees.

The fee for the license required by §136-1 hereof shall be as follows:

A. Nonprofit groups, charitable, civic, educational, religious and fraternal organizations and other organizations exempt from federal taxation by Section 501 of the Internal Revenue Code as may be amended from time to time; war veterans who are owners of hawking or peddling businesses and have been residents of Connecticut for two years immediately preceding the date of application for a license hereunder, provided satisfactory evidence thereof is submitted; and individuals or groups of individuals exempt from fees by authority of the Statutes of the State of Connecticut: no charge.
B. All other groups or individuals: $200.00 per year.

§136-3 Application information; investigation.

A. Any person or group of persons seeking to obtain a license under this Article shall obtain and complete an application at the City Clerk's office and shall provide to the City the names, addresses and dates of birth of all individuals who are proposed to be engaged in the sale of any merchandise or the solicitation of any funds. The Chief of Police shall then conduct or cause to be conducted a background investigation of each applicant as follows, to wit:
   (a) Upon receipt of the application, the Chief of Police shall undertake and complete within two (2) weeks an investigation of the applicants business and moral character, and of the statements made in the application.
   (b) The Chief of Police may deny the license application if, as a result of his investigation, the applicant's character or business responsibility is found to be unsatisfactory and/or if the applicant has been convicted of any misdemeanor, crime, or violation of a municipal ordinance within the previous five (5) years, involving moral turpitude or, in the case of a location license, it is determined that the location will result in a hazard to traffic or to the general public. The Chief of Police shall notify the applicant of the reasons for disapproval of the license application.
   (c) If the applicant passes the background investigation, the Chief of Police shall notify the City Clerk, in writing.

B. Applicants claiming they are exempt as war veterans shall provide the City Clerk with a military 00214 form, proof of ownership in the hawking or peddling business, and proof of Connecticut residency for the preceding two years.

§136-4. Issuance or denial of license.

After receipt of the results of the background check, along with written approval of the owner of the location for which said license is requested, if said location is private property, and any applicable food service license issued by the Naugatuck Valley Health District, the City Clerk shall submit the application to the Community Relations Committee which shall either recommend approval or disapproval of the application and submit it to the Board of Aldermen, which shall either:

A. Authorize the issuance of said license and identification tags for each individual proposed to be so engaged by the City Clerk which tags shall indicate the approval of the Chief of Police thereon (any such license issued pursuant to this article shall contain the following language: "No person shall sell or offer for sale upon a public street, sidewalk or other public place any spray, string, stink bomb or other similar devises"); or

B. Deny the issuance of said license.

§136.5. Penalties for offenses.

Any person, group of persons or corporations who shall violate any provision of this article shall be fined not more than $250.00, and each individual instance of violation shall be considered a separate violation.

ARTICLE II

Vendors at Bradley Field

§136-6. Entrance prohibited.

No vendor of food and/or drink of any type shall be allowed to enter upon the field area of Bradley Field before, during or after any sporting event, community activity or private affair.

§136-7. Definitions.

As used in this article, the following terms shall have the meanings indicated: FIELD AREA- All that property surrounding Bradley School which is owned by the City of Derby.

ARTICLE Ill

Location Licensing of Vendors

§136.8. Purpose; applicability.

A. The purpose of this article is to regulate the sale of any item from a cart, automobile, temporary stand, seasonal stand, corner or sidewalk. Such regulation is necessary in order to ensure safe and efficient flow of traffic, to allow free and unobstructed use of municipal sidewalks and to foster and improve the aesthetic appeal of the area surrounding the Derby Green.

B. This article shall apply whether such business is carried out inside of a building or mall, by arrangement with the owner or manager or out of doors and shall apply to locations on both public and private property.

§136-9. Definitions.

As used in this article, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

FOOD ITEM- Any restaurant food, fast food, cooked food, frozen food or food of any kind intended to be consumed immediately or after preparation.

FOOD SERVICE LICENSE- A license which shall be issued by the Health Department after an applicant has complied with the Naugatuck Valley Health District Food Service Establishment Code and the Public Health Code of the State of Connecticut.

FOOD VENDOR- Any person, firm or corporation which sells a food item from a cart, automobile, temporary stand, seasonal stand, corner or sidewalk.

HEALTH DEPARTMENT- The Naugatuck Valley Health District.

HEALTH OFFICER- Any employee or officer of the Naugatuck Valley Health District assigned to perform duties covered by this article.

