

TOWN OF ROXBURY

**CODE OF ORDINANCES**  
**TOWN OF ROXBURY, CONNECTICUT**

Revised through May 20, 2014

CONNECTICUT  
"Roxbury Pride – Capture It!"

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**CODE OF ORDINANCES  
TOWN OF ROXBURY, CONNECTICUT**

**CHAPTER 1. GENERAL PROVISIONS**

**Sec. 1-1. Citation of Code.**

This Code shall be designated and may be cited as the “Code of Ordinances, Town of Roxbury, Connecticut.”

**Sec. 1-2. Rules of Construction and Definitions.**

(a) Definitions and Rules: Unless the context clearly indicates otherwise, the following definitions and rules of construction shall apply to all ordinances in the Code:

*Authority to Act.* Unless otherwise provided, where authority to act is given to a commission, agency or board, it shall be construed to mean action by a majority of those members present at a meeting having a quorum in attendance. Further, the words “vote,” “approval” or “consent” of the Board of Selectmen means a vote of a majority of the total membership rather than of those present at the meeting.

*Board of Selectmen.* The term “Board of Selectmen” means the Board of Selectmen of the Town of Roxbury, Connecticut.

*Business.* The word “business” means businesses, professions, trades, occupations and every kind of calling.

*Code.* The word “Code” means the Code of Ordinances of the Town of Roxbury, Connecticut as designated in Sec. 1-1.

*County.* The word “County” or “this County” means Litchfield County, State of Connecticut.

*First Selectman.* The term “First Selectman” shall mean the First Selectman of the Town of Roxbury.

*Gender.* The use of any gender shall include the other gender.

*General Statutes.* General Statutes, C.G.S., or Conn. Gen. Stat., shall refer to the Connecticut General Statutes, as same may be amended from time to time.

*Number.* The use of the singular shall include the plural and the plural shall include the singular.

*Officers, employees.* Officers and employees shall be construed to include their duly authorized representatives.

*Person.* Unless otherwise provided, the word “person” means any natural person, joint venture, trustee, corporation, proprietorship, partnership, association, club, company, limited liability company, corporation, business trust, organization, municipality, or governmental agency.

*Personal Property.* The term “personal property” means every type of property except real property.

*Property.* The word “property” shall include real and personal property.

*Real property.* The term “real property” means lands, tenements and hereditaments.

*Shall, may, must.* The words “shall” and “must” are mandatory; “may” is permissive.

*State.* The word “State” means the State of Connecticut.

*Town.* The word “Town” means the Town of Roxbury, Connecticut.

(b) Interpretation: Unless otherwise provided this Code shall be construed so that words and phrases shall be given their common usage and meaning, except that terms of art that have acquired a particular legal meaning shall be construed consistent with that meaning.

### **Sec. 1-3. Affect of Codification.**

(a) Enforcement and Bonds: The adoption of this Code shall not affect any enforcement of violations of ordinances that took place before the effective date hereof. Furthermore, such adoption shall not be deemed a waiver of any license, or unpaid fine or penalty due on the effective date hereof; nor shall the adoption be construed to affect any provision of the ordinances relating to the collection of any such license, penalty or fine or the penal provisions applicable to any violation thereof. Such adoption shall not affect the validity of any bond or security required to be posted or deposited pursuant to any ordinance, and all related rights and obligations shall continue in full force and effect.

(b) Certain Resolutions and Ordinances: The adoption of this Code shall not be construed to repeal or otherwise affect the validity of any Town meeting resolution or ordinance: Promising or guaranteeing the payment of money to the Town or any evidence of the Town’s indebtedness; providing for an appropriation or levy of taxes or for an annual budget; granting any franchise, permit or other right; that is a zoning or subdivision ordinance; creating a special services district; relating to any contract, agreement, lease, deed or other instrument; adopting a preliminary or development plan; that is a temporary or special ordinance. All of such ordinances shall continue in full force and effect as if fully set out in this Code.

### **Sec. 1-4. Captions, Footnotes and References.**

The captions in the Code are for convenience and shall not be construed as having a legal effect. Further, the notes after each section and the footnotes are for the benefit of the user of the Code and have no legal effect.

**Sec. 1-5. Severability.**

If any provision in this Code shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

**Sec. 1-6. Amendments.**

(a) All amendments passed after adoption of this Code shall be numbered consecutively; such amendments adopting or repealing an ordinance or portion thereof shall refer to the section or subsection affected. When subsequent ordinances repeal any portion of the Code such provisions shall be omitted from reprinted pages. The subsequent ordinances, as numbered and printed or omitted in the case of repeal, shall be the effective evidence of the ordinance or repeal there is an updating and reprinting of this Code.

(b) All ordinances or portions of ordinances previously repealed are omitted from this Code. All ordinances annotated as ordinance or amendment of “1-1-04” shall be amended with the adoption of this Code.

**Sec. 1-7. Updates of Code.**

At the direction of the Board of Selectmen, this Code may be updated and reprinted from time to time. In so doing, repealed provisions shall be excluded. The update may make formal, non-substantive changes in ordinances and parts of ordinances included in the update as necessary to do provide an organized, unified and efficient codification, such changes include, without limitation: Organization into appropriate subsections, designation of captions, numbering, renumbering, classifying and reclassifying new and existing subsections to accommodate the new provisions, and other non-substantive changes that do not change the original meaning of the new or existing ordinances.

**Sec. 1-8. Unlawful Alteration.**

It is unlawful for any person to alter or tamper with this Code with intent to misrepresent same or with intent to commit a fraud.

**Sec. 1-9. General penalty; continuing violations.**

Unless a specific penalty is provided herein, if there is any violation of any provision of this Code or of any other ordinance of the Town or regulation promulgated thereunder, such violation shall be punished by a fine not exceeding one hundred dollars (\$100.00). Each day any such violation continues shall constitute a separate offense. The imposition of any such fine shall not prevent the enforcement of abatement of any unlawful condition.

(Chapter 1 was adopted as part of the Codification Ordinance of 1-1-04)

## **Sec. 1-10. Summary of Proposed Ordinance or Adopted Ordinance**

Any published notice of a proposed ordinance or adopted ordinance may be noticed in summary form using the following procedure: The Town Clerk shall make a copy of the proposed ordinance or adopted ordinance available for public inspection and shall, upon request, mail a copy of such proposed ordinance or ordinance to any person requesting a copy at no charge to such person. Any summary so published shall bear a disclaimer that reads: “This document is prepared for the benefit of the public, solely for purposes of information, summarization and explanation. This document does not represent the intent of the legislative body of Roxbury for any purpose.”<sup>1</sup>  
(Ord. of 5-18-10; effective 6-10-10)

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<sup>1</sup> See C.G.S. § 7-157.

## CHAPTER 2. ADMINISTRATION

### ARTICLE I. GENERAL

#### Sec. 2-1. Rules of Order.

The moderator at any Town Meeting may, at his discretion, rely upon *Robert's Rules of Order, 10th Edition*.

(Ord. of 12-20-65; Ord. of 1-1-04)

#### Secs. 2-2—2-10. Reserved.

### ARTICLE II. OFFICERS AND ELECTIONS

#### DIVISION 1. GENERALLY

#### Sec. 2-11. Elections.

Pursuant to § 9-164 of the General Statutes, unless otherwise provided by statute or this Code, the election of Town officers shall be held biennially on the first Tuesday after the first Monday in November in the odd-numbered years.

(Ord. of 3-3-47; Ord. of 9-17-47 § 1)

#### Sec. 2-12. Length of Office.

All officers shall hold office until their successors are elected and qualified.  
(Ord. of 9-17-47 § 8)

#### Sec. 2-13. Term Commencement.

Except for the Town Clerk, Treasurer and members of the Regional Board of Education, Registrars of Voters, and Justices of the Peace or as provided in §§ 9-164a to 9-164f inclusive of the General Statutes or in this Code, the term of each elected municipal official shall begin on the second Tuesday next following the day of the municipal election at which such official is elected.<sup>2</sup>

(Ord. of 6-4-81)

#### Sec. 2-14. Voting Hours.

The hours for voting in Town Elections shall be from 6 A.M. to 8 P.M.  
(Ord. of 3-1-58; Ord. of 1-1-04)

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<sup>2</sup> State law reference – C.G.S. §§ 9-164a et seq., 9-187, 9-187a, 9-189, 9-188, 9-189a and 9-199.

**Sec. 2-15. Town Meeting: Place and Time.**

Town Meetings shall be held at the Town Hall or the Booth Free School at 8 P.M. or such other hour after 6:30 P.M. as may be set by the Board of Selectmen.  
(Ord. of 3-1-58; Ord. of 1-1-04 amends Ord. of 4-14-60)

**Sec. 2-16. Election Officials.**

There shall be two (2) shifts of election officials for each polling place with the exception of the Moderator.<sup>3</sup>  
(Ord. of 9-25-70)

**Sec. 2-17. Elector Requirements.**

Each elected municipal officer and each Justice of the Peace nominated or appointed to office shall be an elector of the of the Town, and, if for any reason he ceases to be an elector thereof, he shall thereupon cease to hold office therein and such office shall be deemed vacant.<sup>4</sup>

**Secs. 2-18—2-30. Reserved.**

DIVISION 2. ELECTED TOWN OFFICERS

**Sec. 2-31. First Selectman and Selectmen.**

There shall be a First Selectman and two (2) other members of the Board of Selectmen, all three of whom shall hold office for four (4) years and shall have duties as provided by the General Statutes and in this Code.  
(Ord. of 9-17-47 § 1; Ord. of 3-22-01)<sup>5</sup>

**Sec. 2-32. Town Treasurer.**

There shall be a Town Treasurer who shall hold office for four (4) years and shall have duties as provided by the General Statutes. The term of office for Treasurer shall begin on the first Monday of January next following the day of the municipal election at which such official is elected.  
(Ord. of 9-17-47 § 1; Ord. of 3-22-2001)<sup>4</sup>

**Sec. 2-33. Tax Collector.**

There shall be one (1) paid Tax Collector who shall be elected for a four (4)-year term and have such duties as provided by the General Statutes.  
(Ord. of 9-17-47 § 1; Ord. of 3-22-01)<sup>4</sup>

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<sup>3</sup> State law reference – C.G.S. § 9-258a.

<sup>4</sup> State law reference C.G.S. § 9-186.

<sup>5</sup> State law reference C.G.S. §§ 9-187-9-187a, 9-189 and 9-189a.

**Sec. 2-34. Town Clerk.**

The Town Clerk shall be elected and hold office for four (4) years from the first Monday in January next succeeding his election. The Town Clerk's duties shall be as provided by the General Statutes, including without limitation, Chapters 92, 93 and Title IX. The Town Clerk shall also serve as the Registrar of Vital Statistics. Pursuant to General Statutes § 7-34b(b), commencing July 1, 2001, the Town Clerk shall receive a salary in lieu of fees and other compensation provided under the General Statutes, As of July 1, 2001, the Town Clerk shall collect the fees and/or compensation provided by the General Statutes to be paid to the Town Clerk and he shall deposit all such money collected by him in accordance with the procedures of the Town for deposit of moneys belonging to the Town.  
(Ord. of 9-17-47 § 2; Ord. of 4-21-72; Ord. of 5-23-01; 1-1-04).<sup>6</sup>

**Sec. 2-35. Board of Assessment Appeals.**

There shall be a Board of Assessment Appeals having three (3) members to perform such duties as prescribed §§ 12-110 through 12-117 of the General Statutes. At each Biennial election one (1) member or two (2) members shall be elected for terms of four (4) years on a rotating basis as their terms expire.  
(Ord. of 9-17-47 § 2; Ord. of 4-21-72; Ord. of 6-4-81; Ord. of 1-1-04)<sup>7</sup>

**Sec. 2-36. Board of Finance.**

There shall be six (6) members of the Board of Finance who shall serve staggered six (6)-year terms, with two (2) members elected every two (2) years. Such Board shall have the duties prescribed in Chapters 106 and 108 of the General Statutes.  
(Ord. of 9-17-47; Ord. of 11-27-70)

**Sec. 2-37. Regional Board of Education.**

Except as otherwise required by General Statutes §§ 9-167a and 10-46, there shall be elected three (3) members to the Board of Education for Regional School District #12 for six (6)-year staggered terms all of which members shall take office on the next July 1 after their election.  
(Ord. of 8-11-67)

**Sec. 2-38. Roxbury Public Library Directors/Hodge Memorial Library Trustees.**

There shall be nine (9) Directors of the Roxbury Public Library Board of Directors of which five (5) Directors shall also be elected to serve as Hodge Memorial Library Trustees. All Directors shall serve six (6)-year staggered terms.  
(Ord. of 9-9-36; Ord. of 4-3-91 which provided for transition to elected nine (9)-member board; Ord. of 1-1-04.)

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<sup>6</sup> State law reference C.G.S. § 9-189a.

<sup>7</sup> State law reference C.G.S. § 9-199.

**Sec. 2-39. Booth Free School Trustees.**

There shall be three (3) Trustees of the Booth Free School who shall serve six (6)-year staggered terms, with one (1) elected every two (2) years.  
(Ord. of 9-17-47; See Ord. of 5-2-41 and Ord. of 8-11-67)

**Sec. 2-40. Planning Commission.**

There shall be five (5) regular members of the Planning Commission who are electors of the Town and shall be elected for four (4)-year staggered terms with three (3) or two (2) members elected every two (2) years on a rotating basis as terms expire.

All Planning Commission members serving six (6)-year staggered terms as of the date of this Ordinance shall complete their term of office. Thereafter all members shall be elected to terms of four (4) years on a rotating basis as terms expire

There shall also be three (3) alternate members who are electors of the Town and who are not members of the Zoning Commission, Zoning Board of Appeals and shall not serve as Zoning Enforcement Officer. When seated, such alternates shall have all powers and duties prescribed by Chapter 126 of the General Statutes. At each biennial election one or two alternates shall be elected for four (4)-year terms on a rotating basis as their terms expire. Vacancies in the alternate position shall be filled by the Commission for the unexpired portion of the term.  
(Ord. of 11-10-61; Ord. of 1-23-86; Ord. of 1-1-04; Ord. of 5-18-10, Eff. 6-28-10, which provided for transition to four (4)-year term).<sup>8</sup>

**Secs. 2-41—2-50. Reserved.**

**DIVISION 3. STATE OFFICERS**

**Sec. 2-51. Registrars of Voters.**

There shall be two (2) Registrars of Voters or such other number as is provided for by General Statutes § 9-189a who shall serve for four (4)-year terms and shall be elected in the even-numbered years. The Registrars of Voters shall take office from the first Wednesday after the first Monday of January succeeding their election.  
(Ord. of 4-21-72)

**Sec. 2-52. Judge of Probate.**

The language in this section is repealed effective January 5, 2011 in accordance with Public Act No. 09-1, An Act Concerning the Recommendations of the Probate Redistricting Commission, which merged the towns of Bethlehem, Oxford, Roxbury, Southbury, Washington, Watertown and Woodbury into a single probate district, Region # 22 Probate District.<sup>9</sup> The Region # 22 Probate District Court will be located at 501 Main Street, South, Southbury, Connecticut.  
(Ord. of 6-28-10, which eliminated the Office of Judge of Probate effective January 5, 2011).

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<sup>8</sup> State Law Reference: C.G.S. § 8-19 and § 8-19a.

<sup>9</sup> Conn. Gen. Stat. § 45a-2 (effective Jan. 5, 2011).

**Sec. 2-53. Justices of the Peace.**

There shall be fifteen (15) Justices of the Peace or such lesser number of Justices as may be permitted by § 9-183a, of the General Statutes, nominated and appointed pursuant to §§ 9-183b, 183c, 184c of the General Statutes, as revised, to four (4)-year terms. Such Justices' term shall commence on the first Monday in January succeeding his election in the even-numbered years.<sup>10</sup>

**Secs. 2-54—2-60. Reserved.**

DIVISION 4. APPOINTED TOWN OFFICERS

**Sec. 2-61. Assessor.**

One (1) salaried Assessor who is employed by and serves at the discretion of the Board of Selectmen. Such Assessor shall have powers and duties and rights conferred upon assessors by the General Statutes.

**Sec. 2-62. Fire Marshal.**

One (1) Fire Marshal and deputy fire marshals having such qualifications as are required by §§ 29-927 and 29-298 of the General Statutes, to perform the duties prescribed for local Fire Marshals in Chapter 541, Part II of the General Statutes.

**Sec. 2-63. Tree Warden.**

One (1) Tree Warden shall be appointed by the Board of Selectmen to serve for a term of one (1) year to perform the duties prescribed by §§ 23-58 and 23-59 of the General Statutes. The Tree Warden may appoint deputy Tree Wardens as he deems expedient.<sup>11</sup>  
(Ord. of 1-1-04)

**Sec. 2-64. Building Official.**

One (1) Building Official whose term and manner of appointment shall be as provided in the General Statutes.

**Sec. 2-65. Constables.**

Up to six (6) Constables may be appointed by the Board of Selectmen for four (4)-year terms.<sup>12</sup>  
(Ord. of 5-26-83; 1-1-04)

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<sup>10</sup> State Law Reference C.G.S. § 9-183b (formerly Sec. 9-252); C.G.S. § 9-372

<sup>11</sup> State Law Reference C.G.S. §§ 23-58, 23-59

<sup>12</sup> State Law Reference C.G.S. § 9-200

**Sec. 2-66. Municipal Historian.**

One (1) Municipal Historian appointed by the Board of Selectmen for a four (4)-year term.  
(Ord. of 5-26-83)

**Sec. 2-67. Municipal Aircraft Regional Official.**

One (1) Municipal Aircraft Regional Official appointed by the Board of Selectmen for a four (4)-year term.  
(Ord. of 1-1-04)

**Sec. 2-68. Zoning Commission.**

The Board of Selectmen shall appoint five (5) regular members of the Zoning Commission who are electors of the Town and who shall be appointed to serve for staggered terms of four (4) years, with one (1) member appointed each year, except every fourth year, when two (2) members shall be appointed. Such terms shall commence from the first day of the month following the date of appointment. The Board of Selectmen shall also appoint three (3) alternate members who shall serve terms of four (4) years.

The alternate members shall, when seated, have all the powers and duties of regular members. Such alternates shall not be members of the Zoning Board of Appeals or Planning Commission. Alternates shall be designated to be seated in rotation so that each alternate acts as nearly equal a number of times as possible.

All Zoning Commission members and alternates serving three (3)-year staggered terms as of the date of this Ordinance shall complete their appointed term of office.

In order to transition to four (4)-year staggered terms, there shall be the following appointments:

- One member shall be appointed for a term of three (3) years commencing on January 1, 2011;
- One member shall be appointed for a term of four (4) years commencing on January 1, 2011;
- One member shall be appointed for a term of four (4) years commencing on January 1, 2012;
- Two members shall be appointed for terms of four (4) years commencing on January 1, 2012;
- One alternate shall be appointed for a term of three (3) years commencing on January 1, 2011;
- One alternate shall be appointed for a term of four (4) years commencing on January 1, 2011;
- One alternate shall be appointed for a term of four (4) years commencing on January 1, 2012.

Thereafter, all members and alternates of the Zoning Commission shall be appointed to serve four (4) year terms, on a rotating basis as appointments expire.

(Ord. of 12-20-65; Ord. of 3-4-68; Ord. of 1-1-04; Ord. of 5-18-10, Eff. 6-28-10, which provided for transition to four (4)-year term).