ITINERANT VENDOR- Any person, either as principal or agent, who engages in a temporary or transient business of selling and delivering goods, wares and merchandise either from a fixed location within the City or traveling place to place and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, room, apartment, lot, parking lot, parking space or spaces, street or other place, whether public or private, within the City, for the exhibition and sale of such goods, wares and merchandise, either privately or at any auction. Any person who engages in transient selling shall not be relieved from complying with the provisions of this article by reason of associating himself with any established local dealer, trader, merchant or auctioneer, or by conducting transient selling in connection with, as part of or in the name of any established local dealer, trader, merchant or auctioneer, unless properly associated with a managing itinerant vendor as defined below who fully complies with the licensing provisions for a managing itinerant vendor for a particular show or event.

LOCATION LICENSE- A license issued by the City authorizing a food vendor or vendor to engage in business within the City of Derby and specifying the location from which the food vendor or vendor is authorized to operate.

MANAGING ITINERANT VENDOR- Any person who conducts, manages or organizes a show of itinerant vendors for the purpose of exhibition and sale at any location which is open to the general public and at which goods, wares or merchandise are on display and offered for sale by any vendors.

VENDOR -Any person, firm or corporation which sells a non-consumable item from a cart, automobile, temporary stand, seasonal stand, corner or sidewalk, which shall include itinerant vendors and managing itinerant vendors.

§136-10. Licenses required for food vendors.
A food vendor shall not sell a food item within the City of Derby without first obtaining both a food service license and a location license.

§136-11. Managing itinerant vendor required for events of five or more itinerant vendors.
It is unlawful for any person to peddle, solicit, canvass or engage in any form of vending within the limits of the City without first obtaining a license as provided in this section. Moreover, at any show or event where five or more itinerant vendors will sell or exhibit goods or merchandise, a duly licensed managing itinerant vendor must assume responsibility and control of said show or event in compliance with the sections below.

§136-12. License application

A. Application for a food service license shall be made to the Health Department, on forms to be provided by the Health Department, in a manner determined by the Department. Food service license shall be paid in accordance with the Department's procedure and at rates established by the Department.

B. Application for location license.

(1) Application for a location license shall be made to the Derby Board of Aldermen on application forms provided by the City Clerk. The application form shall contain the following:

(a) The name, address, telephone number and date of birth of the applicant.

(b) The item or items which the applicant intends to sell;

(c) The type of cart, automobile, temporary stand, seasonal stand, corner or sidewalk from which the applicant intends to sell.

(d) The type of insurance coverage the applicant has and the carrier's name, address and telephone number.

(e) If the applicant is a food vendor, a copy of the applicant's food service license, which shall be attached to the application.

(2) The applicant shall, at the time of the filing for a location permit, pay a nonrefundable application fee of $15.00.

(3) The Alderman shall not be required to act on an application unless items in Subsection B(1)(a) through (e) above have been satisfied, the application fee has been paid, and the applicant has passed the background check provided for in Section 136-3 and the applicant attends the Board meeting as scheduled below.

(4) The Board of Aldermen shall consider and vote upon duly filed applications. Each application shall be voted on separately and shall require at least five affirmative votes for approval. The Board shall not approve a location license if, in the opinion of the Derby Chief of Police, the operation of a vending business from the proposed location would cause a traffic or safety problem. This subsection will be waived if the applicant held a valid City of Derby vendor permit for 12 consecutive months prior to the date of the new application.

(5) The Board shall not approve a location permit to a vendor or food vendor which proposes operation from a location which is within 50 yards radi.us of the operation or proposed operation of another vendor or food vendor. In the event that two or more applicants propose operation within 50 yards of each other the Board of Alderman shall conduct a lottery to determine the vendor who shall be entitled to sell from the area.

(6) The Board shall not issue any location license for any location in or within 15 feet of the Derby Green. This subsection can be waived by a simple majority vote of the full Board of Aldermen.

§136-13. Duration of license; fee; issuance.

A. The duration of each location license shall be 12 months from the date the Aldermen approve the same.

B. The management itinerant vendor location license fee shall be $450.00. The itinerant vendor location license fee shall be $250.00.

C. The City shall issue the license upon receipt of said license fee, which shall be paid in cash. The City Clerk shall document receipt thereof for the Board of Apportionment and Taxation.

§136-13A. Day permit licensing.
Only businesses with a valid City of Derby business address will be permitted to file for a day permit for a fee of $25.00. A day permit does not negate any other articles in this chapter. The fee will be waived if the activity occurs on the business' location.