## **Sec. 2-69. Zoning Board of Appeals.**

There shall be a Zoning Board of Appeals, with all the powers set forth under § 8-6 of the General Statutes and consisting of five (5) members and three (3) alternates, who are electors of the Town and appointed by the Board of Selectmen to serve four (4)-year staggered terms. Regular and alternate members shall not be members of the Zoning Commission. When alternates are seated, they shall have all the power and duties of regular members. If a regular member of a Zoning Board of Appeals is absent, such member may designate an alternate from the panel of alternates to act in his place. If such absent member fails to make such a designation or if he is disqualified, the Chairman of the Zoning Board of Appeals shall designate an alternate from such panel, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.<sup>13</sup>

All Zoning Board of Appeals members and alternates serving five (5)-year staggered terms as of the date of this Ordinance shall complete their appointive term of office.

In order to transition to four (4)-year staggered terms, there shall be the following appointments:

- One member shall be appointed for a term of four (4) years commencing on January 1, 2013;
- One member shall be appointed for a term of two (2) years commencing on January 1, 2014;
- One member shall be appointed for a term of four (4) years commencing on January 1, 2014;
- Two members shall be appointed for terms of four (4) years commencing on January 1, 2015;
- One alternate shall be appointed for a term of four (4) years commencing on January 1, 2013;
- One alternate shall be appointed for a term of two (2) years commencing on January 1, 2014;
- One alternate shall be appointed for a term of four (4) years commencing on January 1, 2014.

Thereafter, all members and alternates of the Zoning Board of Appeals shall be appointed to serve four (4) year terms, on a rotating basis as appointments expire.

(Ord. of 4-14-76; Ord. of 5-18-10, Eff. 6-28-10, which provided for transition to four (4)-year term).

## **Sec. 2-70. Museum Board of Trustees.**

There shall be a Roxbury Museum Board of Trustees consisting of three (3) members, who are electors of the Town and appointed by the Board of Selectmen for four (4)-year staggered terms to organize and administer the Roxbury Museum.

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<sup>13</sup> State Law Reference C.G.S. § 8-5.

All Roxbury Museum Board of Trustees serving a six (6)-year term as of the date of this Ordinance shall complete their appointed term of office. Thereafter, all Museum Board of Trustees shall be appointed to serve four (4) year terms as appointments expire.

(Ord. of 3-8-65 repealed; Ord. of 4-14-76; Ord. of 1-1-04; Ord. of 5-18-10, Eff. 6-28-10, which provided for transition to four (4)-year term).

**Sec. 2-71. Council on Aging.**

There shall be a seven (7) member Council on Aging, where all members of the Council are electors of the Town, and one (1) member of the Council shall be the Municipal Agent for Elderly Persons. The other six (6) members shall be appointed by the Board of Selectmen, for terms of four (4) years with three (3) members appointed every two (2) years on a rotating basis as their terms expire. At least four (4) members shall be over sixty (60) years of age. The First Selectman shall be an ex-officio member of the Council.

All Council on Aging members serving members serving three (3)-year staggered terms as of the date of this Ordinance shall complete their appointed term of office.

In order to transition to four (4)-year staggered terms, there shall be the following appointments, not including the municipal agent:

- Two members shall be appointed for terms of four (4) years commencing on January 1, 2011;
- One member shall be appointed for a term of two (2) years commencing on January 1, 2012;
- One member shall be appointed for a term of one (1) year commencing on January 1, 2012;
- Two members shall be appointed for a term of four (4) years commencing on January 1, 2013;

Thereafter, all members and alternates of the Council on Aging shall be appointed to serve four (4) year terms, on a rotating basis as appointments expire.

(Ord. of 9-12-66; Ord. of 4-17-1995; Ord. of 1-1-04; Ord. of 5-18-10, Eff. 6-28-10, which provided for transition to four (4)-year term).

**Sec. 2-72. Municipal Agent For Elderly Persons.**

One (1) Municipal Agent for Elderly Persons who shall be salaried and shall serve as a member of the Council on Aging and shall be appointed by the First Selectman for (4)-year terms as set forth at § 7-127b of the General Statutes.

(Ord. of 9-12-66; Ord. of 4-17-1995; Ord. of 5-18-10, Eff. 6-28-10, which provided for transition to four (4)-year term).

**Sec. 2-73. Historic District Commission.**

The Historic District Commission shall consist of five (5) regular members and three (3) alternate members, all eight (8) of whom shall be electors of the Town holding no salaried municipal office in the Town and shall be appointed by the Board of Selectmen to serve five (5)-year staggered terms so that the term of at least one (1) member shall expire each year. One or more of the members or alternates of such commission shall reside in the historic district under the jurisdiction of the commission, if there are any persons residing in such district who are willing to serve on the commission. So long as the Town maintains the designation as a Certified Local Government in accordance with the National Historic Preservation Act of 1966, as amended, appointments to membership on the commission shall comply with the Professional Qualification Standards for Certified Local Governments pursuant to 36 Code of Federal Regulations 61. (Ord. of 9-12-66; Ord. of 5-17-95)

**Sec. 2-74. Conservation Commission.**

There shall be Five (5) regular and three (3) alternate members of the Conservation Commission, who are electors of the Town and shall appointed by the First Selectman for four (4)-year staggered terms.<sup>14</sup>

All Conservation Commission members serving three (3)-year staggered terms as of the date of this Ordinance shall complete their appointed term of office.

In order to transition to four (4)-year staggered terms, there shall be the following appointments:

- One member shall be appointed for a term of four (4) years commencing on July 1, 2011;
- One member shall be appointed for a term of three (3) years commencing on July 1, 2011;
- Two members shall be appointed for terms of four (4) years commencing on July 1, 2012;
- One member shall be appointed for a term of four (4) years commencing on July 1, 2013;
- One alternate shall be appointed for a term of four (4) years commencing on July 1, 2011;
- One alternate shall be appointed for a term of four (4) years commencing on July 1, 2012;
- One alternate shall be appointed for a term of four (4) years commencing on July 1, 2013.

Thereafter, all members the Conservation Commission shall be appointed to serve four (4) year terms, on a rotating basis as appointments expire.

(Ord. of 4-21-03; Ord. of 5-20-92; Ord. of 5-18-10, Eff. 6-28-10, which provided for transition to four (4)-year term).

**Sec. 2-75. Recreation Commission.**

There shall be nine (9) members of the Recreation Commission, who are electors of the Town and shall be appointed by the Board of Selectmen to serve for four (4)-year staggered terms.

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<sup>14</sup> State Law reference C.G. S. § 7-131a.

All Recreation Commission members serving three (3)-year staggered terms as of the date of this Ordinance shall complete their appointed term of office.

In order to transition to four (4)-year staggered terms, there shall be the following appointments:

- Two members shall be appointed for terms of four (4) years commencing on July 1, 2011;
- One member shall be appointed for a term of three (3) years commencing on July 1, 2011;
- Two members shall be appointed for terms of four (4) years commencing on July 1, 2012;
- One member shall be appointed for a term of two (2) years commencing on July 1, 2012;
- Three members shall be appointed for terms of four (4) years commencing on July 1, 2013.

Thereafter, all members the Recreation Commission shall be appointed to serve four (4) year terms, on a rotating basis as appointments expire.

(Ord. of 4-21-72; Ord. of 5-20-92; Ord. of 1-1-0; Ord. of 5-18-10, Eff. 6-28-10, which provided for transition to four (4)-year term).

**Sec. 2-76. Lake Lillinonah Authority.**

The Lake Lillinonah Authority shall consist of three (3) delegates appointed by the Board of Selectmen for three (3)-year terms.  
(Ord. of 5-9-90; Ord. of 1-1-04)

**Sec. 2-77. Northwest Region Mental Health Board.**

One (1) member of the Northwest Region Mental Health Board is appointed by the Board of Selectmen and serves at its pleasure.  
(Ord. of 1-1-04)<sup>15</sup>

**Sec. 2-78. Northwest Regional Tourism District.**

One (1) member of the Northwest Regional Tourism District shall be appointed by the Board of Selectmen for three (3)-year terms.  
(Ord. of 1-1-04)

**Sec. 2-79. Marine Constable.**

One (1) Marine Constable shall be appointed by the Board of Selectmen for a four (4)-year term.  
(Ord. of 1-1-04).

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<sup>15</sup> State Law Reference C.G.S. § 17a-484.

**Sec. 2-80. Inland Wetlands Commission.**

There shall be Five (5) regular and three (3) alternate members of the Inland Wetlands Commission, who are electors of the Town and shall be appointed by the Board of Selectmen for four (4)-year staggered terms.

All Inland Wetlands Commission members serving three (3)-year staggered terms as of the date of this Ordinance shall complete their appointed term of office.

In order to transition to four (4)-year staggered terms, there shall be the following appointments:

- One member shall be appointed for a term of four (4) years commencing on September 1, 2011;
- One member shall be appointed for a term of three (3) years commencing on September 1, 2011;
- One member shall be appointed for a term of four (4) years commencing on September 1, 2012;
- Two members shall be appointed for terms of four (4) years commencing on September 1, 2013;
- One alternate shall be appointed for a term of four (4) years commencing on September 1, 2011;
- One alternate shall be appointed for a term of four (4) years commencing on September 1, 2012;
- One alternate shall be appointed for a term of two (2) years commencing on September 1, 2012.

Thereafter, all members the Inland Wetlands Commission shall be appointed to serve four (4) year terms, on a rotating basis as appointments expire.

(Ord. of 8-23-73 effective 9-1-73; Ord. of 5-31-84; Ord. of 5-18-10, Eff. 6-28-10, which provided for transition to four (4)-year staggered terms).

**Sec. 2-81. Cable Channel Delegate.**

There shall be one (1) official, who is an elector of the Town and appointed by the Board of Selectmen for a four- (4) year term to serve as delegate to the local cable channel providing community access.<sup>16</sup>

(Ord. of 1-1-04; Ord. of 6-\_-10, which provided for transition to four (4)-year term).

**Sec. 2-82. Sanitarian.**

One (1) Sanitarian, known as the Environmental Inspector, who is employed by and serves at the discretion of the Board of Selectmen.

(Ord. of 1-1-04)

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<sup>16</sup> State Law reference C.G. S. § 16-331 and Connecticut State Regulation § 16-333-24.

**Sec. 2-83. Director of Health.**

One (1) Director of Health to be appointed for a four (4)-year term with duties as prescribed by the General Statutes.  
(Ord. of 1-1-04)

**Sec. 2-84. River Road Pond Board.**

The language in this section is repealed effective June 18, 2012 thereby dissolving this Board. Three (3) members serve concurrent four (4)-year terms and are appointed by the Board of Selectmen to assist the Town with regard to issues relating to the River Road Pond. One (1) member shall be from the Recreation Commission, one (1) shall be from the Roxbury Land Trust, and one (1) shall be a member of the Board of Selectmen.  
(Ord. of 4-8-83; repealed on May 15, 2012, effective 6-18-12)

**Sec. 2-85. Deputy Treasurer.**

The Town Treasurer with the recommendation of the Board of Selectmen shall appoint one (1) Deputy Treasurer.<sup>17</sup>  
(Ord. of 1-1-04)

**Sec. 2-86. Roxbury Senior Center Board of Directors and Director of the Roxbury Senior Center.**

There shall be five (5) members of the Roxbury Senior Center Board of Directors who shall be electors of the Town and shall be appointed by the Board of Selectmen to serve at the pleasure of the Board of Selectmen. At least one member of said Board of Directors shall be a person who has actively participated in senior citizens programs or organizations. There shall also be a Director of the Senior Center who shall be appointed by the Board of Selectmen and who shall serve at the pleasure of the Board of Selectmen. The Director shall not be a member of the Board of Directors. The First Selectman shall be an ex officio member of the Board of Directors.  
(Ord. of 5-20-08, effective 6-11-08)

**Sec. 2-87. Other Officers.**

Such other officers or officials as the Board of Selectmen or the Town shall from time to time by resolution determine.

**Sec. 2-88-100. Reserved.**

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<sup>17</sup> State Law Reference C.G.S. § 7-80.

## DIVISION 5. VACANCIES

### **Sec. 2-101. Elective Offices.**

Except as otherwise required by the General Statutes or otherwise provided in this Code, any vacancy for elective Town office, except the office of the First Selectman and member of the Board of Selectmen, shall be filled by appointment of the Board of Selectmen for the unexpired portion of the term of the person vacating office, providing that when a person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by a member of the same political party or an unaffiliated elector. The provisions of this section shall not apply to the Regional Board of Education.

(See Ord. of 9-17-47 amended by Ord. of 1-1-04)<sup>18</sup>

### **Sec. 2-102. First Selectman and Members of the Board of Selectmen.**

Any vacancy in the office of First Selectman or in the office of Selectmen, shall be filled within thirty (30) days of its occurrence by the remaining members of the Board of Selectmen. Said remaining members may appoint themselves to fill a vacancy of the First Selectman, if they so desire, and shall then fill the ensuing vacancy in the office of Selectman as herein provided. If such a vacancy is not so filled within thirty (30) days after the date of its occurrence, the vacancy shall be filled in accordance with the provisions of § 9-222 of the General Statutes.

(Ord. of 1-1-04)

### **Sec. 2-103. Appointive Offices.**

Unless otherwise provided by the General Statutes or this Code, any vacancy in any appointive office shall be filled by the authority having the power to make the original appointment to such office. If the vacancy shall be in an office having a fixed term, such vacancy shall be filled for the unexpired portion of such term.<sup>19</sup>

(Ord. of 1-1-04)

### **Secs. 2-104—2-110. Reserved.**

## DIVISION 6. TOWN EMPLOYEE PENSIONS

### **Sec. 2-111. Establishment.**

The Board of Selectmen is authorized to establish and maintain a pension for full-time Town employees. Said Board is further authorized to adopt regulations as to eligibility, retirement age, benefits, life insurance and variable annuities.

(Ord. of 8-2-74; Ord. of 1-1-04; Ord. Amend. adopted 5-16-06, effective 6-3-06).<sup>20</sup>

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<sup>18</sup> State Law Reference C.G.S. §§ 9-164, 9-220, 9-221, 9-222, 9-391, 9-452; 9-183b and c.

<sup>19</sup> State Law Reference C.G.S. § 9-220.

<sup>20</sup> State Law Reference C.G.S. §§ 7-425 et seq.

**Sec. 2-112. Administration.**

The Board of Selectmen is hereby authorized to enter into an agreement with such financially sound corporation or corporations for the establishment, maintenance and administration of the pension system set forth at Sec. 2-111 above, which agreement shall provide for the eligibility, retirement age, amount of benefits and amount of life insurance. (Ord. of 8-2-74)

**Sec. 2-113. Appropriations.**

The pension system set forth at 2-111 and 2-112 above shall be financed by appropriations from the Town. (Ord. of 8-2-74)

**Secs. 2-114—2-140. Reserved.**

**ARTICLE III. BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES**

**DIVISION 1. GENERALLY (RESERVED)**

**Secs. 2-141—2-150. Reserved.**

**DIVISION 2. BOARD OF FINANCE**

**Sec. 2-151. Establishment.**

There shall be a Board of Finance with all the duties prescribed in Chapters 106 and 108 of the General Statutes. (Ord. of 11-27-70)

**Secs. 2-152—2-160. Reserved.**

**DIVISION 3. COUNCIL ON AGING**

**Sec. 2-161. Council on Aging.**

There shall be a Council on Aging to study the needs of and to create, coordinate, and foster programs to promote health, education, welfare, and well-being of the aged of the Town. Annually, the Council shall elect a Chairman from its members, as well as such other officers as it may from time to time deem necessary. The Council shall have the power to adopt rules and regulations for the conduct of its meetings. A majority of the members of the Council shall constitute a quorum and said Council shall hold such regular and special meetings as are necessary to carry out its responsibilities. No action shall be valid unless authorized by a majority of the members. The Council shall keep minutes and records of all of its meetings and work. The Town may make appropriations to cover expenses of the Council. Specifically the powers and duties shall be as follows:

- (1) To foster understanding, respect, and involvement of the aged in the life of the community;

- (2) To encourage participation of the aged in all aspects of community life;
- (3) To foster equal access for the aged to Town resources, facilities, and programs through consultation and participation in planning;
- (4) To continuously study and analyze the conditions and needs of the aged in the community in relation to housing, economic conditions, employment, health, recreational and other matters;
- (5) To coordinate applications for State, Federal, or other grants which would support areas of need that are important to the aged for presentation to the Board of Selectmen for consideration and approval;
- (6) To coordinate local agency programs, both public and private, which provide services for the aged for presentation to the Board of Selectmen for consideration and approval;
- (7) From time to time or upon the request of the Board of Selectmen, to submit a report of its doings to the Board of Selectmen.

(Ord. of 3-24-88 effective 4-1-88)

**Secs. 2-162—2-170. Reserved.**

**DIVISION 4. NORTHWESTERN CONNECTICUT COUNCIL OF GOVERNMENTS**

**Sec. 2-171. Membership.**

The Town shall be a member of the Northwestern Connecticut Council of Governments and in furtherance thereof, adopts §§ 4-123(i) to 4-124 (p) inclusive of the General Statutes, as amended.

(Ord. of 8-9-85 repealing Ord. of 8-23-73)

**Sec. 2-172. Representatives.**

The First Selectman will be the Town's representative to the Northwestern Connecticut Council of Governments in accordance with § 4-123(k) of the General Statutes, as amended. The Board of Selectmen is authorized to appoint one of the other Selectmen to act as the Town's representative in the absence of the First Selectman.

(Ord. of 8-9-85)

**Secs. 2-173—2-181. Reserved.**

**Sec. 2-182. Roxbury Senior Center Board of Directors.**

There shall be a Roxbury Senior Center Board of Directors that shall be responsible for setting the policies and overseeing the affairs of the Roxbury Senior Center ("Center").

These duties shall include:

- (1) Preparation of an annual budget for presentation to Board of Selectmen;
- (2) Oversight of the Center financial operation;
- (3) Oversight of the programs, and operations of the Center;
- (4) Direct the work of the Center Director;
- (5) Setting policies for the use of the Center.
- (6) Adopt rules and regulations for the operation of the Center .

Such policies, bylaws, rules and regulations shall be consistent with the goals of providing a Center where Roxbury's seniors may enjoy the opportunities to enrich their lives through programs that foster involvement in community life, promote well-being and independence, enhance dignity and respect, and provide services, assistance, and fellowship. The Board shall report to the Board of Selectmen. Annually, the Board shall elect a Chairman from its members, as well as such other officers as it may from time to time deem necessary. The Board shall have the power to adopt bylaws for its governance; A majority of the members of the Board shall constitute a quorum and said Board shall hold such regular and special meetings as are necessary to carry out its responsibilities. No action shall be valid unless authorized by a majority of the members. The Board shall keep minutes and records of all of its meetings and work. At least once per year, and from time to time or upon the request of the Board of Selectmen, the Board of Directors shall submit a report of its doings to the Board of Selectmen. (Ord. of 5-20-08, effective 6-11-08)

**Secs. 2-183—2-200. Reserved.**

## **ARTICLE IV. FINANCE**

### **DIVISION 1. BUDGET PROCEDURE**

#### **Sec. 2-201. Budget Preparation and Adoption.**

Not less than two (2) weeks before the annual budget Town Meeting, the Board of Finance shall hold a public hearing, at which itemized estimates of expenditures of the Town for the ensuing fiscal year shall be presented and at which all persons shall be heard in regard to any appropriation which they are desirous that the board should recommend or reject. The Board of Finance shall, after such public hearing, hold a public meeting at which it shall consider the estimates so presented and any other matters brought to its attention and shall thereupon prepare and cause to be printed a report in a form prescribed by the State of Connecticut Office of Policy and Management containing:

- (1) An itemized statement of all actual receipts from all sources of the Town during the last fiscal year;

- (2) An itemized statement by classification of all actual expenditures during the same year;
- (3) An itemized estimate of anticipated revenues during the ensuing fiscal year from each source other than from local property taxes and an estimate of the amount that should be raised by local property taxation for such ensuing fiscal year;
- (4) An itemized estimate of expenditures of the Town for such ensuing fiscal year;
- (5) The amount of revenue surplus or deficit of the Town at the beginning of the fiscal year for which estimates are being prepared;
- (6) The report shall be printed in a number equal to ten (10%) percent of the population of the Town according to the most recent federal census and shall be available for distribution at least five (5) days before the annual budget meeting. The Board of Finance shall submit such estimate with its recommendations to the annual budget Town Meeting next ensuing, and such Meeting shall take action upon such estimate and recommendations, and make such specific appropriations as appear advisable, but no appropriation shall be made exceeding in amount that for the same purpose recommended by the Board of Finance and no appropriation shall be made for any purpose not recommended by the Board of Finance.

(Ord. of 11-5-55 amended by Ord. of 1-1-04)<sup>21</sup>

**Secs. 2-202—2-210. Reserved.**

DIVISION 2. RESERVE FUND

**Sec. 2-211. Reserve Fund.**

Pursuant to § 7-360 of the General Statutes, the Town shall have a reserve fund for Capital and Non-Recurring Expenditures.

(Ord. of 3-5-45)<sup>22</sup>

**Secs. 2-212—2-220. Reserved.**

DIVISION 3. PURCHASING PROCEDURES

**Sec. 2-221. Bid Procedure for Certain Capital Purchases.**

All purchases by the Town of any capital item having an estimated cost which shall exceed \$10,000 with the exception of all materials used in the maintenance of Town roads shall be purchased by the Board of Selectmen as follows:

- (1) The Board of Selectmen, or its agents, shall prepare specifications for all such items to be purchased;

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<sup>21</sup> State law reference C.G.S. § 7-344.

<sup>22</sup> State law reference C.G.S. §§ 7-148 and 7-359.25.

- (2) An invitation to bid generally describing the item to be purchased, stating where detailed specifications can be obtained, and the time and place for filing bids and the opening thereof, shall be published at least once in a newspaper having a circulation in the Town and neighboring communities at least five (5) days before the time for filing bids expires;
- (3) When deemed advisable by the Board of Selectmen, a bid deposit or bid bond may be required with any bid, the terms thereof to be specified in the specifications;
- (4) All bids shall be submitted in sealed envelopes and shall be opened in public at the time and place stated in the public notice; all bids shall be available for public inspection;
- (5) The Board of Selectmen shall have the authority and shall so specify in the specifications, to reject any and all bids; the successful bidder shall be solely as determined by the Board of Selectmen and the bid will not automatically be awarded to the lowest bidder.
- (6) The Board of Selectmen may, in the event of a public emergency or when in its judgment compliance with this policy is neither feasible nor in the best interests of the Town, waive any provisions of the above procedure. Such action, together with the rationale therefore, shall be documented in the minutes of the meeting at which the waiver is approved.
- (7) Although obtaining multiple price quotes is generally beneficial and is encouraged in most instances, the following purchases/ expenditures are exempt from the requirements established by this policy:
  - (A) Items purchased from the State of Connecticut's official competitive bid list;
  - (B) Items purchased from competitive bid lists compiled by purchasing cooperatives or regional purchasing agencies, provided that the Board of Selectmen has previously approved such entities;
  - (C) Items listed in the State of Connecticut's official competitive bid list or other competitive bid lists approved by the Board of Selectmen but purchased from a different source identified through informal requests for price quotes, provided that such expenditure, the vendor and price thereof, and the price set forth in the State of Connecticut of other approved competitive bid list is reported to the Board of Selectmen at its next regularly scheduled meeting and reflected in the minutes thereof; and
  - (D) Used Items available through the National Joint Powers Alliance or other national municipal membership organizations that provide purchasing programs for municipal governments.

(Ord. of 8-18-77 and Ord. of 1-1-04, Amendment to add Sections 6 and 7 Adoption 5-21-13, effective 6-28-13)

## CHAPTER 3. BUILDINGS AND BUILDING REGULATIONS

### ARTICLE I. BUILDING REGULATIONS

#### Sec. 3-1. Adoption.

Per § 29-253 of the General Statutes, the Town hereby adopts The State Building Code including any amendments to said code adopted from time to time by the State Building Inspector and the Codes and Standards Committee.<sup>23</sup>  
(See Ord. of 10-25-70)

#### Sec. 3-2. Fees.

No structure within the Town shall be erected, altered, enlarged or demolished without obtaining a permit as required by the provisions of the State Building Code, Section 112 and no permit shall be issued except upon payment to the Town of a fee in the amount that is to be determined in accordance with the fee schedule adopted from time to time by Town Meeting.<sup>24</sup>  
<sup>25</sup>

#### Sec. 3-3. Waivers.

The Board of Selectmen is authorized to waive any or all building permit fees and land use permit fees on applications submitted to the Town commissions and boards by the Town or by any bona-fide non-profit tax-exempt organization.  
(Ord. of 5-9-80).

#### Sec. 3-4. Violations.

Any person who shall violate a provision of the State Building Code or shall fail to comply with any of the requirements thereof or shall erect, construct, alter, or repair a building or structure in violation of any approved plan or directive of the Building Official, or of a permit or certificate issued under the provision of the Code shall be subject to the fines and penalties set forth in the State Building Code that are made applicable to the Town by § 29-254(a) of the General Statutes and including those set forth at § 29-254a of the General Statutes.  
(Ord. of 4-21-72; Ord. of 1-1-04).

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<sup>23</sup> State Law Reference, C.G.S. § 29-253.

<sup>24</sup> The State Building Code at Section 14.3.1 provides that each municipality shall establish a Schedule of fees for building permits. See Addendum for Schedule of Fees and method for figuring valuation for building permit fees. See Section 112 of the Code.

<sup>25</sup> State Law Reference C.G.S. § 29-254(a).

### **Sec. 3-5. Stop Work Order.**

Any person who shall continue any work in or about a building after having been served a stop work order, except such work as such person is directed to perform to remove a violation or unsafe conditions, shall be liable for a fine of not less than \$200.00 or more than \$1,000.00 (or such greater amount as may be provided in the State Building Code as adopted in the General Statutes from time to time), or imprisoned not more than six (6) months or both. (Ord. of 4-21-72; Ord. of 1-1-04).<sup>26</sup>

### **Sec. 3-6. Building Permits and Delinquent Taxes.**

The Building Official shall not issue a building permit to conduct work on any real property as to which there is outstanding delinquent taxes. Any person applying for a building permit shall present to the Building Official a written statement to the Building Official by the Tax Collector, on a form prescribed by the Tax Collector and Building Official, that the taxes on the real property that is the subject of the building permit application are either current or delinquent. If the Building Official does not receive such a statement within the time prescribed by law for deciding the building permit application, or if the certificate indicates that there are delinquent taxes on the property and the applicant fails to provide proof to the Building Official within said time that such delinquent taxes (including interest, lien fees, and litigation expenses and attorney's fees, if applicable) have been paid in full, the Building Official shall deny the building permit application. Nothing in this section shall prohibit the Building Official from issuing a permit to perform repairs to an existing structure that is unsafe within the meaning of the State Building Code if the Building Official determines that such repairs should be performed immediately to protect the safety of either the building's occupants or the public. (Ord. of 5-15-96).

### **Secs. 3-7—3-30. Reserved.**

## **ARTICLE II. HOUSE NUMBERING SYSTEM**

### **Sec. 3-31. Organization of Quadrants.**

The Town shall be considered to be divided into four quadrants for numbering purposes. The east/west axis to be the thoroughfares currently known as North Street (Route 199) and South Street. The north/south axis to be the thoroughfares currently known as Church Street and Good Hill Road as well as Wellers Bridge Road and Route 67. Their juncture shall be considered to be at the base of the Seth Warner Monument on the Town green. Street house numbers shall start with number "1" and increase consecutively outward from this point along the axis roads, along all the other roads starting from their juncture with the axis roads and along all other roads starting from their end and which is closest to an axis road.

### **Sec. 3-32. Assigned Numbering.**

Even numbers shall be assigned to the northerly and easterly sides of all public thoroughfares, odd numbers to the southerly and westerly sides.

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<sup>26</sup> State Law Reference C.G.S. § 29-254a.

### **Sec. 3-33. Numbering Increments.**

The increments of measurement for numbering purposes shall be one hundred feet (100') measured along with the street line.

### **Sec. 3-34. Assignments to Lots.**

All lots and structures shall receive their individual numerical designation based on the 100-foot increment with which they are most closely in line and shall be as closely in sequence with adjacent numbers as possible. However, the numbers of possible future lots, interior lots, or structures to be numbered, shall be taken into consideration when numbers are assigned.

### **Sec. 3-35. Changes to Assigned Numbers.**

Conscious effort shall be made to correctly establish and permanently retain all numbers. Once assigned, numbers shall not be arbitrarily altered. However, it is recognized that valid reasons for changes may arise. Therefore, when changes of established numbers are to be made, they must be made in harmony with the overall system and approved by the Planning Commission. Written notification of all changes must be sent by the entities initiating the change, to all property owners of record affected by the change, the Town Emergency Service Organization and the U.S. Postal Service.

### **Sec. 3-36. New Roads.**

Should an existing or new thoroughfare cross an axis road, street numbers are to increase outwardly from the axis road as previously described. However, the segments of these roads on each side of the axis road must be named or renamed to reflect their orientation. (Example: ABC Lane might become East ABC Lane and West ABC Lane).

### **Sec. 3-37. Accessory Buildings.**

Individual numbers shall be assigned for all structures except for accessory buildings which shall share the same number assigned to the major structure, unless their function and/or location warrants being assigned a separate number. (Example: Detached garage or barn would share the same number as the house to which it is an accessory unless it is legally used as a separate entity, i.e., residence and separate shop on a separate or detached lot).

**Sec. 3-38. Display of Assigned Number.**

The owner of any property to which a number(s) is assigned or designated, or his agent, shall be required to post and maintain a two-directional display of the assigned number(s); this display shall not be less than ten (10) feet from the traveled portion of the public or private road on which the property fronts, and shall be attached to a structure, on a sign erected for this purpose, or by any other practical means acceptable to the Town emergency services coordinator; the two-sided display shall be positioned so as to be visible to vehicles approaching the property or driveway from either direction along the road. These numbers shall be of plain Arabic style, of contrasting color to their background, made of a reflective material or reflective paint so as to be visible from at least fifty feet at night and of a size suitable to the situation, but in no case less than three (3) inches in height. The numbers must be readily visible and plainly legible from the roads on which the property fronts. The locations of these numbers should cause no confusion as to which property they refer. In the event of any ambiguity, disagreement or difficulty in determining the proper number(s) to assign to any structure or lot, such number(s) shall be established by the Planning Commission.

**Sec. 3-39. Amendments to Procedure.**

These numbering procedures and requirements may be amended at the discretion of the Roxbury Planning Commission by a simple majority vote, provided, however, that due notice of the proposed changes(s) are noted in the call of the meeting; that such changes are in general harmony with the intent of the numbering system; that such changes meet all State regulations; and that wherein such changes affect previously assigned numbers, the required notifications will be sent.

**Sec. 3-40. Compliance Date.**

With the projected establishment of a 911 Emergency Calling System, implementation of a workable numbering system is required for the Town. The deadline for compliance with this Ordinance is March 1, 2001.

**Sec. 3-41. New Construction.**

Owners of property with new construction and new driveway sites shall cause to be erected and maintained a temporary sign displaying the lot or building number(s); this sign shall face the road and shall be visible and legible from the road abutting the property; such sign shall be removed by the property owner after obtaining a certificate of occupancy.

**Sec. 3-42. Enforcement.**

This ordinance may be enforced by citations issued by the Town emergency services coordinator who may impose a fine of \$50 per violation, providing a written warning of the specific violation has been issued at least fourteen (14) days prior to the issuance of the citation.

(Ord. of 6-19-87 and Ord. 12-14-2000, amendment effective March 1, 2001)

**Secs. 3-43—3-60. Reserved.**

**ARTICLE III. DRIVEWAYS, UTILITY CROSSINGS AND GATED PROPERTY  
EMERGENCY ACCESS**

**Sec. 3-61. General.**

This ordinance sets forth the policies, rules, procedures, standards and specifications of the Town for the administration and enforcement of the construction, reconstruction and alteration of driveways, the requirements for utility crossings on Town Roads and requirements for emergency access to gated properties.

**Sec. 3-62. Scope.**

It shall be unlawful for any person, firm or corporation to hereafter construct, reconstruct or otherwise alter the grade or layout of any driveway abutting or intersecting any State Highway, Town Road or Private Road before first filing a written application with the First Selectman and receiving a permit therefor. The permit will be issued only after Inland Wetlands approval and will be contingent upon zoning approval where required. The granting of a driveway permit is not certification by the Town that the driveway is safe or adequate for use by emergency equipment or vehicles. Further, it shall be unlawful to undertake utility crossings or maintain properties with locked access gates without compliance with this Ordinance.

**Sec. 3-63. Definitions.**

Whenever used in this Ordinance, the following words or terms have the meanings indicated:

*Alter and Alteration* means to change the elevation, location or layout of a driveway.

*Construct or Construction* means the installation of a driveway or any portion thereof.

*DIO*. Driveway Inspection Officer means the First Selectman's duly authorized representative to carry out the duties set forth hereunder for such officer.

*Driveway* means any area providing for vehicular access (be it permanent or temporary) to or from a Town Road, State Highway or Private Road.

*Inland Wetlands* means the Inland Wetlands and Watercourses Commission of the Town of Roxbury.

*Private Road* means all access ways and driveway corridors to two or more residences or lots, other than Town Roads and State Highways.

*Reconstruct* means to change the location or grade of an existing driveway, but does not include maintenance and/or repair. Maintenance and repair include re-grading, adding additional material, re-paving or re-coating, and/or making minor drainage improvements that will not result in change of grade or drainage patterns on existing driveways.

*State Highway* means Route 67, Route 199, Route 317, Route 47 or any other road under Connecticut Department of Transportation ("D.O.T.") jurisdiction.

*Town Road* means any road, street or highway within the Town that has been accepted by the Town and continues to be recognized as such on the Town's road list, or may be accepted into the Town Road system.

*ZEO* means the Zoning Enforcement Officer of the Town.

*Zoning* means the Zoning Commission of the Town.

### **Sec. 3-64. Application and Plans.**

The application for Construction, Reconstruction or Alteration of a Driveway shall be in writing on forms provided by the First Selectman and shall include:

- (1) Plans: One (1) print of driveway plans drawn to a scale of 1" = 40' (conforming to standards for a Class A-2 survey and prepared by a Connecticut licensed surveyor, engineer or architect) including the following:
  - (A) Location of the intersection of the driveway with the State Highway, or Town Road or Private Road by distance to some permanent reference point.
  - (B) Length and width of Driveway and proposed surface material. Plans shall show a paved apron if Driveway is intersecting with a paved road, except as otherwise provided by the Roxbury Zoning Regulations.
  - (C) Existing and proposed grades and percent of gradient along centerline of Driveway by contour, spot elevations or profile. (Profile shall be at a scale of 1" = 40' horizontal, 1" = 4' vertical.)
  - (D) All lot lines and significant physical features of the lot such as stone walls, large trees, utility poles, rock outcroppings, as they relate to the road and Driveway.
  - (E) Existing road drainage along entire frontage of a lot or parcel, including, without limitation, culverts, leak-offs, ditches, including invert elevations and direction of flow. If no road drainage exists in front of a lot or parcel, show the distance to the nearest downhill drainage structure, and the size and type of such structure.
  - (F) Existing and proposed drainage on a lot or parcel, including without limitation, culverts, streams, intermittent watercourses, ditches, swales, foundation and gutter drains, curtain drains and general site drainage patterns (grading) as they relate to the Town Road and Driveway. Also show any proposed or existing drainage easements.
  - (G) Existing Driveway sight lines and proposed sight lines; plans shall also show any Driveway related improvements.
  - (H) Proposed sedimentation and erosion control measures as required by Sec. 9.6 of this Ordinance.

(I) Copy of permit from Inland Wetlands, if applicable to Driveway construction area.

(2) Fee: The application fee shall be \$25.00 for each residence or farm served by a Driveway, and \$100.00 for each Driveway for non-residential use, other than farming, and including commercial, industrial or institutional property.

### **Sec. 3-65. Permits and Bonding.**

(a) Permit Procedures: A Driveway Permit shall be issued in writing by the First Selectman subject to:

- (1) Plan Revisions: The completion of any revisions of the plans for the construction of the Driveway and other improvements requested by the First Selectman and/or the DIO.
- (2) Bond: To guarantee the satisfactory completion of the Driveway as approved under the permit, the applicant shall post a cash bond in the amount of \$1,000 or such greater amount as the First Selectman or DIO deems sufficient to secure the performance and completion of the Driveway improvements regulated hereunder.
- (3) Time Limit: The permit shall be valid for a period of one (1) year or such lesser period as the First Selectman may specify. However, Construction, Reconstruction or Alterations allowed by all Driveway Permits shall be completed within six (6) months of issuance of a Certificate of Occupancy by the building official. Any permit, which has expired, may be renewed only upon reapplication and repayment of the fees.

(b) Hold Harmless: The applicant agrees to hold the Town harmless against any losses, cost, or damage (including reasonable attorney's fees) incurred by the Town arising from an action for personal injury or property damages, or otherwise, relating to the construction, reconstruction or alteration of said Driveway.

### **Sec. 3-66. Revocation.**

The First Selectman may revoke or suspend a Driveway Permit when either the First Selectman and/or the DIO determines that the permit work is not being carried out in accordance with the permit and/or this Ordinance.

### **Sec. 3-67. Release of Bond.**

Upon the completion of the permit work in accordance with this Ordinance and upon the issuance by the First Selectman or DIO of a certificate of approval for said permit work, the permittee shall be entitled to the return of the cash bond. In the event that the work is not completed in accordance with this Ordinance, the permit issued herein and/or within the time period granted for completion and any extensions thereof the First Selectman or DIO may call the bond. Even if the bond is called, permittee shall remain liable for the satisfactory completion of the permit work at his sole cost and expense. The Town is under no obligation to accept the permit work for which the bond is called. The Town shall be allowed, in its sole discretion, after calling such bond to do, or cause to be done, the permit work at the sole cost and expense of the permittee.