§136-14. Display of License.
All vendors and food vendors shall prominently display their location license on their cart, automobile, temporary stand or seasonal stand.

§135-15. Bond and insurance.

A. Every applicant for a managing itinerant vendor who does not qualify for a state sales tax exemption shall file with the license bureau a surety bond, running to the City in the amount of $10,000 with surety acceptable to and approved by the Board of Aldermen, conditioned that said applicant shall comply fully with all the provisions of the ordinances of the City of Derby and the statutes of the State of Connecticut, regulating and concerning the licensed business or activity and guaranteeing to any citizen of the City of Derby that all money paid as a down payment will be accounted for and applied according to the representations of the solicitor and further guaranteeing to any citizen of the City of Derby doing business with said licensee that the property purchased will be delivered according to the representations of said licensee. Action on such bond may be brought in the name of the City to the use or benefit of the aggrieved person.

B. Where the activity, show or event is to occur on City of Derby property, every applicant shall be required liability insurance, and an indemnity agreement in favor of the City of Derby in such form and amount as shall be approved by the City Attorney in proportion to the size, scope, duration and other particulars of the event scheduled.

§136-16. Penalties for offenses.

Any vendor or food vendor selling within the City of Derby without a license or with an expired license shall be fined $250.00 and shall not be considered for a location license until he or she pays the fine. A separate offense shall be deemed committed on each day during which a violation occurs or continues. Any vendor or food vendor selling items in an area for which he or she does not have a license shall have his or her license revoked and shall not be allowed to apply for a new license for one year from the date of violation.

§136-17. License revocation.

A. Licenses issued under the provisions of this Chapter may be revoked by the Chief of Police, after notice and hearing, for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for license.
(2) Fraud, misrepresentation or false statement made by the licensee in the course of carrying on the business for which the license was issued.
(3) The violation of any provision of this Chapter.
(4) Conviction of any crime involving moral turpitude or fraud, conviction of a felony.
(5) Conducting the business for which the license was issued in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.
(6) Failure to provide information required under this Chapter.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address or address listed on the application at least five days prior to the date set for hearing.

§136-18. Tag sales exempted.

No person conducting a tag sale or garage sale from his or her residential premises shall be required to comply with this article, provided that he or she conducts no more than one such sale within a six-month period. A "tag sale" shall be considered any sale of food, goods or items from a private residence or property for a period of no more than nine consecutive days.

§136-19. Exemptions.

Exemptions are as follows:

A. Any vendor, itinerant vendor or managing vendor that is a nonprofit organization exempt from federal taxation by Section 501 of the Internal Revenue Code, as may be amended from time to time, or a charitable organization, and that provides evidence of the same shall be exempted from paying a license fee described in §136-13 for that calendar year.
B. Any vendor, itinerant vendor or managing vendor that operates for a single event that does not exceed four consecutive days per calendar year may request an exemption from paying a license fee described in §136-13 for that calendar year, which request shall be determined by the Board of Aldermen, at its sole discretion, if said Board finds that said exemption will enhance the cultural opportunities of the community.
C. War veterans who are owners of hawking or peddling businesses and have been residents of Connecticut for a period of two years immediately preceding the date of application for a license and who provide satisfactory evidence of the same.

§136-20. Conduct of business.

A. Vending, canvassing or soliciting under the provisions of this article shall be limited to the hours of 9:00 a.m. to 7:00 p.m. This subsection can be waived by a simple majority vote of the full Board of Aldermen.
B. No orders for goods or wares to be delivered in the future shall be taken without giving a written receipt for all orders taken within the City, which receipt shall be signed by the solicitor and shall set forth a brief description of the goods, wares or merchandise ordered, the total purchase price thereof and the amount of the down payment received by the seller from the purchaser.
C. All licensees hereunder shall be required to conduct themselves in a peaceable, orderly and lawful manner at all times. Licensees and employees of licensees shall wear proper attire (i.e., swimwear or similar clothing are prohibited). Shirts, pants, skirts, shorts or dresses and footwear are required.

ARTICLE IV
Special Events

§136-21. Special event license.