### **Sec. 3-68. Design.**

Driveways shall conform to the following requirements:

- (1) Intersection with Roads: Driveways shall intersect roads at or as near to a right angle as is practical so as not to interfere with existing drainage, the movement of traffic or removal of snow from the abutting roadway.
- (2) Storm Drainage: Road drainage or existing storm flow within the road right-of-way shall not be changed or obstructed by a Driveway and the applicant must provide, at his expense, suitable drainage structures and/or drainage pipes, a minimum of fifteen (15) inch inside diameter or larger, as approved by the DIO. Driveways shall not direct storm water onto the surface of the traveled portion of any existing or proposed road or onto any other adjacent property. Whenever possible, drainage shall be channeled into a formal drainage system. Where a Driveway slopes down to the pavement in a Town Road or Private Road, adequate provisions shall be made for the flow of storm water into the normal drainage pattern and not into the traveled portion of the road. No Driveway shall be constructed so that its intersection with a Town Road or Private Road is above the level of the existing gutter line of the roadway. Where the contour of the land is such that, in the opinion of the First Selectman, the construction of a Driveway may create a drainage problem, the First Selectman may order the installation of necessary catch basins, culverts, headers and retaining walls. Driveways intersecting with State Highways shall conform to standards required by a State Permit as far as State jurisdiction of the intersection extends.
- (3) Grades: Driveway grades shall not exceed:
  - (A) Five (5) percent from the edge of the road pavement for a distance along said Driveway of not less than twenty-five (25) feet;
  - (B) Except as hereafter provided, fifteen (15) percent at any point beyond said twenty-five (25) feet. Grades steeper than such fifteen (15) percent may be approved by the DIO when the topography warrants such approval in order to prevent deep cuts and/or fills and where otherwise in the best health, safety and welfare interests of Town. In addition to the plan required at Sec. 4 hereof, the First Selectman or

DIO may require an engineered plan, and, if so, a certified “as-built” plan upon completion. Any portion of the Driveway that exceeds fifteen (15) percent shall have a base and surface as set forth at Sec. 3-69(d) herein. Provisions shall be made for storm water runoff to prevent erosion or the concentration of storm water runoff onto adjacent property and roadways.

- (4) Apron: A paved apron shall be provided from the road pavement to the street line and flared at the road to permit normal turning by vehicles using the Driveway. The length of the apron shall not be less than twenty (20) feet. The First Selectman may permit stone pavers where the resulting apron is safely serviced by vehicles, other municipal equipment and emergency equipment.
- (5) Width of Driveway: The traveled surface of each Driveway serving one (1) residential lot or farm shall not be less than ten (10) feet wide with a cleared width and height (for emergency vehicles and large trucks) of twelve (12) feet. Every Driveway shall provide for a vehicular turnaround near the principle structure on the property served by the Driveway. Driveways over five hundred (500) feet in length shall be widened with an all weather surface every four hundred (400) feet or less to a width of at least eighteen (18) feet for a distance of at least forty (40) feet so that a moving vehicle can pass a vehicle stopped in the widened area.
- (6) Sight Distance: Sight lines at intersection of Driveways and roads shall be a minimum of two hundred (200) feet along Town Roads or Private Roads in both directions. However, where such sight distance is not possible, the DIO may reduce this requirement if the applicant submits sufficient information establishing to the satisfaction of the First Selectman or DIO that the reduced sight distance is safe. The measurement of the sight distance shall be made ten (10) feet off the traveled edge of the roadway at an eye height of three and one-half (3.5) feet above the finished grade of the Driveway.
- (7) Culverts: Culverts under the Driveway and bridges over culverts/streams in the Driveway shall be provided if needed in the opinion of the First Selectman to provide a safe Driveway with adequate drainage. Any such bridge or culvert shall be capable of accommodating emergency and Fire Department vehicles.
- (8) Parking in Right-of-Way: Construction of a parking area on the road right-of-way is prohibited.
- (9) Location: The first twenty-five (25) feet of Driveway measured from the road intersection shall be confined between lines projected from the frontage corners of the property perpendicular to the center of the highway, but the DIO or First Selectman may waive this requirement, in cases of hardship, in writing. Hardship may be based on practical unfeasibility, topographical limitations, wetlands protection requirements and safety considerations.

- (10) State Highway Permit: If the Driveway is to be on a State Highway, a written permit from the D.O.T., Permit Encroachment Division, is required before any Driveway Permit for a Driveway from the State Highway can be issued by the Town.
- (11) Shared Driveways: If permitted by applicable zoning and subdivision regulations, shared Driveways shall comply with all applicable requirements of such regulations and this Ordinance.

### **Sec. 3-69. Construction, Reconstruction, Alterations.**

(a) Inspection: A Driveway constructed, reconstructed or altered within the road right-of-way pursuant to a Driveway Permit shall be subject to inspection by the DIO or First Selectman. The DIO or First Selectman has the right to require such changes, additions and relocations as in the opinion of the DIO or First Selectman may be necessary to provide protection to life and property. To facilitate the scheduling of inspections, the applicant shall give the DIO or First Selectman, as applicable, at least three (3) working days' notice before commencement of permit work of any Driveway.

(b) Paved Apron: All aprons, herein shall have a compacted subgrade, an eight (8)-inch compacted gravel base and two (2) inches of compacted bituminous concrete or four (4) inches of concrete or other surface approved by the Town. No Driveway apron is to be installed with an overlap of pavement onto or over a Town Road. The two pavement edges are to be cut and blended together so as to obtain a smooth junction with no protrusions.

(c) Safety Railings: If any Driveway installation requires the removal of a portion of a cable or wood or metal beam railing within the street right-of-way, proper replacement and anchoring of the safety railing on each side of the Driveway shall be provided by applicant.

(d) Base and Surface Requirements: Subject to Sec. 3-68(3)(B) above, all Driveway areas with grades greater than fifteen (15) percent shall have a compacted subgrade, at least six (6) inches of compacted gravel base and at least two (2) inches of compacted bituminous concrete or four (4) inches of concrete or other surface approved by the First Selectman or DIO. Areas of Driveways beyond the apron with grades fifteen (15) percent or less shall have a compacted subgrade and at least eight (8) inches of compacted gravel **OR** a compacted subgrade with at least six (6) inches of compacted gravel base and either at least two (2) inches of compacted bituminous concrete or four (4) inches of concrete or other surface approved by the First Selectman or DIO.

(e) Public Safety: During construction the applicant shall not create a hazard to the traveling public and shall furnish such protective devices or police protection as the First Selectman may require at the applicant's expense.

(f) Erosion Control: Erosion and sedimentation control requirements are applicable to all construction work, which causes disturbance to the existing ground surface. All control measures shall be constructed and maintained during construction in accordance with the Erosion and Sediment Control Handbook, latest edition, Soil Conservation Service, U.S. Department of Agriculture.

**Sec. 3-70. Utility Crossings.**

Installation of any underground utility across a Town Road shall require a road excavation permit from the First Selectman prior to commencement of work and will require a \$500 cash bond in addition to the bond at Sec. 3-65(a)(2) herein, if applicable.

**Sec. 3-71. Access to Locked Entrance Gates by Emergency Service Providers.**

Owners of improved properties for which access is through a locked gate shall:

- (1) Provide the Roxbury Volunteer Fire Department (“Fire Department”) with at least one of the following means of access for non-electric or electrically operated gates: A key or access code that shall be placed in a lock box installed in the area of the gate; the type and location of lock box shall be pre-approved by the Roxbury Fire Chief or Fire Marshal.
- (2) Provide for any electrically operated gate providing access to automatic intrusion and/or heat/smoke monitored-alarmed properties to open and remain open in the open position upon activation of the alarm.

**Sec. 3-72. Consultants.**

If a consultant is required for review of plans or inspections, those costs will be incurred by the applicant or property owner, as applicable, in the same procedure as set forth in the Town's Supplemental Land Use Fee Ordinance.

**Sec. 3-73. Inconsistencies.**

If any provision of this Ordinance conflicts with any other law or regulation, including without limitation, Roxbury Zoning and Subdivision regulations, the stricter requirement or provision shall control.

**Sec. 3-74. Waiver of Driveway Requirements.**

The applicant may by written request to the First Selectman, request a waiver from one or more of the requirements of the provisions of this Ordinance regarding Driveways based on a showing of practical unfeasibility, topographical limitations, safety issues and wetlands protection requirements. The First Selectman may approve such a waiver upon such a showing providing the applicant substantiates that the Driveway may be safely constructed notwithstanding the waiver.

**Sec. 3-75. Repeal of Inconsistent Ordinance.**

All provisions of any Town-wide ordinances, not including Zoning or Subdivision regulations that are inconsistent with this Ordinance shall be repealed.

**Sec. 3-76. Remedies and Penalties.**

The First Selectman may institute any appropriate action or proceedings to enforce the provisions of this Ordinance or to prevent, restrain, enjoin, correct or abate any violation of this Ordinance, as may be authorized by law. Any person, firm or corporation who shall construct, provide, move, alter or reconstruct any Driveway that is subject to this Ordinance, except under a valid Driveway Permit, shall be fined no more than one hundred (\$100.00) per violation. The right to appeal under this Ordinance shall be subject to the procedures of Connecticut State Statute § 7-152c.  
(Ord. of 12-14-2000; Adopted 11-28-2001; Effective 12-17-2001)

**Secs. 3-77—3-99. Reserved.**

**ARTICLE IV. WAITING PERIOD FOR DEMOLITION PERMITS**

**Sec. 3-100. Waiting Period Imposed.**

As authorized by § 29-406 (b) of the General Statutes, there is hereby imposed a ninety (90) day waiting period before granting any permit for the demolition of any building or structure, including any accessory structure(s), that is five hundred (500) square feet or larger in size and is located on the properties listed in the Town’s historical and architectural survey book, “Roxbury, A Historic and Architectural Resource Survey,” sponsored by the Roxbury Historic District Commission and the Connecticut Historical Commission prepared by Cunningham Associates Ltd., Middletown, CT dated 1996-1997 (“Survey”), which Survey is on file in the Roxbury Town Clerk’s Office and office of the Roxbury Building Official. The 90-day waiting period shall commence upon the date the application for demolition is received by the Roxbury Building Official and no demolition permit will be granted until the 90-day waiting period has expired or has been waived as provided in this ordinance. This ordinance is also referred to as the “demolition delay ordinance” of the Town.

**Sec. 3-101. Definitions.**

In the construction of this Article, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases that have been given working definitions in state demolition regulations shall be construed and understood accordingly.

**Sec. 3-102. Application for Permit.**

Any applicant for a demolition permit shall provide the following information, verified under oath, on a form provided by the Building Official for each building or structure to be demolished:

- (a) The name, if any, and address of the building or structure to be demolished.
- (b) The name and address of the owner of the building or structure to be demolished.
- (c) Identification of property, building and/or structure as referenced in the Survey.
- (d) The square footage of the building or structure to be demolished.

(e) The names and addresses of the owners of all properties adjoining the property on which the building or structure to be demolished is located according to an attached copy of a pertinent portion of the current assessor's map.

### **Sec. 3-103. Notices.**

Within five (5) days of the filing of an application for a demolition permit for a building or accessory structure five hundred (500) square feet or larger that is listed in the Survey, the applicant shall issue notices as set forth in this Section containing information provided in Section 3-102 (a) through (e), along with a statement that an application for a demolition permit is pending, that information may be obtained from the Building Official and that any objection to the demolition must be filed in writing with the Building Official with a copy to the Historic District Commission within twenty (20) days of publication notice OR posting of the sign to prevent the shortening of the waiting period established by this ordinance. The notices shall be as follows:

(a) There shall be notice by publication or sign. If such notice is by publication, publication notice shall be delivered prepaid to a newspaper having a general circulation in the Town with direction that it be published within five (5) days of receipt. If such notice is by sign, such sign shall be posted within five (5) days of filing the application for demolition, shall be of a size no smaller than twenty-four by thirty-six (24 x 36) inches, shall be posted on the property on which the building or structure to be demolished is located, and shall be posted in a conspicuous place visible from a public or other accessing street. The sign to be posted shall contain the word "DEMOLITION" in capital letters no less than two (2) inches high. If there is more than one (1) building or structure proposed for demolition, a sign shall be posted near each building or structure and each shall have a separate permit. Said sign shall remain on the property from the time of posting until the final demolition.

(b) Within five (5) days of filing the demolition application, there shall be registered or certified mail notice sent to the owners of all property adjoining the property on which the building or structure to be demolished is located.

(c) Within five (5) days of filing the demolition application, registered or certified mail notice shall be sent to the Roxbury Historic District Commission;

(d) As soon as available, First Class Mail notice shall be sent to the Building Official verifying, under oath, that all the notices required in Subsections (a) through (c) above have been made with copies of the notices required in Subsections (a) through (c) attached including a dated picture of the sign if sign notice is elected.

### **Sec. 3-104. Surcharge.**

A surcharge of fifty (\$50.00) dollars in addition to the permit fee for demolition applications shall be charged by the Building Official for all demolition applications that require administrative review under this Article to defray the cost of all such review.

**Sec. 3-105. Waiver of Waiting Period.**

If no written objection to the granting of the demolition permit is filed with the Building Official within twenty (20) days of the publication or sign notice set forth in Section 3-103(a), the balance of the waiting period shall be waived.

**Sec. 3-106. Applicability.**

The provisions of this Article shall not apply to orders of the Building Official, Newtown Health District Director and/or Fire Marshal for emergency applications because of hazardous buildings or structures or otherwise posing a threat to public health or safety.  
(Ord. Adopted 11-6-2007; Effective 12-10-2007)

## **CHAPTER 4. FIRE PROTECTION AND PREVENTION - EMERGENCY SERVICES**

### **ARTICLE I. FIRE DEPARTMENT AND AMBULANCE ASSOCIATION**

#### **Sec. 4-1. Volunteer Fire Department and Ambulance Association.**

The Town shall be served by a volunteer fire department known as the Roxbury Volunteer Fire Department, Inc. and by the Roxbury Ambulance Association, Inc. for the benefit of the Town.

(Ord. of 10-2-34; Ord. of 1-1-04)

#### **Secs. 4-2—4-30. Reserved.**

### **ARTICLE II. VOLUNTEER FIRE AND AMBULANCE PERSONNEL TAX ABATEMENT AND AWARD PLAN**

#### **Sec. 4-31. Purpose.**

In recognition of the benefits provided to the Town by the dedicated service of the volunteers of the Town's Volunteer Fire Department and Ambulance Association, and to attract and retain such volunteers the Town hereby adopts the following Tax Abatement Program pursuant to General Statutes § 12-81w ("Abatement Program") and alternative "Award Plan."

#### **Sec. 4-32. Eligibility.**

To be eligible for the Abatement Program or the Award Plan active volunteers of the Roxbury Volunteer Fire Department, Inc. ("RVFD") and the Roxbury Ambulance Association, Inc. ("RAA") must have a Year of Service before the April 1 Anniversary Date of any Plan Year. Such qualifying volunteers shall be referred to as "Eligible Volunteers" hereunder. The criteria for designating "active volunteers" and for earning points hereunder shall be established by each organization and approved by the Board of Selectmen. A "Plan Year" for purposes of the Award Plan and the Tax Abatement Plan shall mean a one (1) year period beginning each April 1. The first Plan Year for which benefits may be earned under this Ordinance for purposes of both the Tax Abatement program and the Award Plan shall be the 2000 Plan Year with an anniversary date of April 1, 2001 (April 1, 2000 through March 31, 2001). A "Year of Service" shall mean a Plan Year during which an RVFD Volunteer has been credited with at least twenty-five (25) Percentage Points or an RAA Volunteer has been credited with at least twenty (20) Percentage Points under Sec. 4.35 hereof.

#### **Sec. 4-33. Certification.**

Annually on or before May 15 of 2001 and April 15 of each subsequent year, the Chiefs of the RVFD and the RAA shall submit to the First Selectman and Plan Administrator (if other than the First Selectman) a certified statement containing the names and addresses of the Eligible Volunteers of their organizations, the points earned by each, and the amount of Award Plan contribution or abatement for which each Eligible Volunteer is entitled for the applicable Plan Year. The list must also indicate if the Eligible Volunteer has elected to participate in the Abatement Program or the Award Plan for the relevant Plan Year.

**Sec. 4-34. Tax Abatement Program.**

The tax abatement under this Ordinance shall be applicable to any real or personal property tax due from any Eligible Volunteer of the RVFD or RAA who elects to participate in the Tax Abatement Program. Such tax abatement shall be applied first against any real property taxes and then against any personal property taxes owed to the Town. In the event that the tax to which the abatement is applied is paid in installments, the abatement shall be applied fifty (50%) percent to each installment. If such Eligible Volunteer owns the property jointly or as tenants-in-common, rather than individually, the full amount of the abatement may be applied as if the Eligible Volunteer owned the property individually. If there is more than one Eligible Volunteer per household each is entitled to the full amount and greatest benefit that each is due pursuant to Sec. 5. The sale of transfer or any real or personal property to which an abatement has been applied hereunder shall disqualify said property from abatement for the following fiscal year. In the event of the death of an Eligible Volunteer, the abatement afforded hereunder shall terminate at the end of the fiscal year in which the eligible volunteer dies. Each participant in the Tax Abatement program is responsible for seeking his or her own tax advice as to the effect of the Tax Abatement and the Town shall have no liability relating to such tax effect.

**Sec. 4-35. Tax Abatement and Award Plan Eligibility Schedule and Benefit Amount.**

The following schedule sets forth the points required for active volunteers to qualify as Eligible Volunteers with a Year of Service for any Plan Year and the amount of Tax Abatement or Award Plan contribution by the Town for each point level earned:

(1) RVFD volunteers:

Year of Service Prior to April 1	Amount of Taxes Abated or Award Plan Contribution
At least 25 percentage points credited	\$1,000

A “percentage point” or “point” is a unit credited to a RVFD member in recognition of member’s performance of certain duties such as calls, events, signups, meetings, fire standby, education, training, and drills in accordance with the method set forth in the bylaws or rules of the RVFD and for the purposes of this Ordinance approved by the Board of Selectmen.

(2) RAA volunteers:

Year of Service Prior to April 1	Amount of Taxes Abated or Award Plan Contribution
At least 20 percentage points credited	\$1,000

A “percentage point” or “point” is a unit credited to a RAA member in recognition of his attendance at certain duties such as calls, events, signups, meetings, education, training and drills in accordance with the method set forth in the bylaws and/or rules of the RAA and for the purposes of this Ordinance approved by the Board of Selectmen.

(3) Chiefs: The Chiefs of the RVFD and RAA shall be deemed to receive the maximum points permitted above for purposes of this Ordinance and the benefits permitted hereunder.

#### **Sec. 4-36. Award Plan.**

The Board of Selectmen is hereby authorized to and shall adopt a non-qualified deferred compensation plan for Eligible Volunteers known as an "Award Plan" effective as of April 1, 2000, subject to, and consistent with, the terms of this Ordinance.

- (1) Any Eligible Volunteer who cannot participate in the Tax Abatement program hereunder because he or she does not own property subject to taxation by the Town or any Eligible Volunteer who could so participate but timely elects instead to participate in the Award Plan, may participate in the Award Plan.
- (2) The Award Plan shall provide that the amount set forth at Sec. 4.35 hereunder will be paid by the Town into the Award Plan for the benefit of said Participant for any Plan Year that the Participant completes a Year of Service.
- (3) For the period of April 1, 2000 through March 31, 2001 an Eligible Volunteer may become a Participant in the Award Plan for the 2000 Plan Year providing such volunteer has not opted as of May 15, 2001 to elect the Tax Abatement program hereunder. In subsequent years such elections must be made by April 15.
- (4) An Award Plan "Participant" shall mean an Eligible Volunteer who elects to participate in the Award Plan promulgated hereunder.
- (5) The administration of the Award Plan shall be by a plan administrator whose qualifications and terms of appointment are as more particularly set forth in the Award Plan. The First Selectman may serve as Plan Administrator unless and until a successor(s) is appointed. Such plan administrator shall supervise and control the operation of the Award Plan and shall have all powers necessary to accomplish that purpose, including the power to make rules and regulations (consistent with the Plan and this Ordinance) pertaining to the administration of the Award Plan and to cause the assets of the Plan to be invested, reinvested, controlled, and disbursed. The Plan shall provide for the fair allocation of payments of Award Plan administration expenses and investment management fees from the Plan Assets including accounts set up for each Participant.
- (6) The Award Plan shall set forth provisions regarding retirement dates, investment of benefits, accounting, application for benefits, Town contributions, payment of benefits and all other provisions necessary to effectuate an Award Plan consistent with the terms and intent of this Ordinance.