A. A Special Event license may be issued to persons engaged in the sale of various products at Derby Day, Memorial Day Parade, Fourth of July Fireworks and other special events ("Special Events") as recognized and approved by the Board of Aldermen as a "Special Event". The Board of Aldermen reserve the right to prohibit the sale of certain products, goods, wares and/or merchandise for any Special Event. Application for said license shall be submitted to the Chief of Police along with a Twenty Five Dollar ($25.00) fee. Said license shall be displayed conspicuously at all times. All sales under this special event license will be limited only to the hours of the special event and shall be conducted where the Special Event is being held.
B. The application fee for Special Events shall be Twenty Five Dollars ($25.00) provided that the application is received at least fourteen (14) days prior to the Special Event. If the application is received within said Fourteen (14) day period but before two (2) days prior to the Special Event, the fee shall be Fifty Dollars ($50.00). In no event will an application be received and/or processed within two (2) days of the Special Event.
C. A Special Event license must comply with the provision of Section 136- 3, however, the provision of Section 136.-4 which requires the approval of the Community Relation Committee and the Board of Aldermen shall be waived for Special Events. On successful completion of the background check, the Chief of Police shall issue said license.

D Any person, group or corporation who shall violate any provision of Section 136-21 shall be fined $100.00, and each violation shall be considered a separate violation. Further, any person, group or corporation who shall violate any provision of Section 136-21 shall not be permitted to participate in the Special Event.

E. Any vendor with an existing and valid City of Derby Vendor Permit shall have the right to attend Special Events within the City, without incurring any additional fees provided they comply with rules guidelines and stipulations of the event.

F. The General Licensing Requirements can be waived for Special Events within the City provided a list of attending vendors is submitted To the Board of Aldermen and Chief of Police by the day of the Scheduled event.

ARTICLE V

§ 136-22: Cultural Commission Events

The General Licensing Requirements are hereby waived for any event sponsored by the City of Derby Cultural Commission. The Derby Cultural Commission shall be required to obtain the name, address, telephone number and date of birth of all vendors, the item or items the vendor intends to sell and a certificate of insurance acceptable to the Commission.

Adopted by the Board of Aldermen and approved by the Mayor on February 26, 2015.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

§64-2, Fees. [Amended 2-14-1978; 9-13-1990; 1-9-1992; 4-25-2013]

The following fees shall be paid to the City Clerk for permits:

PERMIT FEE TABLE

Permit or Activity	**Fee**
Building Permit	
1st $1000 of estimated cost	$ 20.00
each additional $1000 of estimated cost	$ 15.00
State Fee based on each $1000 of additional cost	$ .26
Certificate of Occupancy/Completion	$ 35.00
Demolition Permits	
1st $1000 of estimated cost	$ 50.00
each additional $1000 of estimated cost	$ 15.00
State Fee based on each $1000 of estimated cost	$ .26
Certificate of Occupancy/Completion	$ 35.00
Electrical Permits	
1st $1000 of estimated cost	$ 20.00
each additional $1000 of estimated cost	$ 15.00
State Fee based on each $1000 of estimated cost	$ .26
Certificate of Occupancy/Completion	$ 35.00
Plumbing Permits	
1st $1000 of estimated cost	$ 20.00
each additional $1000 of estimated cost	$ 15.00
State Fee based on each $1000 of estimated cost	$ .26
Certificate of Occupancy/Completion	$ 35.00
HVAC Permits	
1st $1000 of estimated cost	$ 20.00
each additional $1000 of estimated cost	$ 15.00
State Fee based on each $1000 of estimated cost	$ .26
Certificate of Occupancy/Completion	$ 35.00
Sign Permits	
1st $1000 of estimated cost	$ 20.00
each additional $1000 of estimated cost	$ 15.00
State Fee based on each $1000 of estimated cost	$ .26
Certificate of Completion	**$ 35.00**
Certification of Zoning Compliance	**$ 50.00**
Commencement of Work Performed without Permit	**$ 200.00**
Wide-Format Copies	**$ 5.00 per page**
Copies	**$ .50 per page**
Certificate of zoning compliance	**$ 25.00**
Certificate of existing nonconformance	**$ 75.00**
Zoning Board of Appeals variance	
Single Family Residence	$ 100.00
Multifamily Residential, Commercial, Industrial	$ 150.00
Zoning Commission, special exception	**$ 100.00**
Certificate of soil erosion	**$ 150.00**
Zoning Permit	**$ 25.00**
Liquor Permit	**$ 25.00**
Reoccupancy Permit	**$ 25.00**

SCHEDULE OF VALUES

Type	Fee Per Square Foot
New Construction Habitable Space, 1st & 2nd floor	$ 150.00 sq. ft
Finished Basement, Attic	$ 65.00 sq. ft
Garage	$ 65.00 sq. ft
Gut & Remodel	$ 100.00 sq. ft
Open Deck	$ 20.00 sq. ft
Covered Deck	$ 30.00 sq. ft
Bath Remodel	$ 65.00 sq. ft & $1,500.00 per fixture
Kitchen Remodel	$ 100.00 sq. ft & $1,500.00 per fixture
Swimming Pools	$ 80.00 sq. ft
Re-roof	$ 100.00 per square
Strip & Re-roof	$ 200.00 per square
Wood siding	$ 400.00 per square
Vinyl siding	$ 250.00 per square
Chimney & Fireplace	$ 15,000
Patio	$ 30.00 per sq. ft
Covered Patio	$ 40.00 per sq. ft

Permit fees will be based on the estimated cost of construction provided at the time of application and will be at least 70% of the actual cost of construction. The minimum cost of new construction for permit valuation will be 150.00 dollars per square foot the maximum will be 250.00 dollars per square foot. Renovations and/or alterations will be again be not less than 70% of the actual cost of construction with a minimum of 100.00 dollars per square foot and a maximum of 150.00 dollars per square foot.

Adopted by the Board of Aldermen and approved by the Mayor on May 28, 2015.

Be it hereby ordained by the Board of Aldermen and the City of Derby:

§172-4. Removal of snow and ice from sidewalks upon failure of owner so to do.
In the event that any owner, occupant or person having charge of any premises described in §§ 172-2 and 172-3 shall fail to keep the sidewalks fee and clear of accumulations of snow, ice or sleet or shall fail to keep such accumulations properly sanded or protected with other material so as to render the same safe for public travel, the Street Commissioner may thereupon cause such sidewalk or gutters, or both, to be cleared of such accumulations or to be covered with sand or other suitable material, and the expense thereof shall be collected from such owner, occupant or person having he property adjoining such sidewalk or gutter in charge. **In addition to the owner, occupant or person having charge of said premises being responsible for the expense of said removal, the owner of the premises shall be fined $100.00. Every day that the violation continues shall constitute a separate offense.**

Adopted by the Board of Aldermen and approved by the Mayor on May 28, 2015.

Be it hereby ordained by the Board of Aldermen:

ARTICLE IX. BOAT RAMP
§186-51. Boat Ramp Trailer Permit:
All boat trailers that are used to launch any vessel from· the boat ramp on Caroline St. at O'Sullivan Island shall be required to have a City of Derby boat ramp trailer permit issued from the City Clerk's Office, which permit sticker shall contain the trailer registration plate number and the size of the trailer.

A separate permit shall be required for each trailer. All permits shall be displayed so as to be easily visible on the towing vehicle.

Permit stickers shall be valid one (1) year commencing January 1 and expired December 31.

A boat trailer permit shall not guarantee or reserve space within the boat ramp parking area.

§186 52. Fee Structure:
Derby residents: no charge Non-residents: $100.00

§186-53. Permit application:
A. The permit application can be obtained from the City Clerk and shall contain:
   1. The name and address of the owner of the boat trailer;
   2. The size of the trailer and the registration plate number (which shall be on the permit);
   3. The signature of the owner.
B. The City Clerk shall issue the permit upon receipt of an application and the payment of the permit fee.

§186-54. Violation
Violation of this ordinance will result in a parking ticket and fine in the amount of $125.00. Derby residents who fail to obtain a permit will also be subject to said fine.

Adopted by the Board of Aldermen and approved by the Mayor on May 28, 2015.

Be it hereby ordained by the Board of Aldermen:

Article XXII

Parking Division

§7-109. Created: State Law Applicable
Pursuant to the provisions of Connecticut General Statutes, §7-202 through §7-212a, inclusive, there is created and established a parking division of the City. The parking division is vested with all of the rights and powers which are given to such parking divisions under Connecticut General Statutes, §7-202 through §7-212a, inclusive and any powers which may be given to parking divisions under future additions or amendments to such General Statutes.

§7-110. Title.
The name of the parking division created by §7-109 shall be the "Parking Division of the City of Derby". Wherever the words "Parking Division" are used in this chapter, it shall mean the Parking Division of the City of Derby.

§7-111 Composition; qualifications of members; organization; compensation; fiscal matters' annual report.
The Parking Division shall be the Mayor of the City of Derby. The Parking Division may employ necessary personnel. Such Parking Division shall maintain proper accounting and financial records and shall make a monthly report to the Board of Aldermen.