- (7) It is intended that the terms and administration of the Award Plan shall comply with the requirements of IRC § 457, as amended, so that the Participants shall be “bona fide volunteers,” that contributions to individual Participants do not exceed the per year limitation for tax exemption under IRC § 457, as amended, and that contributions to RAA and RVFD members shall be interpreted to be contributions to bone fide volunteers as rewards for their volunteer service. Notwithstanding the intent to qualify under IRC § 457 for deferral of income for payments made hereunder based on bone fide volunteer service, each Award Plan Participant is responsible for seeking his or her own tax advice as to the effect of the contributions and payments under the Award Plan.
- (8) The Board of Selectmen may amend the Award Plan from time to time, consistent with the terms of this Ordinance but may not terminate the Plan. Further, no such amendment shall act to reduce or eliminate any individual benefit that shall have vested prior to the effective date of the amendment.
- (9) The Town acting by Town Meeting may terminate the Award Plan and all further contributions thereunder for any reason and at any time.
- (10) The Award Plan assets shall at all times remain subject to the claims of the Town’s general creditors. If the Plan assets are used for the benefit of the Town’s creditors, and assets are not available to provide Award Plan benefits, the Town will provide the Award Plan benefits from its other general assets. Each Participant shall always be an unsecured, general creditor of the Town as set forth in the Award Plan.

**Sec. 4-37. Dual Service; Exclusive Election.**

If a person is an Eligible Volunteer for both the RFVD and RAA and would otherwise be entitled to a tax abatement under the Tax Abatement Program or for Award Plan participation for both organizations, that individual shall not receive an aggregate benefit for both organizations but shall receive the greater single benefit to which the Eligible Volunteer is entitled under Sec. 4-35 and apply that benefit to either the Award Plan or the Tax Abatement program. An Eligible Volunteer may participate in either the Award Plan or the Tax Abatement program for any Plan Year, but may not elect a contribution for both for any single Plan Year.

**Sec. 4-38. No Employment Relationship; Status of Volunteers.**

The adoption and maintenance of the Award Plan or the Tax Abatement program shall not be construed as creating any contract of service or employment between the Town and any Participant or any volunteer of the RAA or RVFD. Except as required to carry out this Ordinance, neither the Award Plan or the Tax Abatement Program shall affect the right of the RAA or RVFD to deal with its volunteers in all other respects, including their discharge, termination or conditions of service as a volunteer. (Ord. of 5-23-01 amends, restates and renames Ord. of 6-19-2000, Ord. Sec. 4-35 amended 5-20-2008, effective 6-11-2008, Amendment to the point system for the RFVD is retroactive to 5-1-2008).

### **ARTICLE III. DECLARATION OF LOCAL DISASTER EMERGENCY**

#### **Sec. 4-39. Authority.**

The First Selectman, or his/her approved agent, is authorized to declare a local disaster emergency in accordance with the terms of Conn. Gen. Stat. sections 28-8a(a) and 28-1(8).

#### **Sec. 4-40. Effect.**

Upon the declaration of a local disaster emergency by the First Selectman, the First Selectman and the Local Emergency Management Director shall exercise all powers and authority granted to the municipality and/or its chief executive officer under Title 28 of the Connecticut General Statutes.

#### **Sec. 4-41. Activation of Emergency Operations Center.**

In times of serious disaster or civil emergency, the First Selectman, in conjunction with the Local Emergency Management Director, is authorized to activate the Local Emergency Operations Center. The Local Emergency Management Director, the Chief of the Roxbury Volunteer Fire Department, the Chief of the Roxbury Ambulance Association, the Health Director and Resident Trooper, or their designated representatives, may assist the First Selectman in evaluating the need for the declaration of a local disaster emergency.

#### **Sec. 4-42. National Incident Management System (“NIMS”).**

Pursuant to Connecticut General Statutes, Chapter 517, Governor Rell’s Executive Order No. 10 (September 19, 2005) and the Homeland Security Act of 2002, P.L. 107-296, the Town of Roxbury adopts the National Incident Management System (“NIMS”) as promulgated and revised by the U.S. Department of Emergency Management and Homeland Security as the standard for incident management within the Town of Roxbury. (Ord. adopted 5-15-07; Effective 6-18-07).

## CHAPTER 5. FLOODPLAIN MANAGEMENT

### DIVISION 1. AUTHORITY AND PURPOSE

#### **Sec. 5-1. Statutory Authority.**

The Legislature of the State of Connecticut has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

#### **Sec. 5-2. Findings of Fact.**

The Town has Special Flood Hazard Areas that are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for Flood protection and relief, and impairment of the tax base. Additionally, Structures that are inadequately elevated, floodproofed, or otherwise protected from Flood damage also contribute to the Flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, this Ordinance was adopted.

#### **Sec. 5-3. Statement of Purpose.**

It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly Flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Areas of Special Flood Hazard;
- (6) Help maintain a stable tax base by providing for the proper use and Development of Areas of Special Flood Hazard so as to protect property and minimize future Flood blight areas;
- (7) Ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions;
- (8) Minimize the impact of Development on adjacent properties within and near Flood prone areas;
- (9) Ensure that the Flood storage and conveyance functions of the Floodplain are maintained;

- (10) Minimize the impact of Development on the natural, beneficial values of the Floodplain;
- (11) Prevent Floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

#### **Sec. 5-4. Methods of Reducing Flood Loss.**

In order to accomplish its purposes, this Ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in Flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against Flood damage at the time of initial construction;
- (3) Controlling the alteration of natural Floodplains, stream channels, and natural protective barriers, which help accommodate or channel Flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other Development which may increase Flood damage; and,
- (5) Preventing or regulating the construction of Flood barriers which will unnaturally divert Flood waters or which may increase Flood hazards in other areas.

#### **Sec. 5-5. Lands to Which This Ordinance Applies.**

This Ordinance shall apply to all Areas of Special Flood Hazard within the jurisdiction of the Town of Roxbury including any additional Areas of Special Flood Hazard annexed by the Town of Roxbury.

#### **Sec. 5-6. Basis for Establishing the Areas of Special Flood Hazard.**

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its map entitled "Flood Insurance Rate Map Town of Roxbury, Connecticut Litchfield County Effective Date: December 3, 1987" and any revisions thereto, are adopted by reference and declared to be a part of this Ordinance. Since mapping is legally adopted by reference into the ordinance it must take precedence when more restrictive until such time as a map amendment is obtained.

**Sec. 5-7. Abrogation and Greater Restrictions.**

This Ordinance is not intended to repeal any existing land use or building ordinances (regulations or resolutions) including Subdivision Regulations, zoning or building codes. In the event of a conflict between this Ordinance and any other ordinance (regulation or resolution), the more restrictive shall be followed. This Ordinance shall not intend to impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by this Ordinance.

**Sec. 5-8. Interpretation.**

In the interpretation and application of this Ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the Town; and
- (3) Deemed neither to limit nor repeal any other powers granted under the General Statutes. Where a provision of this Ordinance may be in conflict with a State or Federal law, such State or Federal law shall take precedence over this Ordinance.

**Sec. 5-9. Warning and Disclaimer of Liability.**

The degree of Flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from Flooding or Flood damage. These regulations shall not create liability on the part of the Town, any officer or employee thereof, or the Federal Emergency Management Agency, for any Flood damage that results from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**Sec. 5-10. Severability.**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**Secs. 5-11—5-20. Reserved.**

**DIVISION 2. DEFINITIONS AND INTERPRETATION**

**Sec. 5-21. Definitions.**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

*Accessory Structure.* A Structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal Structure.

*Appeal.* A request for review of the Floodplain administrator's interpretation of any provision of this Ordinance or a request for a Variance.

*Area of Special Flood Hazard.* The land in the Floodplain within a community subject to a one percent or greater chance of Flooding in any given year.

*Base Flood.* The Flood having a one percent chance of being equaled or exceeded in any given year.

*Basement.* That portion of a Building having its Floor subgrade (below ground level) on all sides.

*Breakaway Wall.* A wall that is not part of the structural support of the Building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the Building or the supporting foundation system.

*Building.* Any Structure built for support, shelter, or enclosure for any occupancy or storage.

*Development.* Any man-made change to improved or unimproved real estate, including but not limited to, Buildings or other Structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

*Elevated Building.* A non-Basement Building built to have the lowest Floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or Breakaway Walls.

*Existing Manufactured Home Park or Subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Floodplain Management Ordinances adopted by the Town.

*Expansion to an Existing Manufactured Home Park or Subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Federal Emergency Management Agency (FEMA).* The Federal agency with the overall responsibility for administering the National Flood Insurance Program.

*Flood or Flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal water; and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

*Flood Hazard Boundary Map (FHBM).* Generally the initial map, produced by FEMA or the U.S. Department of Housing and Urban Development, for a community depicting approximate Special Flood Hazard Areas.

*Flood Insurance Rate Map (FIRM).* An official map on which the FEMA or the U.S. Department of Housing and Urban Development has delineated the Areas of Special Flood Hazard.

*Flood Insurance Risk Zones.* Zone designations on FHBMs and FIRMs that indicate the magnitude of the Flood hazard in specific areas of a community. Following are the zone definitions:

- (1) Zone A: Special Flood Hazard Areas inundated by the 100-year flood; Base Flood elevations are not determined.
- (2) Zones A1-30 and Zone AE: Special Flood Hazard Areas inundated by the 100-year flood; Base Flood elevations are determined.
- (3) Zone AO: Special Flood Hazard Areas inundated by the 100-year flood; with Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
- (4) Zone AH: Special Flood Hazard Areas inundated by the 100-year flood; Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood elevations are determined.
- (5) Zone A99: Special Flood Hazard Areas inundated by the 100-year Flood to be protected from the 100-year Flood by a Federal Flood protection system under construction; no Base Flood elevations are determined.
- (6) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year Flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the Base Flood.
- (7) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year Floodplain.

*Flood Insurance Study (FIS).* The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided Flood profiles, Floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the Base Flood.

*Floodplain.* The area adjoining a watercourse that may be covered by floodwater during a flood. Storm runoff and Flood events may cause alterations in the Floodplain in certain areas.

*Floodproofing.* Any combination of structural or non-structural additions, changes or adjustments to Structures which reduce or eliminate potential Flood damage to real estate or improved real property, water and sanitary facilities, Structures, and their contents.

*Floodway.* A Floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the Base Flood discharge. A Floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the Base Flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The Floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity Flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

*Floor.* The top surface of an enclosed area in a Building (including Basement); i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the Floor of a garage used solely for parking vehicles.

*Freeboard.* A factor of safety usually expressed in feet above a Flood level for the purposes of Floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to Flood heights greater than the height calculated for a selected size Flood and Floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

*Highest Adjacent Grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a Structure.

*Historic Structure.* Any Structure that is:

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

*Hydrologic and Hydraulic Engineering Analysis.* An analysis performed by a professional engineer, registered in the State of Connecticut, in accordance with standard engineering practices as accepted by FEMA, used to determine Flood elevations and/or Floodway boundaries.

*Letter of Map Change (LOMC).* A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

- (1) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated Special Flood hazard Area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a Special Flood hazard Area.
- (2) Letter of Map Revision (LOMR) A revision based on technical data that, usually due to manmade changes, shows changes to Flood zones, Flood elevations, Floodplain and Floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a Structure or parcel has been elevated by fill above the Base Flood elevation and is, therefore, excluded from the Special Flood hazard Area.
- (3) Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program Floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

*Lowest Floor.* The lowest Floor of the lowest enclosed area (including Basement). An unfinished or Flood resistant enclosure, usable solely for parking of vehicles, Building access, or storage, in an area other than a Basement area, is not considered a Building's Lowest Floor; provided that such enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements of Section 60.3 of the FEMA Regulations (44 CFR 60.3).

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

*Manufactured Home Park or Subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean Sea Level.* For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum to which base Flood elevations shown on a community's Flood Insurance Rate Map are referenced.

*National Flood Insurance Program (NFIP).* The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from Flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to Buildings and their contents caused by Floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce Floodplain management regulations to reduce future Flood risks to all Development in Special Flood Hazard Areas, the Federal government will make Flood insurance available within the community as a financial protection against Flood loss.

*National Geodetic Vertical Datum (NGVD).* As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the Floodplain.

*New Construction.* For the purposes of determining insurance rates, Structures for which the Start of New Construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such Structures. For Floodplain management purposes, "New Construction" means Structures for which the start of construction commenced on or after the effective date of a Floodplain Management Ordinance adopted by the Town and includes any subsequent improvement to such Structures.

*New Manufactured Home Park or Subdivision.* A Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date that a Floodplain Management Ordinance was first adopted by a Town.

*Recreational Vehicle.* A vehicle, which is: (1) Built on a single chassis; (2) Measures 400 square feet or less at the largest horizontal projections; (3) Designed to be self-propelled or permanently towable; and, (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping travel or seasonal use.

*Regulatory Floodway.* Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot.

*Riverine.* Relating to, formed by, or resembling a river including, without limitation, tributaries, streams, and brooks.

*Special Flood Hazard Area.* An area having special Flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.

*Start of New Construction.* Includes Substantial Improvements and means the date the building permit was issued, provided the actual start of the construction, repair, reconstruction, or improvement was within the 180 days of the permit date. The actual start means the first placement of permanent construction of a Structure on a site, such as the pouring of slabs and footings, installation of piles, or construction of columns. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a Basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory Buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure.

*Structure.* A walled and roofed Building that is principally above ground, a gas or liquid storage tank, that is principally above ground, as well as a Manufactured Home. "Structure" for insurance coverage purposes, means a walled and roofed Building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a Manufactured Home on a permanent foundation. For the latter purpose, the term includes a Building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed Building on the premises.

*Substantial Damage.* Damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the Structure before the damage occurred.

*Substantial Improvement.* Any combination of repairs, reconstruction, alteration, or improvements to a Structure, taking place during the life of the Structure, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the Structure. The market value of the Structure should be (1) the appraised value of the Structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the Structure prior to the damage occurring. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the Building commences, whether or not that alteration affects the external dimensions of the Structure. The term does not, however, include any project for improvement of a Structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

*Variance.* A grant of relief from the standards of this Ordinance consistent with the Variance conditions herein.

*Violation.* The failure of a Structure or other Development to be fully compliant with this Ordinance. A Structure or other Development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the FEMA Regulations (set forth at 44 CFR 60.3) is presumed to be in violation until such time as that documentation is provided.

*Water Surface Elevation.* The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of Floods of various magnitudes and frequencies in the Floodplains of coastal or Riverine areas.

**Secs. 5-22—5-30. Reserved.**

## DIVISION 3. ADMINISTRATION

### **Sec. 5-31. Designation of the Ordinance Administrator.**

The Building Official of the Town is hereby designated to administer and implement the provisions of this Ordinance. The Building Official shall have the responsibility and authority to grant or deny Floodplain Development Permit applications for Development in Areas of Special Flood Hazard in accordance with the provisions of this Ordinance. The Board of Selectmen may appoint deputies to assist and act for the Building Official.

### **Sec. 5-32. Duties and Responsibilities of the Building Official in the Administration of this Ordinance.**

The duties of the Building Official, without limitation, shall be:

- (1) To review all Floodplain Development Permit applications to determine whether proposed Building sites will be reasonably safe from Flooding.
- (2) To review all Floodplain Development Permits to assure that the Floodplain Development Permit requirements of this Ordinance have been satisfied.
- (3) To advise permittee as to any additional Federal or State permits which may be required and, if specific Federal or State permit requirements are known, to require that copies of such permits be provided and maintained on file with the Floodplain Development Permit, possibly including but not limited to: Water Diversion, Dam Safety, Corps of Engineers 404.
- (4) To notify adjacent communities and the Department of Environmental Protection, Water Resources Unit, prior to any alteration or relocation of a watercourse and to submit evidence of such notification to the Federal Emergency Management Agency.
- (5) To assure that maintenance is provided within the altered or relocated portion of said watercourse so that the Flood-carrying capacity is not diminished.
- (6) To record the elevation (in relation to Mean Sea Level) to which any New or Substantially Improved Structures have been Flood-proofed, in accordance with Sec. 5-73.
- (7) To obtain certification from a registered professional engineer or architect, in accordance with Sec. 5-33(d)(6), when Flood-proofing is utilized for a particular Structure.
- (8) To make all the necessary interpretations where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

- (9) To obtain, review, and reasonably utilize any Base Flood elevation and Floodway data available from a Federal, State, or other source in order to administer the provisions of this Ordinance when Base Flood elevation data or Floodway data have not been provided in accordance with Sec. 5-6; Floodways designated in this manner shall be capable of conveying Base Flood without increasing the water surface elevation more than one (1) foot at any point.
- (10) To obtain, review, and reasonably utilize any Base Flood elevation and Floodway data available from a Federal, State, or other source as criteria for requiring that New Construction, Substantial Improvements, or other Development in Zone A, AE of the Town's FIRM meet the standards in this Ordinance.
- (11) To maintain in the office of the Building Official all records pertaining to the provisions of this Ordinance.
- (12) Inspect Buildings and lands to determine whether any violations of this Ordinance have been committed.
- (13) Coordinate map maintenance activities and FEMA follow-up.
- (14) Enforce the provisions of this Ordinance.

**Sec. 5-33. Permit Procedures.**

(a) It shall be unlawful for any person to begin construction or other Development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any Structure; or alteration of any watercourse wholly within, partially within or in contact with any identified Special Flood Hazard Area, as established in Sec. 5-6, until a Floodplain Development Permit is obtained from the Floodplain Administrator. Such Floodplain Development Permit shall show that the proposed Development activity is in conformity with the provisions of this Ordinance. No such Permit shall be issued by the Floodplain Administrator until the requirements of this Ordinance have been met.

(b) No permit shall issue absent prior approval from the Roxbury Inland Wetlands Commission.

(c) An application for a Floodplain Development Permit shall be required for all Development activities located wholly within, partially within, or in contact with an identified Special Flood hazard Area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the Applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a Development site is in a Special Flood hazard Area, the Floodplain Administrator may require an application for a Floodplain Development Permit to determine the Development's location.