§7-112. Collection of revenues; repair of meters, etc.
All revenues from parking meters located on public streets or on off-street parking facilities within the City shall be paid to the Parking Division, and such Parking Division shall have the duty of collection of the receipts from such meters and the duty of maintenance and repair of all such meters. All parking meters shall become the property of the Parking Division.

§7-113. Use of parking meter revenues.
Revenues from parking meters under this Division shall be used for the regulation and control of the parking of vehicles in parking meter zones, for the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of parking meters and for acquiring and maintaining off-street parking facilities or for any other purpose relating to the parking of vehicles as may be permitted by law.

§7-114. Monthly report of parking meter revenues.
The Parking Division shall make a monthly report to the Board of Aldermen of all parking meter revenues.

§7-115. Parking Division to establish metered parking zones.
The Parking Division is authorized to establish off-street and on-street metered parking zones as, in its judgement, may be required for the regulation and control of the parking of vehicles within the City, subject to the approval of the Board of Aldermen.

Effective Date: July 1, 2015.

Adopted by the Board of Aldermen and approved by the Mayor on May 28, 2015.

Be it hereby ordained by the Board of Aldermen:

Gilbert Street Residential Parking Lot

Purpose.

The Board of Aldermen of the City of Derby deems it to be in the interest of the citizens of the City of Derby to provide for the establishment of a Gilbert Street Residential Parking Lot to ensure primary access to available parking spaces to neighborhood residents, to reduce hazardous traffic conditions resulting from the use of streets within said area and to promote the peace, comfort, convenience and welfare of the residents therein.

Definitions.
As used in this article, the following terms shall have the meanings indicated: LIMITED RESIDENTIAL PARKING PERMIT AREA- That designated residential area consisting of the residences located on Gilbert Street between Route 34 and High Street.

RESIDENT- A person who owns or leases real property within said residential area and who maintains either a voting residence or a bona fide occupancy, or both at that address.

Issuance of parking permits; signs.

The Chief of Police shall issue appropriate permits and shall cause parking signs to be enacted in said area. A permit shall be issued, upon application only to those who are residents or proprietors as defined herein. A separate permit shall be required for each motor vehicle.

Permit application.

A. The application for a permit shall contain:

(1) The name and address of the permittee;
(2) The make, model, license plate number and registration number of the vehicle; and the signature of the permittee for the residential parking permit.

B. The permit shall be renewable annually.

Use of permits.

A. All parking permits shall be displayed on or about the front windshield of the vehicle so as to be easily visible from outside the

vehicle. Such parking permits shall contain the following:

(1) The numerical designation of the residence;
(2) The name and address of the resident to whom the parking permit was issued; and
(3) The expiration date of the parking permit.

B. A parking permit shall not guarantee or reserve a parking space within the designated Gilbert Street Residential Parking Lot.

C. Whenever the holder of a parking permit, or the vehicle for which the parking permit was issued, no longer fulfills one or more of the applicable provisions of this article controlling issuance, renewal or transfer of parking permits, the holder shall so notify the Police Chief who may then direct the holder to surrender the parking permit.

D. Until its expiration, surrender or revocation, a parking permit shall remain valid for such time as the holder continues to reside with the designated residential parking permit area.

E. A parking permit shall be valid only in the Gilbert Street Residential Parking Lot.

F. It shall be a violation of this article for the holder of a parking permit to fail to surrender it when directed to do so.

G. It shall be a violation of this article for any person to represent in any fashion that a vehicle is entitled to a parking permit authorized by this article when it is not so entitled. The display of a parking permit not entitled to such a parking permit shall constitute such a representation of this section.

H. It shall be a violation of this article for any person to duplicate, or attempt to duplicate, by any means, a parking permit authorized by this article. It shall also be a violation of this article for any person to display on any vehicle such a duplicate parking permit.

Exception for service and delivery vehicles.
The parking restrictions imposed by this article shall not apply to any service or delivery vehicle when used to provide services or to make deliveries to residences or proprietors within the designated parking permit area, provided that the parking of the service or delivery vehicle within said parking permit area does not exceed one hour in duration on any given day.

Penalties for offenses.
Whoever violates any provision of this article shall, upon conviction thereof by a court of competent jurisdiction, pay to the City of Derby a fine in the amount of $25.00 for each violation. Failure to pay said fine timely shall make the violator liable for further penalties, including imprisonment as provided for in the General Statutes of the State of Connecticut.