(d) Application for an Floodplain Development Permit shall be made to the Building Official on forms furnished by him or her prior to any Development activities, and may include, but not be limited to, the following plans, in duplicate, drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed Structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed Structures, fill, storage of materials, and drainage facilities.
- (2) Elevation of the existing, natural ground where Structures are proposed.
- (3) Elevation of the Lowest Floor, including Basement, of all proposed Structures.
- (4) Elevation in relation to Mean Sea Level to which any nonresidential Structure will be Floodproofed.
- (5) Description of the extent to which any watercourse will be altered or relocated as a result of proposed Development.
- (6) Certifications by a registered professional engineer or architect that the Floodproofing methods for any nonresidential Structure meet the Floodproofing criteria of this Ordinance.
- (7) Plans meeting the requirements of this Ordinance for any walls to be used to enclose space below the Base Flood level.
- (8) Certification by registered professional engineer that there is no increase in Flood height; any Development in a Floodway must meet the provisions of this Ordinance.
- (9) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed Development, when combined with all other existing and anticipated Development will not increase the water surface elevation of the Base Flood by more than one foot in Special Flood Hazard Areas where the FEMA has provided Base Flood elevations but no Floodway as required by Sec. 5-78(2).
- (10) A hydrologic and hydraulic engineering analysis showing impact of any Development on Flood heights in an identified Floodway as required by Sec. 5-78(1).
- (11) Generation of Base Flood elevation(s) for subdivision and large scale Developments as required by Sec. 5-75.

## **Sec. 5-34. Review and Approval of a Floodplain Development Permit Application.**

### (a) Review.

- (1) After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of this Ordinance have been met. No Floodplain Development Permit application shall be reviewed until all information required in Sec. 5-33 has been received by the Floodplain Administrator.
- (2) The Floodplain Administrator shall review all Floodplain development Permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Connecticut Department of Environmental Protection under Section 401 of the Clean Water Act.

(b) Approval. Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a Floodplain Development Permit shall be issued. All Floodplain Development Permits shall be conditional upon the commencement of work within one (1) year. A Floodplain Development Permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

## **Sec. 5-35. Inspections.**

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

## **Sec. 5-36. Post-Construction Certifications Required.**

The following as-built certifications are required after a Floodplain Development Permit has been issued:

- (1) For new or substantially improved residential Structures, or nonresidential Structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated Structures in Zone A and Zone AO areas without a Base Flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- (2) For all Development activities subject to the standards of Sec. 5-39(1), a Letter of Map Revision.

**Sec. 5-37. Revoking a Floodplain Development Permit.**

A Floodplain Development Permit shall be revocable, if among other things, the actual Development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board (Variance from Roxbury Inland Wetlands Commission) in accordance with Division IV of this Ordinance.

**Sec. 5-38. Exemption from Filing for a Floodplain Development Permit.**

An application for a Floodplain Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural Development activities (except for filling and grading) valued at less than \$5,000.

Any proposed action exempt from filing for a Floodplain Development Permit is also exempt from the standards of this Ordinance.

**Sec. 5-39. Map Maintenance Activities.**

To meet NFIP minimum requirements to have Flood data reviewed and approved by FEMA, and to ensure that the Town's Flood maps, studies and other data identified in Sec. 5-6 accurately represent Flooding conditions so appropriate Floodplain management criteria are based on current data, the following map maintenance activities are identified:

(1) Requirement to Submit New Technical Data.

(A) For all Development proposals that impact Floodway delineations or Base Flood elevations, the Town shall ensure that technical data reflecting such changes be submitted to FEMA within six (6) months of the date such information becomes available. These Development proposals include:

- (i) Floodway encroachments that increase or decrease Base Flood elevations or alter Floodway boundaries;
- (ii) Fill sites to be used for the placement of proposed Structures where the applicant desires to remove the site from the Special Flood Hazard Area;
- (iii) Alteration of watercourses that result in a relocation or elimination of the Special Flood Hazard Area, including the placement of culverts; and
- (iv) Subdivision or large scale Development proposals requiring the establishment of Base Flood elevations in accordance with Sec. 5-75.

(B) It is the responsibility of the applicant to have technical data, required in accordance with Sec. 5-39(1), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

(C) The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a Floodplain Development Permit for:

(i) Proposed Floodway Encroachments that increase the Base Flood elevation; and

(ii) Proposed Development which increases the Base Flood elevation by more than one foot in areas where FEMA has provided Base Flood elevations but no Floodway.

(D) Floodplain Development Permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any Development proposal subject to Sec. 5-39(1)(A).

(2) Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact Floodplain or Floodway delineations or Base Flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Board of Selectmen and may be submitted at any time.

(3) Annexation / Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Town have been modified by annexation so that the Town has assumed authority over an area, or no longer has authority to adopt and enforce Floodplain management regulations for a particular area. In order that the Town's Flood Insurance Rate Map accurately represent the Town boundaries, include within such notification a copy of a map of the Town suitable for reproduction, clearly showing the new corporate limits or the new area for which the Town has assumed or relinquished Floodplain management regulatory authority.

#### **Sec. 5-40. Data Use and Flood Map Interpretation.**

The following guidelines shall apply to the use and interpretation of maps and other data showing Areas of Special Flood Hazard:

(1) In areas where FEMA has not identified Special Flood Hazard Areas, or in FEMA identified Special Flood Hazard Areas where Base Flood elevation and Floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other Flood hazard data available from a federal, state, or other source.

(2) Base Flood elevations and Floodway boundaries produced on FEMA Flood maps and studies shall take precedence over Base Flood elevations and Floodway boundaries by any other source that reflect a reduced Floodway width and/or lower Base Flood elevations. Other sources of data, showing increased Base Flood elevations and/or larger Floodway areas than are shown on FEMA Flood maps and studies, shall be reasonably used by the Floodplain Administrator.

- (3) When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
  - (A) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary Flood hazard data shall be used and replace all previously existing Flood hazard data provided from FEMA for the purposes of administering this Ordinance.
  - (B) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary Flood hazard data shall only be required where no Base Flood elevations and/or Floodway areas exist or where the preliminary Base Flood elevations or Floodway area exceed the Base Flood elevations and/or Floodway widths in existing Flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- (4) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the Flood boundaries and Areas of Special Flood Hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Division IV, Appeals and Variances.
- (5) Where a map boundary showing an Area of Special Flood hazard and field elevations disagree, the Base Flood elevations or Flood protection elevations (as found on an elevation profile, Floodway data table, established high water marks, etc.) shall prevail.

**Sec. 5-41. Substantial Damage Determinations.**

Damages to Structures may result from a variety of causes including tornado, wind, heavy snow, flood, fire, and similar conditions. After such a damage event, the Floodplain Administrator shall:

- (1) Determine whether damaged Structures are located in Special Flood Hazard Areas;
- (2) Conduct Substantial Damage determinations for damaged Structures located in Special Flood Hazard Areas; and
- (3) Make a reasonable attempt to notify owners of Substantially Damaged Structures of the need to obtain a Floodplain Development Permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the Substantial Damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the Floodplain Development Permits and repair of damaged Structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged Structures materials and other information related to the proper repair of damaged Structures in Special Flood Hazard Areas; and assist owners of Substantially Damaged Structures with increased cost of compliance insurance claims.

**Secs. 5-42—5-50. Reserved.**

DIVISION 4. APPEALS AND VARIANCES

**Sec. 5-51. Appeals Board Established.**

(a) The Roxbury Inland Wetlands Commission (“Appeals Board”) is hereby established as the body which shall hear and render judgment on requests for Variances from the requirements of this Ordinance.

(b) Meetings of the Appeals Board shall be held as needed and shall be held at the call of the Chairperson, or in his absence, the Acting Chairperson. All meetings of the Appeals Board shall be open to the public except that the Appeals Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in the Town Clerk’s Office.

**Sec. 5-52. Powers and Duties.**

(a) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of this Ordinance.

(b) Authorize Variances in accordance with Sec. 5-54 of this Ordinance.

**Sec. 5-53. Appeals.**

(a) Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 10 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator’s decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator’s decision was made to the Appeals Board.

(b) Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

## Sec. 5-54. Variances.

(a) Any person believing that the use and Development standards of this Ordinance would result in unnecessary hardship may file an application for a Variance. The Appeals Board shall have the power to authorize, in specific cases, such Variances from the standards of this Ordinance, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship.

### (1) Application for a Variance.

(A) Any owner, or agent thereof, of property for which a Variance is sought shall make an application for a Variance by filing it with the Floodplain Administrator, who upon receipt of the Variance shall transmit it to the Appeals Board.

(B) Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the Floodplain; description of the Variance sought; and reason for the Variance request.

(C) The Town may adopt a fee schedule; all applications for a Variance shall be accompanied by a Variance application fee set forth in the schedule of fees adopted by the Town.

(2) Notice for Public Hearing. The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a Variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Town at least ten (10) days before the date of the hearing.

(3) Public Hearing. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such Variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of this Ordinance and the following factors:

(A) The danger that materials may be swept onto other lands to the injury of others.

(B) The danger to life and property due to Flooding or erosion damage.

(C) The susceptibility of the proposed facility and its contents to Flood damage and the effect of such damage on the individual owner.

(D) The importance of the services provided by the proposed facility to the Town.

(E) The availability of alternative locations for the proposed use, which are not subject to Flooding or erosion, damage.

(F) The necessity to the facility of a waterfront location, where applicable.

- (G) The compatibility of the proposed use with existing and anticipated Development.
  - (H) The relationship of the proposed use to the comprehensive plan and Floodplain management program for that area.
  - (I) The safety of access to the property in times of Flood for ordinary and emergency vehicles.
  - (J) The expected heights, velocity, duration, rate of rise, and sediment transport of the Flood waters and the effects of wave action, if applicable, expected at the site.
  - (K) The costs of providing governmental services during and after Flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) Factors for Consideration; Variances shall only be issued upon:
- (A) A showing of good and sufficient cause.
  - (B) A determination that failure to grant the Variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of this Ordinance does not constitute an exceptional hardship to the applicant.
  - (C) A determination that the granting of a Variance will not result in increased Flood heights beyond that which is allowed in this Ordinance; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
  - (D) A determination that the Structure or other Development is protected by methods to minimize Flood damages.
  - (E) A determination that the Variance is the minimum necessary, considering the Flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of this Ordinance, the Appeals Board may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this Ordinance.

(b) Other Conditions for Variances:

- (1) Variances shall not be issued within any designated Floodway if any increase in Flood levels during the Base Flood discharge would result.
- (2) Generally, Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing Structures constructed below the Base Flood level, providing items in Sec. 5-54(3) (A)-(K) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the Variance increases.

- (3) Any applicant to whom a Variance is granted shall be given written notice that the Structure will be permitted to be built with a Lowest Floor elevation below the Base Flood elevation and the cost of Flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor elevation.

**Sec. 5-55. Procedure at Hearings.**

- (1) All testimony shall be given under oath.
- (2) A complete record of the proceedings shall be kept, except confidential deliberations of the Appeals Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
- (3) The applicant shall proceed first to present evidence and testimony in support of the appeal or Variance.
- (4) The Administrator may present evidence or testimony in opposition to the appeal or Variance.
- (5) All witnesses shall be subject to cross-examination by the adverse party or their counsel.
- (6) Evidence that is not admitted may be proffered and shall become part of the record for appeal.
- (7) The Appeals Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
- (8) The Appeals Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

**Sec. 5-56. Appeal to the Court.**

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Danbury Superior Court.

**Secs. 5-57—5-70. Reserved.**

## DIVISION 5. USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

### **Sec. 5-71. Use and Development Standards for Flood Hazard Reduction.**

The general use and development standards listed in this Division shall apply to any Development wholly within, partially within, or in contact with any Special Flood Hazard Area as established in Sec. 5-6 or Sec. 5-40(1).

### **Sec. 5-72. General Standards.**

#### (a) New Construction and Substantial Improvements.

- (1) New Construction and Substantial Improvements shall be anchored to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a Structure, including its foundation members, is elevated on fill to or above the Base Flood elevation, the requirements for anchoring (Sec. 5-72(a)(1)) and construction materials resistant to Flood damage (Sec. 5-72(a)(2)) are satisfied.
- (2) New Construction and Substantial Improvements shall be constructed with methods and materials resistant to Flood damage.
- (3) New Construction and Substantial Improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of Flooding.
- (4) New construction and substantial improvements of any residential Structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the Flood protection elevation.
- (5) New Construction and Substantial Improvement, including manufactured homes, that do not have basements and that are elevated to the Flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of Flood waters may have an enclosure below the lowest Floor provided the enclosure meets the following standards:
  - (A) Be used only for the parking of vehicles, Building access, or storage; and
  - (B) be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
  - (C) have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(b) Manufactured Homes.

- (1) All Manufactured Homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods or anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (2) All Manufactured Homes placed or Substantially Improved within Zone AE must meet one of the following location criteria:
  - (A) Outside of a Manufactured Home Park or Subdivision;
  - (B) In a New Manufactured Home Park or Subdivision;
  - (C) In an expansion to an existing Manufactured Home Park or Subdivision; or
  - (D) In an existing Manufactured Home Park or Subdivision on which a Manufactured Home has incurred Substantial Damage as a result of a Flood, be elevated on a permanent foundation such that the Lowest Floor of the Manufactured Home is elevated to or above the Base Flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Manufactured homes to be placed or Substantially Improved on sites in an existing Manufactured Home Park or Subdivision within Zone AE must be elevated so that either:
  - (A) The lowest Floor is at or above the Base Flood elevation, or
  - (B) The chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and later movement.

**Sec. 5-73. Specific Standards.**

In all Areas of Special Flood Hazard where Base Flood elevation data has been provided, the following provisions apply:

- (1) Residential Construction. No New Construction or Substantial Improvement of any residential Structure or other Structures for human habitation shall be located in any Special Flood Hazard Area.
- (2) Nonresidential Construction. New Construction or Substantial Improvement of any commercial, industrial, or nonresidential Structure and other Structures for other than human occupancy shall either have the Lowest Floor, including Basement, elevated at least to one (1) foot above the Base Flood elevation or shall, together with attendant utility and sanitary facilities, conform to the following:
  - (A) Be Floodproofed so that, below the Base Flood elevation, the Structure is watertight with walls substantially impermeable to the passage of water;

- (B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- (C) Until a regulatory Floodway is designated, no Development may increase Base Flood levels more than one foot at any point along a watercourse.

**Sec. 5-74. Water and Wastewater Systems.**

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Connecticut Revised Code:

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of Flood waters into the systems;
- (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of Flood waters into the systems and discharge from the systems into Flood waters; and
- (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during Flooding.

**Sec. 5-75. Subdivisions and Large Developments.**

- (1) All Subdivision proposals shall be consistent with the need to minimize Flood damage and are subject to all applicable standards in this Ordinance.
- (2) All Subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize Flood damage.
- (3) All Subdivision proposals shall have adequate drainage provided to reduce exposure to Flood damage.
- (4) In all Areas of Special Flood Hazard where Base Flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates Base Flood elevations for all Subdivision proposals and other proposed large Developments containing at least 50 lots or 5 acres, whichever is less.
- (5) The applicant shall meet the requirement to submit technical data to FEMA in Sec. 5-39(1)(A)(iv) when a hydrologic and hydraulic analysis is completed that generates Base Flood elevations as required by Sec. 5-75(4).

**Sec. 5-76. Recreational Vehicles.**

(a) All Recreation Vehicles placed on sites within Zone AE must be either:

- (1) On the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use; or
- (2) Meet the elevation and anchoring requirements of a Manufactured Home.

(b) A recreational vehicle is ready for highway use if it is on its wheels or jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**Sec. 5-77. Above Ground Gas or Liquid Storage Tanks.**

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

**Sec. 5-78. Assurance of Flood Carrying Capacity.**

Pursuant to the purpose and methods of reducing Flood damage stated in this Ordinance, the following additional standards are adopted to assure that the reduction of the Flood carrying capacity of watercourses is minimized:

(1) Development in Floodways.

(A) In Floodway areas, Development shall cause no increase in Flood levels during the occurrence of the Base Flood discharge. Prior to issuance of a Floodplain Development Permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed Development would not result in any increase in the Base Flood elevation; or

(B) Development in Floodway areas causing increases in the Base Flood elevation may be permitted provided all of the following are completed by the applicant:

- (i) Meet the requirements to submit technical data in Sec. 5-39(1);
- (ii) An evaluation of alternatives which would not result in increased Base Flood elevations and an explanation why these alternatives are not feasible;
- (iii) Certification that no Structures are located in areas which would be impacted by the increased Base Flood elevation;
- (iv) Documentation of individual legal notices to all impacted property owners within and outside the Town, explaining the impact of the proposed action on their property; and
- (v) Concurrence of the Board of Selectmen of the Town and the Chief Executive Officer of any other communities impacted by the proposed actions.

(2) Development in Riverine Areas with Base Flood Elevations but No Floodways.

(A) In Riverine Special Flood Hazard Areas identified by FEMA where Base Flood elevation data are provided but no Floodways have been designated, the cumulative effect of any proposed Development, when combined with all other existing and anticipated Development, shall not increase the Base Flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a Floodplain Development Permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or

(B) Development in Riverine Special Flood Hazard Areas identified by FEMA where Base Flood elevation data are provided but no Floodways have been designated causing more than one foot increase in the Base Flood elevation may be permitted provided all of the following are completed by the applicant:

- (i) An evaluation of alternatives which would result in an increase of one foot or less of the Base Flood elevation and an explanation why these alternatives are not feasible;
- (ii) Section 5-78(1)(B) subsections (i) and (iii)-(v).

**Secs. 5-79—5-100. Reserved.**

DIVISION 6. EXEMPTIONS

**Sec. 5-101. Specific Exemptions for Certain Historic Buildings.**

Buildings listed on the National Register of Historic Places or the State Inventory of Historic Places are exempt from this Ordinance to the minimum extent necessary to preserve the historic character and design of the Building. Floodplain Development Permits issued for such historic Buildings shall set forth the extent to which the provisions of this Ordinance must be met to provide for the minimum necessary preservation of the historic character and design of the Building.

**Secs. 5-102—5-110. Reserved.**

DIVISION 7. ENFORCEMENT

**Sec. 5-111. Compliance Required.**

(a) No Structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this Ordinance and all other applicable regulations that apply to uses within the jurisdiction of this Ordinance, unless specifically exempted from filing for a Floodplain Development Permit as stated in Sec. 5-38.

(b) Failure to obtain a Floodplain Development Permit shall be a violation of this Ordinance and shall be punishable in accordance with Sec. 5-113.

(c) Floodplain Development Permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use and arrangement set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this Ordinance and punishable in accordance with Sec. 5-113.

**Sec. 5-112. Notice of Violation.**

Whenever the Floodplain Administrator determines that there has been a violation of any provision of this Ordinance, he shall give notice of such violation to the person responsible therefore and order compliance with this Ordinance as hereinafter provided. Such notice and order shall:

- (1) Be in writing on an appropriate form.
- (2) Include a list of violations, referring to the section or sections of this Ordinance that have been violated, and order remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- (3) Specify a reasonable time for performance.
- (4) Advise the owner, operator, or occupant of the right to appeal.
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

**Sec. 5-113. Violations and Penalties.**

Any person violating the provisions of this Ordinance may be fined not more than \$100.00 per day. Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.  
(Ord. of 12-2-87 repealed; Ord. adopted June 25, 2003)

## **CHAPTER 6. AMUSEMENTS AND ENTERTAINMENT**

### **Sec. 6-1. Bazaars and Raffles.**

Bazaars, raffles and bingo games shall be permitted in the Town pursuant to §§ 7-169 et seq. and §§ 7-170 through 7-186 of the General Statutes, as amended.  
(Ord. of 1-27-70; Ord. of 1-1-04)

## CHAPTER 7. HISTORIC PRESERVATION

### DIVISION 1. GENERALLY

#### **Sec. 7-1. Historic District Commission.**

There shall be a Historic District Commission, with all the powers set forth under § 7-147a et seq. of the General Statutes in order to promote the educational, cultural, economic, and general welfare and to preserve the antique rural atmosphere of the Town through the preservation and protection of buildings and places of historic interest by the maintenance of such as landmarks in the history of architecture and of the Town, and through the development of appropriate settings for such buildings; there is hereby established a Historic District in the Town, to be known as “ROXBURY HISTORIC DISTRICT” and the boundaries of said HISTORIC DISTRICT are hereby fixed and defined in the manner shown on a certain map, made a part hereof by reference, a copy of which is filed in the Town Clerk’s office.