Adopted by the Board of Aldermen and approved by the Mayor on August 27, 2015.

Be it hereby ordained by the Board of Aldermen:

§ 21-17 Fire Department Safety Officer

a.) Office Established
There is hereby created the position of Fire Department Safety Officer.

b.) Qualifications of Fire Department Officer
At a minimum, the Safety Officer shall possess the following qualifications: Certified Incident Safety Officer, Certified Fire Fighter II, Certified Interior Structural Firefighter, three (3) years of experience as a line officer with a fire department, five (5) years' experience with the Derby Fire Department. The Safety Officer may not service as Derby Fire Department Line Officer.

c.) Appointment, Term and Compensation
The fire Commissioner of the City is hereby authorized to appoint the Safety Officer for a two (2) year term which term shall commence on January 1 of each odd number year and ending December 31 of each even year. Notwithstanding the foregoing, the initial Fire Department Safety Officer shall serve for a term commencing on the date of said appointment and ending December 31, 2016. The Fire Commissioner is vested with the authority to remove the Safety Officer for cause. The compensation of the Safety Officer shall be $1,000.00 per year stipend.

d.) The Safety Officer shall serve under the direction of the Fire Commissioner who shall direct the policy guidance and specific duties to be performed. The Safety Officer shall perform all duties assigned by the Fire Commissioner including operate as Safety Officer at emergency scene, serve as Chairman of the Department Safety Committee, conduct training on safety related topics, investigate all line of duty injuries, conduct After Action Review of major incidents, inspect protective equipment annually and report condition of equipment to the Fire Chief and Fire Commissioner, retrain firefighters on an as needed basis or after a firefighter receives counseling for a fire related event, review safety procedures, coordinate with Chief Drivers for vehicle safety and maintenance issues.

Adopted by the Board of Aldermen and approved by the Mayor on August 27, 2015.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Sec. 64-5. Procedure for withholding of approval of application for building permit when real estate taxes are delinquent.

a.) Pursuant to Section 7-148(c)(2)(B) of the Connecticut General Statutes, as may be amended, the Building Inspector and the office of the Building Inspector shall not approve an application for a building permit when taxes or sewer fees are delinquent for the property for which the application is made, except as hereinafter provided.

b.) Upon request of the Building Inspector or the office of the Building Inspector, the City Tax Collector or such other person or persons as designated by the City Tax Collector shall determine if there are delinquent taxes or sewer use fees for a property for which an application for a building permit is made and report the findings thereof in written form to the official requesting same; provided, that if the property owner, or other person responsible for payment of taxes or sewer use fees on such property has entered into an agreement with the City Tax Collector or the WPCA Office for the installment payment of delinquent real property taxes or sewer use fees for such property, said permit shall not be withheld if the payments called for in said agreement are not in default, provided further, that if the property owner, or other person responsible for the payment of taxes or sewer use fees on such property, has filed a petition seeking relief in the U.S. Bankruptcy Court, said permit shall not be withheld during the pendency of such bankruptcy proceedings solely on the basis of the delinquent taxes owed for the subject property.

c.) Nothing in this section shall be so construed as to authorize the Building Inspector or the office of the Building Inspector to withhold an application for a zoning permit, a demolition permit, a sign permit, a heating permit, a -plumbing permit, an electrical permit, an air conditioning permit, a ventilating permit, a refrigeration permit, any other mechanical equipment permit, or any permit for equipment for which provision is made or the installation of which is regulated by the Connecticut State Building Code.

Adopted by the Board of Aldermen and approved by the Mayor on October 22, 2015.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

§172-52 Acts prerequisite to acceptance of streets by the city.

Upon completion of the required improvements as set out in this chapter, including the setting of all monuments, the construction of all roads and the installation of all required drainage facilities, and upon certification of the same by the City Engineer, and Commissioner of Public Works, in writing and approved by the Board of Aldermen, the street shall be accepted by the city.

Adopted by the Board of Aldermen and approved by the Mayor on March 31, 2016.

Be it hereby ordained by the Board of Aldermen:

§ 125-4. Occupancy permit required.

A. Prior to any person, corporation or entity occupying or offering for occupancy any building or portion of an apartment or dwelling unit in any structure containing two or more housing units, after a vacancy an occupancy permit for the apartment or dwelling unit shall be obtained from the Building Official

B. A permit is not required for any structure occupied by the owner thereof and containing two or less housing units.

C. A permit is not required for any structure which has been constructed or substantially reconstructed within the ten year period immediately before the date such occupancy permit would otherwise be required under this section.