#### **Sec. 7-2. Historic District Defined.**

As used in this Ordinance, “Historic District” shall mean the district described in the Report of the Historic Study Committee, dated January 27, 1966, and defined on the map attached to said report, and any other historic district hereafter established pursuant to the provisions of Title 7, Chapter 97, §§ 7-147(a) to 7-147(k) inclusive of the General Statutes as amended. “The Commission” shall mean the Roxbury Historic District Committee as constituted in accordance with §§ 7-147a through 7-147k of the General Statutes.

#### **Sec. 7-3. Officers.**

The Historic District Commission shall elect annually a chairman, vice chairman and clerk from its own number. Said Commission shall be empowered to adopt and from time to time modify rules of procedure to govern its procedures and to implement the provisions of this Ordinance, and may, subject to appropriation, employ clerical and technical assistance of consultants and may accept money gifts and expend the same for such purposes.

#### **Secs. 7-4—7-10. Reserved.**

### DIVISION 2. APPLICATION PROCEDURES

#### **Sec. 7-11. Certificate of Appropriateness.**

No building or structure shall be erected or altered within an historic district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the Historic District Commission and approved by said Commission. A certificate of appropriateness shall be required whether or not a building permit is required.<sup>27</sup> For the purposes of this Ordinance “exterior architectural features” shall include the location, architectural, general design and arrangement of such portion of the exterior of a structure as is open to view from a public street, way or place.

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<sup>27</sup> State law reference C.G.S. § 147d(b)

### **Sec. 7-12. Supplemental Information.**

The Historic District Commission may request such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of property after such demolition or removal, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

### **Sec. 7-13. Signage within the Historic District.**

The style, material, size and location of outdoor advertising signs and bill posters within an historic district shall also be under the control of such Commission. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.

### **Sec. 7-14. Zoning Regulations Compliance.**

No certification of appropriateness or other permission may be issued by the Commission involving any matter covered by the Zoning Regulations of the Town until the requirements of such Zoning Regulation have been met provided, however, this Commission may commence processing of an application for a certificate of appropriateness while the Zoning Commission is processing any request for action by the Zoning Commission.

### **Sec. 7-15. Pre-requisite to Building and Demolition Permits.**

No building permit for erection of a building or structure or for the alteration of an exterior architectural feature within an historic district and no demolition permit for demolition or removal of a building or structure within an historic district shall be issued until a certificate of appropriateness has been issued by the Commission. A certificate of appropriateness shall be required whether or not a building permit is required.<sup>28</sup>

### **Sec. 7-16. Demolition Delay.**

If a building in an historic district is to be demolished, no demolition shall occur for ninety (90) days from issuance of a demolition permit, if during such time the Historic District Commission or the Connecticut Historical Commission is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During such ninety (90)-day period, the Town may abate all real property taxes. At the conclusion of such ninety (90)-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this section shall be construed to mandate that the owner of such property sell such property or building.

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<sup>28</sup> State law reference C.G.S. § 147d(b)

**Sec. 7-17. Establishment and Expansion of Parking Areas.**

No area within an historic district shall be used for industrial, commercial, business, home industry or occupational parking, whether or not such area is zoned for such use, until after an application for a certificate of appropriateness as to parking has been submitted to the Commission and approved by said Commission. The provisions of this section shall apply to the enlargement or alteration of any such parking area in existence on October 1, 1973.

**Sec. 7-18. Recommendations of Adaptive Reuse.**

In its deliberations under this Ordinance, the Commission shall act only for the purpose of controlling the erection, or alteration of buildings, structures or parking which are incongruous with the historic or architectural aspects of the district. The Commission shall not consider interior arrangement or use. However, the Commission may recommend adaptive reuse of any buildings or structures within the district compatible with the historic architectural aspects of the district.<sup>29</sup>

**Sec. 7-19. Ordinary Maintenance or Repair; and Public Safety.**

Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a change in the appearance or design thereof; nor shall this Ordinance be construed to prevent the erection or alteration of any such feature which the building inspector or a similar agent certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration;

**Secs. 7-20—7-30. Reserved.**

**DIVISION 3. PUBLIC HEARINGS; VOTE REQUIREMENTS; TIME PERIODS FOR ACTION**

**Sec. 7-31. Public Hearing.**

The Historic District Commission shall hold a public hearing upon each application for a certificate of appropriateness unless the Commission determines that such application involves items not subject to approval by the Commission. The Commission shall fix a reasonable time and place for such hearing. Notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality not more than fifteen days nor less than five (5) days before such hearing.

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<sup>29</sup> State law reference C.G.S. § 147f(b)

### **Sec. 7-32. Voting Requirements.**

Unless otherwise provided by ordinance, a majority of the members of the Commission shall constitute a quorum and the concurring vote of a majority of the members of the Commission shall be necessary to issue a certificate of appropriateness. Within not more than sixty-five (65) days after the filing of an application as required by Sec. 7-11 of this Ordinance, the Commission shall pass upon such application and shall give written notice of its decision to the applicant. Evidence of approval, as referred to in Sec. 7-11 shall be by certificate of appropriateness issued by the Commission. In the event the Commission disapproves an application for a certificate of appropriateness, the Commission shall place upon its records and in the notice to the applicant the reasons for its determination, which shall include the basis for its conclusion that the proposed activity would not be appropriate. In the notice to the applicant the Commission may make recommendations relative to design, arrangement, texture, material and similar features. The Commission may issue a certificate of appropriateness with stipulations.

### **Sec. 7-33. Failure to Act; Automatic Approval.**

Failure of the Commission to act within said sixty-five (65) days shall constitute approval and no other evidence of approval shall be needed. The Commission shall keep a record of all applications for certificates of appropriateness and of all of its doings under this Ordinance.

### **Secs. 7-34—7-40. Reserved.**

## **DIVISION 4. COMMISSION DETERMINATIONS**

### **Sec. 7-41. Standards of Review.**

If the Commission determines that the proposed erection, alteration or parking will be appropriate, it shall issue a certificate of appropriateness. In passing on appropriateness as to exterior architectural features, buildings or structures, the Commission shall consider, in addition to other pertinent factors, the type and style of exterior windows, doors, light fixtures, signs, above-ground utility structures, mechanical appurtenances and the type and texture of building materials. In passing upon appropriateness as to exterior architectural features the Commission shall also consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, scale, general design, arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of other buildings and structures in the immediate neighborhood. No application for a certificate of appropriateness for an exterior architectural feature, such as a solar energy system, designed for the utilization of renewable resources shall be denied unless the Commission finds that the feature cannot be installed without substantially impairing the historic character and appearance of the district. A certificate of appropriateness for such a feature may include stipulations requiring design modifications and limitations on the location of the feature that do not significantly impair its effectiveness. In passing upon appropriateness as to parking, the Commission shall take into consideration the size of such parking area, the visibility of cars parked therein, the closeness of such area to adjacent buildings and other similar factors.

### **Secs. 7-42—7-50. Reserved.**

**Sec. 7-51. Variances.**

Whereby reason of topographical conditions, district borderline situations or because of other unusual circumstances solely with respect to a certain parcel of land and not affecting generally the district in which it is situated, the strict application of any provision of this Ordinance would result in exceptional practical difficulty or undue hardship upon the owner of any specific property, the Commission in passing upon applications shall have power to vary or modify strict adherence to this Ordinance or to interpret the meaning of said modifications or interpretation so as to relieve such difficulty or hardship; provided such variance, modification or interpretation shall remain in harmony with the general purpose and intent of this Ordinance so that the general character of the district shall be conserved and substantial justice done. In granting variations, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purposes of this Ordinance. For each variation granted the Commission shall place upon its records and in the notice to the applicant the reason for its determinations.

**Secs. 7-52—7-60. Reserved.**

DIVISION 5. ENFORCEMENT, FINES

**Sec. 7-61. Commission Remedies.**

If any provision of this Ordinance or any action taken or ruling made by the Historic District Commission pursuant to the provisions of this Ordinance or of any rule adopted under this Ordinance has been violated, the Commission may, in addition to other remedies, institute an action in the Superior Court for the Judicial District of Litchfield, which court shall have jurisdiction to restrain such violation and to issue orders directing that the violation be corrected or removed. Such order may direct the removal of any building, structure or exterior architectural feature erected in violation of said sections or any bylaw or ordinance adopted under said sections or the substantial restoration of any building, structure, or exterior architectural feature altered or demolished in violation of said sections or any regulation or ordinance adopted under said sections. Regulations and orders of the Commission issued pursuant to said sections, or to any regulation or ordinance adopted under said sections, shall be enforced by the Chairman of the Historic District Commission, who may be authorized by the Commission to inspect and examine any building, structure, place or premises and to require in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations or orders made under the authority of this Ordinance or of any regulation or of any rule adopted under this historic district ordinance.

**Secs. 7-62—7-65. Reserved.**

**Sec. 7-66. Fines.**

The owner or agent of any building, structure or place where a violation of any provision of this Ordinance or of any rule adopted under this Ordinance has been committed or exists, or the lessee or tenant of an entire building, entire structure or place where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building, structure or place in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building, structure or place in which any such violation exists, shall be fined not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred (\$100.00) dollars nor more than two hundred fifty (\$250.00) dollars for each day that such violation continues. The superior court for the judicial district in which the Town is located shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense. All costs, fees and expenses in connection with actions under this section may, in the discretion of the court, be assessed as damages against the violator, which, together with reasonable attorney's fees, may be awarded to the Historic District Commission. Any funds collected as fines pursuant to this Ordinance shall be used by the Commission to restore the affected buildings, structures, or places to their condition prior to the violation wherever possible and any excess shall be paid to the Town.

**Secs. 7-67—7-70. Reserved.**

**Sec. 7-71. Aggrievement, Appeal.**

Any person or persons severally or jointly aggrieved by any decision of the Historic District Commission or of any officer thereof may, within fifteen days from the date when such decision was rendered, take an appeal to the Superior Court for the Judicial District of Litchfield, which appeal shall be made returnable to such court in the same manner as that prescribed for other civil actions brought to such court. Notice of such appeal shall be given by leaving a true and attested copy thereof in the hands of or at the usual place of abode of the chairman or clerk of the Commission within twelve (12) days before the return day to which such appeal has been taken. The procedure upon such appeal shall be the same as that defined in General Statutes § 8-8, as amended.

(Ord. of 9-12-66 amended by Ord. of 5-17-95).<sup>30</sup>

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<sup>30</sup> State Law Reference C.G.S. § 7-147a et seq.

## **CHAPTER 8. LIBRARY**

### **Sec. 8-1. Roxbury Public Library - General.**

The Town shall have a public library consisting of the Minor Memorial Library and the Hodge Memorial Library. The public library is under the direction of the Roxbury Public Library Board of Directors. The Hodge Memorial Library is also under the direction of the Hodge Memorial Library Board of Trustees who shall be members of the Roxbury Public Library Board of Directors.<sup>19,20</sup>

(Ord. of 9-9-36; Ord. of 4-3-91 of which portions regarding transition have been omitted and portions regarding number of directors and trustees, term of office and election have been codified at Sec. 2-38 of this Code.)

### **Sec. 8-2. Authority and Responsibility.**

The Board of Directors shall have all of the authority and responsibility of a municipal library board of directors, as is set forth in § 11-20 et seq. of the General Statutes. In addition, the Trustees for the Hodge Memorial Library shall have all of the authority and responsibility provided under the Will of Charles W. Hodge, as same has been modified by court order.

(Ord. of 9-9-36, Ord. of 4-3-91, and Ord. of 1-1-04)

### **Sec. 8-3. Vacancies.**

Vacancies which may exist on the Board from any cause shall be filled through the next regular municipal election. However, until such vacancy has been filled through such election, such vacancy shall be filled through an appointment by the Board of Selectmen, consistent with § 9-220 et seq. of the General Statutes.

(Ord. of 4-3-91)

## CHAPTER 9. PARKS AND RECREATION, LAKE AUTHORITIES

### ARTICLE I. USE OF TOWN PARKS

#### DIVISION 1. POLICY AND PROCEDURE

##### **Sec. 9-1. Definitions.**

*Commission* shall mean the Parks and Recreation Commission of the Town of Roxbury.

*First Selectman or Selectman* shall mean the chief executive officer of the Town of Roxbury, however denominated.

*Inhabitant* means: a) Any resident of the Town of Roxbury who is either a taxpayer or a tenant who has rented a lodging in the Town of Roxbury for one (1) year or more; b) any individual nonresident taxpayer of the Town of Roxbury; or, c) any summer tenant renting a house or lodging in the Town of Roxbury for one (1) month or more, which rental is evidenced by a lease or sworn affidavit by the landlord.

*Park* includes any park, playground, pond, swimming area, recreation center or any other area in the Town, owned by the Town, and devoted to active or passive recreation.

*Person* shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

*Town* shall mean the Town of Roxbury, Connecticut.

##### **Secs. 9-2—9-5. Reserved.**

##### **Sec. 9-6. Operating Policies.**

The Town recognizes that Parks have been acquired and constructed by the Town for the use of the Inhabitants of the Town and are operated and maintained by the Town for the use of its Inhabitants, and further recognizes that said Parks have a limited capacity and are insufficient to accommodate all Persons and to avoid excessive congestion, prevent breakdown, collapse and deterioration of said Parks, to protect the environment and prevent further ecological destruction, to encourage the acquisition and construction of additional Parks by the Town and to promote health, comfort, convenience, and welfare. Inhabitants and their guests will be given precedence over others to enter, remain upon or use Parks pursuant to this Ordinance and other applicable laws, ordinances, and regulations promulgated by the Board of Selectmen or the Commission.

**Sec. 9-7. Hours of Operation.**

All Parks shall be open to the public every day of the year from dawn to sunset, except as otherwise designated by the Board of Selectmen or the Commission. The opening and closing hours for each individual Park shall be posted therein for public information.

**Sec. 9-8. Closed or Restricted Areas.**

Any section or part of any Park may be declared closed to the public either entirely or for specified uses by the First Selectman or the Commission at any time and for any interval of time, either temporarily or at regular or stated intervals.

**Sec. 9-9. Traffic.**

No Person in a Park shall drive any vehicle, excluding bicycles, upon any area except Park roads or parking areas or such other areas as may on occasion be specifically designated as temporary parking areas by the Board of Selectmen or the Commission.

**Sec. 9-10. Parking and Parking Stickers.**

(a) Designated Areas. All vehicles shall be parked in established or designated parking areas. Such parking shall be in accordance with any posted directions at such area and with the instructions of any attendant who may be present.

(b) Hours. No parking shall be permitted in any of the parking areas of any Park after closing.

(c) Parking Stickers. No motor vehicle shall be admitted to any Park unless it displays a motor vehicle sticker or pass issued by the First Selectman or his designee.

- (1) Town Inhabitants may obtain such sticker or pass from the First Selectman at a fee, if any, determined by the Board of Selectmen or the Commission.
- (2) Any Person who is not an Inhabitant who has a permit to use a Park may obtain from the First Selectman or his designee a special parking pass for the time period covered by the permit at a fee determined by the Board of Selectmen or the Commission. The special parking pass fee shall be imposed on a per-capita, per-day basis.
- (3) The Roxbury motor vehicle sticker and special parking pass are nontransferable and are only valid for the time period indicated thereon.

**Secs. 9-11—9-20. Reserved.**

## DIVISION 2. REGULATED ACTIVITIES AND PROHIBITED CONDUCT

### **Sec. 9-21. Pollution of Waters.**

No Person in a Park shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, storm sewer or drain flowing into such water any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters.

### **Sec. 9-22. Refuse and Trash.**

No person shall discard, cast, or leave any litter, refuse, paper, cans, bottles, broken glass, ashes, or any other trash in or upon any Park except in containers designated for those purposes by the Board of Selectmen or the Commission.

### **Sec. 9-23. Glass Containers.**

No glass containers or utensils shall be carried into or used in any Town-owned beach areas. This section shall not be deemed to prohibit a concessionaire from using glass containers in the conduct of his business, provided no food or refreshments are sold or dispersed in glass containers or utensils.

### **Secs. 9-24—9-25. Reserved.**

### **Sec. 9-26. Park Buildings and Property.**

No Person in a Park shall willfully mark, deface, disfigure, injure, tamper with, displace, or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or part or appurtenance thereof, signs, notices or placards whether temporary or permanent, monuments or stakes, posts or other boundary makers, or other structures or equipment, facilities or Park property or appurtenances whatsoever, either real or personal.

### **Sec. 9-27. Natural Resources.**

No Person shall cut, dig, damage, disturb, deface or remove any sand, soil, rock, stones, trees, shrubs, plants, flowers, foliage, grass, down-timber or other wood or materials or make any excavation by tool, equipment, blasting, or other means or agency, except as otherwise provided herein. The picking of flowers and foliage and the collecting of rocks and minerals may be allowed by special permit of the First Selectman.

### **Secs. 9-28—9-30. Reserved.**

**Sec. 9-31. Intoxicating Beverages.**

No Person shall bring, possess, or drink any intoxicating beverages in any Park, except by special permit issued for said purpose by the First Selectman. No person shall enter into or remain in a Park while intoxicated, providing however, consistent with General Statutes § 17a-690, such entering or remaining while intoxicated shall not give rise to a separate civil or criminal penalty or sanction by the Town under this Ordinance.

**Sec. 9-32. Fireworks and Explosives.**

No Person shall bring, have in his possession, discharge, set off, or otherwise cause to explode or burn in any Park any firearms, firecrackers, torpedoes, rockets, or other fireworks or explosives of inflammable material or discharge them or throw them into any Park from land or highway adjacent thereto, except by special permit issued by the First Selectman.

**Sec. 9-33. Domestic Animals.**

All domestic animals taken into a Park must be kept under control of the owner or harborer.

**Sec. 9-34. Fires.**

No Person shall light, kindle, build, attempt to build, or use any fire in any Park except in such areas and under such regulations as may be established by the Commission.

**Sec. 9-35. Boisterousness.**

No Person shall engage in loud, boisterous, threatening, or abusive language, gesture, or behavior or engage in any disorderly conduct or behavior in any Park or shall unreasonably interfere with the peaceful enjoyment of the Park by adjoining owners.

**Sec. 9-36. Structures.**

No boats, tents or artificial housing shall be left overnight in or on any Park except by special permit issued by the First Selectman.

**Sec. 9-37. Scheduled Activities.**

Activities scheduled by the Commission for a Park shall take precedence over and shall not be interfered with by any other use of the Park.

**Secs. 9-38—9-50. Reserved.**

**Sec. 9-51. Ice Skating.**

Ice skating on any body of water located in a Park is prohibited unless posted "Open for Skating" by the Commission.