Adopted by the Board of Aldermen and approved by the Mayor on May 26, 2016.

Be it hereby ordained by the Board of Aldermen:

Chapter 81

Witek Park

Section 81.1. Regulations

The Board of Aldermen of the City of Derby desires to provide a safe and healthy environment for all City of Derby residents wishing to enjoy Witek Park Reservoir. The regulations herein are designed to provide uniform understanding of permitted uses and prohibitions at the Reservoir.

(1) Except for motorboats engaged in governmental, maintenance or emergency activities, vessels with internal combustion engines and electric motors are prohibited and no person shall launch or operate a motorboat at Witek Park Reservoir. For the purposes of this section, "motorboat" shall have the same meaning as defined in Section 15-127 of the Connecticut General Statutes as amended from time to time.

(2) The operation of any motorized vehicles is prohibited except official vehicles engaged in maintenance, emergency activities, or for handicapped accessibility.

(3) No person shall park or store any motorized vehicle, bicycle, trailer or personal property except those areas set aside and designated as parking areas.

(4) The Reservoir shall be open from dawn to dusk unless the mayor or his designated representative has granted special permission to an individual or a group in writing to extend this time period.

(5) Notwithstanding subsection (1), persons with qualifying disabilities may launch or operate vessels propelled by an electric motor. Vessels with internal combustion engines are prohibited.

(6) All persons in said vessels must wear life jackets.

(7) Vessels must be launched from identified designated area.

(8) Swimming is not allowed unless for emergency rescue.

(9) On the upper reservoir, all persons must stay 50 feet away from residents shore except in cases of emergency.

Section 81.2 Permit

A permit is required for each vessel which permit may be obtained from the City of Derby Town Clerk's office.

Section 81.3 Violations, fines

Violation of any provision of this article shall result in a fine of two hundred fifty dollars ($250.00) for each offense in addition to any other penalty provided by the city, state or federal governments. Each violation of this article shall be a separate violation.

Adopted by the Board of Aldermen and approved by the Mayor on September 6, 2016.

Be it hereby ordained by the Board of Aldermen of the City of Derby:

Repealed:

~~**§ 172-8. Reimbursement for sidewalk renovation. (Amended 12/27/07)**~~

~~The City of Derby shall reimburse 1/3 of the cost of materials to any owner of real property who has renovated or replaced an existing public sidewalk, for such renovation or replacement. No such reimbursement shall be authorized unless the property owner has filed a written application for reimbursement with the City Clerk; the Public Works Director approves the completed sidewalk as being in accordance with generally accepted construction standards; and the Board of Aldermen reviews the application at a regular monthly meeting.~~

~~The cost reimbursement for materials shall be based upon the following unit prices:~~

~~**Materials**~~	~~**Unit Price (per square foot)**~~
~~4" Portland cement concrete sidewalk~~	~~$9.50~~
~~5" Portland cement concrete sidewalk~~	~~$12.00~~
~~Portland cement concrete curbing~~	~~$30.00~~
~~Asphalt 2" bituminous concrete sidewalk~~	~~$5.00~~
~~Asphalt 3" bituminous concrete sidewalk~~	~~$6.00~~
~~Asphalt bituminous concrete driveway~~	~~$4.00~~
~~Gravel refill~~	~~$35.00~~

§172-8 Reimbursement for sidewalk renovations

(A) The City of Derby shall reimburse the cost of materials in accordance with the value schedule set forth in Section 172-8 (B) below, to any owner of real property who has renovated or replaced an existing public sidewalk to City standards, for such renovation or replacement. No such reimbursement shall be authorized unless the property owner has: (i) obtained a permit to construct or repair sidewalks from the City Clerk, (ii) filed a written application for reimbursement with the City Clerk upon completion of the construction or repair, (iii) the Public Works Director has approved the completed sidewalk as being in accordance with generally accepted construction standards; and (iv) the Board of Aldermen has reviewed and approved the reimbursement request at a regular monthly meeting.

(B) The sidewalk materials cost reimbursement shall be based upon the following unit price:

- 4-inch Portland cement concrete sidewalk $4.00/square foot coverage
- 5-inch Portland cement concrete sidewalk $5.00/square foot coverage
- Asphalt 2-inch bituminous concrete sidewalk $3.00/square foot coverage

Adopted by the Board of Aldermen and approved by the Mayor on September 26, 2016.