**Sec. 9-52. Bathing and Swimming.**

(a) Designated Areas. Swimming at Town Parks shall be confined to those areas designated by the Commission. Swimming outside such areas is prohibited.

(b) Children. The Commission may set an age under which a child is prohibited to use a swimming facility except when such child is accompanied by an adult.

**Sec. 9-53. Boating.**

(a) Designated Areas. No Person shall bring into or operate any boat upon any waters of any Park, launch any boat from Town property, or anchor any boat on Town property except at places so designated by the Board of Selectmen or the Commission.

(b) Violations. The First Selectman or his authorized agent or the police may remove or cause to be removed and stored at the expense of the owner any boat docked or anchored in violation of Sec. 9-53(a). No liability for damage or destruction to boats so removed shall be incurred by the authorized official, agent, or Commission causing such removal.

**Sec. 9-54. Fishing.**

Fishing is permitted in any waters of a Park except bathing areas and those areas otherwise designated by the Commission.

**Sec. 9-55. Hunting.**

Hunting is prohibited in all Parks.

**Secs. 9-56—9-70. Reserved.**

DIVISION 3. PERMITS

**Sec. 9-71. Applications for Permits by Non-Inhabitants.**

All Persons who are not Inhabitants (other than the guests of Inhabitants who are accompanied by an Inhabitant) must apply for and obtain a permit prior to use of the Parks.

**Sec. 9-72. Issuance.**

The Board of Selectmen or its authorized agent may issue such permits.

**Sec. 9-73. Validity.**

Each permit shall be valid for the time period stated on the permit.

**Secs. 9-74—9-75. Reserved.**

### **Sec. 9-76. Information Required.**

A Person seeking issuance of a permit under this Ordinance shall provide the following information to the First Selectman:

- (1) The name, address, and telephone number of the applicant;
- (2) The name, address, and telephone number of the Person sponsoring the activity if any;
- (3) The day and hours for which the permit is requested;
- (4) The Park or portion thereof for which such permit is requested;
- (5) The activity or use for which the permit is requested;
- (6) An estimate of the anticipated attendance;
- (7) If applicable, the number and types of vehicles expected, including the number and types of any camping vehicles and the estimated time of arrival of all vehicles;
- (8) If required by the First Selectman, an agreement to indemnify the Town against any and all loss, damages, or claims for damage arising from or out of such activity or use in a form acceptable to Town Counsel; and
- (9) Any other information that the First Selectman shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

### **Sec. 9-77. Standards for Issuance.**

The First Selectman or his authorized agent shall issue a permit hereunder when it determines:

- (1) That the proposed activity or use of the Park will not unreasonably interfere with or detract from the general public enjoyment of the Park, including but not limited to undue noise, light, traffic, or pollution;
- (2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation, or unreasonably interfere with the peaceful enjoyment of adjoining premises by the owner or occupant of said premises;
- (3) That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct;
- (4) That the proposed activity will not entail unusual, extraordinary, or burdensome expense of insurance policy protection by the Town;

- (5) That the facilities desired have not been reserved for other use at the day and hour requested in the application;
- (6) That the proposed activity will not interfere with the use of the desired facilities by Inhabitants, whose use of the Parks shall have precedence over requests by non-inhabitants;
- (7) That the application conforms in full with the requirements of Sec. 9-76;
- (8) That the applicant has paid any designated fee to the First Selectman; and
- (9) That the proposed activity or use of the Park is not requested for a profit-making activity by an individual or profit-making organization.

**Sec. 9-78. Decision Time Period; Appeal Process.**

The First Selectman shall approve or deny the application within ten (10) days of receipt of the application. In the event of denial, the First Selectman shall apprise an applicant in writing of his reasons for refusing a permit within five (5) days of the date of decision, and any aggrieved person shall have the right to appeal in writing within seven (7) days to the Board of Selectmen, which shall consider the application under the standards set forth in Sec. 9-77 hereof and sustain or overrule the First Selectman's decision within fourteen (14) days of the receipt of appeal. The decision of the Board of Selectmen shall be final.

**Sec. 9-79. Revocation.**

The First Selectman or his authorized agent shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance or upon other good cause shown. In the event of revocation, any aggrieved person shall have the right to appeal in writing within seven (7) days to the Board of Selectmen. The Board of Selectmen shall consider said appeal in accordance with the provisions of the Ordinances of the Town and any applicable rules and regulations and shall sustain or overrule the First Selectman's decision within fourteen (14) days of the receipt of appeal. The decision of the Board of Selectmen shall be final.

**Secs. 9-80—9-90. Reserved.**

**DIVISION 4. ENFORCEMENT**

**Sec. 9-91. Authority.**

The First Selectman or his appointed agent shall have the responsibility and authority to carry out and enforce the provisions of this Ordinance.

**Sec. 9-92. Fine for Violation.**

Any Person who shall violate a provision of this Ordinance or fails to comply therewith or who fails to obey the directives of the First Selectman, the Police or other authorized agent of the Town in enforcing this Ordinance shall be subject to a fine of not more than \$90.

**Sec. 9-93. Additional Remedies.**

The foregoing are in addition to such prohibitions and penalties as are provided by the laws of this State and the Ordinances of this Town.

**Secs. 9-94—9-95. Reserved.**

**Sec. 9-96. Miscellaneous Provisions.**

(a) Severability. It is hereby declared to be the legislative intent that if a court of competent jurisdiction finds any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective and all other provisions of this Ordinance shall continue to be separately and fully effective.

(b) Conflicting Provisions. All ordinances and parts of ordinances in conflict with the provisions hereof are hereby repealed.  
(Ord. of 6-19-87)

**Secs. 9-97—9-120. Reserved.**

**ARTICLE II. RECREATION COMMISSION**

**Sec. 9-121. Recreation Commission.**

There shall be established a Recreation Commission to establish and supervise a Recreation Program for the townspeople of the Town.  
(Ord. of 4-21-72 and 5-20-92).

**Secs. 9-122—9-130. Reserved.**

**ARTICLE III. LAKE LILLINONAH AUTHORITY**

**Sec. 9-131. Establishment.**

Pursuant to the powers granted by § 7-151a of the General Statutes the Lake Lillinonah Authority is hereby established. Said Authority shall be comprised of the Town of Roxbury and such other Towns having Lake Lillinonah within their territorial limits as may adopt the provisions of said Statute and shall exercise all powers authorized under the Statutes of this State for Lake Authorities.

**Sec. 9-132. Membership.**

Said Authority shall be composed of three (3) delegates from each member town who shall be appointed by the Board of Selectmen, or Governing Body, of each town, one for a term of one (1) year; one for a term of two (2) years; and one for a term of three (3) years. All subsequent appointments shall be for terms of three (3) years.

**Sec. 9-133. Powers.**

Said Authority shall have the power to:

- (1) Act as agent for the member towns in cooperating with the Commissioner of Environmental Protection in the enforcement of the Boating Laws on such water.
- (2) Control and abate algae and aquatic weeds in cooperation with the Commissioner of Environmental Protection.
- (3) Study water management including, but not limited to, water depth and circulation and make recommendations for action to its member towns.
- (4) Act as agent for member towns with respect to filing applications for grants and reimbursements with the Department of Environmental Protection and other State agencies in connection with state and federal programs.
- (5) Act as agent for member towns with respect to receiving gifts for any of its purposes.

**Sec. 9-134. Budget Allocation.**

Said Authority shall receive from each member town their prorated share of the expenses of the Authority based upon the annual budget of the Authority divided by eleven (11). The Town shall pay one eleventh (1/11) and each of the other member towns shall pay two elevenths (2/11), thus enabling the other five (5) member towns to pay an equal share and the Town paying one half (1/2) of an equal share. The annual budget, prepared by the Authority shall be submitted to each of the member towns for approval. In the event different amounts are approved by the member towns, an average of the three highest amounts approved shall be used to determine the final budget. The annual budget will be accompanied by an independent auditor's report of the past years expenditures.  
(Ord. of 5-9-90)

**Secs. 9-135—9-140. Reserved.**

**ARTICLE IV. SHEPAUG-BANTAM RIVER PROTECTION COMMISSION**

**Sec. 9-141. Preamble.**

The Town acknowledges the need for the "Shepaug-Bantam River Management Plan" and recognizes said "Plan" as the guide for the permanent, local, advisory Shepaug-Bantam River Board.

**Sec. 9-142. Establishment and Participation.**

The Town acting by its Board of Selectmen pursuant to §§ 7-330 and 7-148 of the General Statutes is authorized with the Town of Washington and one or more of the following towns, Litchfield, Morris and Warren, to create and participate in a permanent advisory Shepaug-Bantam River Board. Each of said towns participating in said Board shall be entitled to two members.

**Sec. 9-143. Membership; Officers.**

The members representing the Town shall be appointed within thirty (30) days of the effective date of this Ordinance. The Board shall, at its first meeting determine by lot which members shall serve for one (1), two (2) or three (3) years, provided the terms of office of not more than fifty percent of the Board shall expire in any one year. Thereafter, the terms of office shall be for three (3) years. Such Board shall choose by ballot from its membership a Chairman and a Secretary. Any vacancy in the Town's representation on the Board shall be filled for the balance of the unexpired term by said town's Board of Selectmen. In the event of the absence, resignation, or incapacity of the Chairman or in the event the Chairman shall be unable to act, the Secretary shall assume the office and duties of the Chairman. In this instance, the Secretary pro tem shall be elected by a majority of Board members present.

**Sec. 9-144. Responsibilities and Duties.**

The members of said Board shall have the following responsibilities and duties when voting with a majority of the other members of the Board present at a meeting duly held providing a quorum is present:

- (1) To adopt and, from time to time, to update, amend, and revise the "Shepaug-Bantam River Management Plan" provided and on condition that such amendments and revisions are wholly advisory in nature; and
- (2) To consult with public and private agencies or organizations concerning river related matters and to review and provide advisory comments on plans or programs affecting the Shepaug-Bantam River, and its associated land or "corridor", and make recommendations to public and private agencies or organizations concerning river related matters.

**Sec. 9-145. Effective Date.**

This Ordinance shall become effective upon its adoption by the Towns of Roxbury, Washington and one or more of the following towns: Morris or Warren. (Ord. of 10-5-79; see Ord. of 3-16-78; Ord. of 1-27-89).

**Sec. 9-146. Shepaug-Bantam River Protection Commission.**

The Town of Roxbury agrees with the Towns of Litchfield, Morris, Warren and Washington that the Shepaug-Bantam River Board is hereby designated as a river protection commission for the above-named river corridor pursuant to Chapter 477d, entitled “River Protection,” of the General Statutes. This agreement shall be effective upon the date when all five member Towns of the current Shepaug-Bantam River Board have adopted a resolution to the same effect as that adopted by Roxbury and the current Shepaug-Bantam River Board shall thereupon be named and known as the Shepaug-Bantam River Protection Commission (“Commission”).  
(Ord. of 1-27-89)

**Sec. 9-147. Modifications.**

The provisions of the ordinance adopted on October 5, 1979 creating the permanent Shepaug-Bantam River board shall continue to apply to the Commission except as they may be expressly or impliedly modified by this Ordinance and by any further actions taken pursuant to Chapter 467d of the General Statutes.

**Sec. 9-148. Commission Members.**

The Commission shall consist of ten (10) members, two (2) from each participating Town regardless of population. The members for this Town on the Shepaug-Bantam River Board at the time of adoption of this Ordinance shall be the Town’s members on the Commission. The terms of members of the Commission shall be a continuation of the terms presently established for the Shepaug-Bantam River Board, so that as such terms expire, vacancies therein shall be filled and appointments thereto shall be made in the same manner as if the aforementioned ordinance creating the Shepaug-Bantam River Board.

**Sec. 9-149. Commission Duties.**

The Commission shall:

- (1) Define and establish the boundaries of any protected river corridor on a map and after notice and a public hearing, approve or modify such map;
- (2) Identify, inventory and describe those qualities of protected river corridors deemed worthy of protection, preservation and resource management;
- (3) Adopt and implement, after public notice and hearing, a plan of management for the protection, preservation and enhancement of those qualities identified in the inventory; and
- (4) Review and revise the map and plan as the Commission deems necessary in the same manner as adoption.

**Sec. 9-150. Application to the Department of Environmental Protection.**

The Commission shall make application to the State of Connecticut Department of Environmental Protection for the designation and approval provided for under said Act.<sup>31</sup> (Ord. of 1-27-89 amending Ord. of 10-5-79; Ord. of 1-1-04)

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<sup>31</sup> All references to Chapter 477d or the River Protection Act shall mean such legislation as amended from time to time.

## CHAPTER 10. LAND USE

### ARTICLE I. ZONING COMMISSION

#### Sec. 10-1. Establishment.

There shall be established a Zoning Commission which shall have all the powers set forth in provisions of Chapter 124 of the General Statutes.  
(Ord. of 3-5-32; amended by Ord. of 3-3-48, Ord. of 9-20-54; Ord. of 12-20-65; Ord. of 1-1-04)

#### Sec. 10-2. Roxbury Zoning Fine Ordinance.

**10.2.1. Purpose.** The purpose of this Ordinance is to establish an additional means by which the Town of Roxbury may effectively enforce its Zoning Regulations by the implementation of a citation procedure for the imposition of fines for violations and continued noncompliance with the Regulations.

**10.2.2. Authority.** This Ordinance is authorized pursuant to Connecticut General Statute, Section 8-12a.

**10.2.3. Definitions.** The following word, terms, and phrases used in this Ordinance shall have the following meanings:

*"Commission"* means the Zoning Commission, acting as the local zoning commission under Section 8-2 etseq of the Connecticut General Statutes.

*"Agent"* means any designated representative or agent of the Town of Roxbury responsible for the supervision of the Zoning Regulations and who implements the policies and Regulations of the Commission.

*"Regulations"* shall mean the Zoning Regulations of the Town of Roxbury, as the same may be amended from time to time.

*"Person"* means any individual, persons, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

**10.2.4. Issuance of Citation.** The Commission or its Agent is hereby authorized to issue citations to any Person who commits a violation of the Regulations. In such instances, each citation will apply jointly and severally to the owner of the subject property and his/her agents, tenants, occupants, licensees, lessees, sublessees, contractors and subcontractors. Each day that any violation continues shall be deemed a separate offense, for which a separate citation may be issued

**10.2.5. Delivery of Citation.** Any such citation may be delivered either by hand delivery or by certified mail to the person named in such citation. The Commission or Agent issuing a citation shall retain a copy of the citation.

**10.2.6. Content of Citation.** The citation shall inform such person: (1) of the allegations against such Person and the amount of the fines; (2) that the Person has a period of thirty (30) days from the date of the citation (i.e., the date of hand delivery or the date the citation was mailed) to make an uncontested payment of the fines; (3) that payments shall be made payable to the Town of Roxbury, at the Roxbury Town Hall.

**10.2.7. Failure to Pay.** If the person cited does not pay the fine within thirty (30) days from the date of the citation, then at any time within twelve months from the expiration of the thirty (30) day period, the Agent shall send a notice to the person cited, by hand delivery or certified mail, informing such person: (1) of the allegations against him or her and the amount of the fines; (2) that the person cited may contest liability before a Hearing Officer appointed pursuant to Zoning Citation Hearing Procedure (“Hearing Procedure”) set forth below, by delivering, in person or by mail, within thirty (30) days from the date of the notice, a written demand for a hearing, pursuant to the Hearing Procedure Ordinance; (3) that if the person cited does not demand such a hearing, the Person shall be deemed to have admitted liability and an assessment of the fine may be issued without further notice.

**10.2.8. Amount of Fine.** The fine shall not exceed \$150.00 per day per citation per zoning violations. No such fine may be levied against the State of Connecticut or any employee of the State acting within the scope of his/her employment.

**10.2.9. Additional penalties and remedies.** At its discretion, the Commission may seek additional penalties and remedies in accordance with the Regulations.

**10.2.10. No limitation on Authority.** The provision of this Ordinance shall not be construed to limit or alter the authority, duty and responsibility of the Commission as granted in Sections 8-12 of the Connecticut General Statutes, the Regulations, and other legislation that may apply.

**10.2.11. Existing Violations.** Violations of the Regulations in existence at the effective date of this Ordinance shall be deemed violations under this Ordinance, and fines may be issued accordingly.

**10.2.12. Special Land Acquisition Fund.** Any fine collected by the Town of Roxbury pursuant to this Ordinance shall be deposited into the Town’s land acquisition fund.

**10.2.13. Zoning Citation Hearing Procedure and Post Hearing Procedure.**

(a) Establishment. There is hereby established, in accordance with Connecticut General Statutes Section 7-152c, a Zoning Citation Hearing Procedure for the Town of Roxbury for purposes of providing a hearing procedure under this Ordinance. The Superior Court has the authority to enforce the assessments and judgments provided for under this article.

(b) Appointment of Hearing Officer. The First Selectman, acting within his or her capacity as chief executive officer, shall appoint one (1) or more citation Hearing Officer(s), other than a member of the Commission, an employee of the Town, a policeman serving the Town of Roxbury or persons who issue citations, to conduct the hearings authorized by this Ordinance.

(c) Any Person who timely requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice 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 notice of violation issued by the Agent or the Commission shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The presence of the issuing official or police officer shall be required at the hearing if such person so requests. A Person cited wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. The Agent or other designated municipal official or officials, may present evidence to the Hearing Officer on behalf of the Commission. If such Person cited fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under this Ordinance. The Hearing Officer may accept copies of investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of the person supply said reports and documents is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the Person cited is liable for the violation, he shall forthwith enter and assess the fines against such Person as provided by this Ordinance.

(d) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days or more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of a Superior Court facility designated by the Chief Court Administrator together with an entry fee of eight (\$8) dollars, The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment when so entered as a Judgment shall have the effect of a civil money judgment and a levy of execution on such Judgment may issue without further notice to such person.

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

(Ord. of 5-21-13 (adding Section 10.2), effective 06-28-13)

**10.3—10.5. Reserved.**

## ARTICLE II. PLANNING COMMISSION

### Sec. 10-6. Establishment.

Pursuant to the authority granted by Chapter 126 of the General Statutes, there shall be established a Planning Commission with all of the powers and duties specified in said Chapter 126.

(Ord. of 11-10-61)

### Sec. 10-7. Assistance Authorization.

The Planning Commission is authorized to employ such technical assistance as it may deem necessary from time to time to carry out its purposes.

### Sec. 10-8. Alternate Members.

If a regular member of the Planning Commission is absent or is disqualified, the Chairman of the Commission shall designate an Alternate to act; the choice of Alternates shall be in rotation so that each Alternate shall act as nearly equal a number of times as possible. If any Alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meetings. Alternative members shall attend all meetings and executive sessions of said Commission, except in cases of illness or other extenuating circumstances.

(Ord. of 11-10-61; Ord of 1-23-86; Ord of 1-1-04)<sup>32</sup>

### Secs. 10-9—10-15. Reserved.

## ARTICLE III. INLAND WETLANDS COMMISSION

### Sec. 10-16. Establishment.

There shall be established an Inland Wetlands Commission with all of the powers and duties specified in §§ 22a-36 et seq. of the General Statutes.

(Ord. of 8-23-73 effective 9-1-73 amended 5-31-84)

### Sec. 10-17. Roxbury Inland Wetlands and Watercourses Fine Ordinance

**10.17.1. Purpose.** The purpose of this Ordinance is to establish an additional means by which the Town of Roxbury may effectively enforce its Inland Wetlands and Watercourses Regulations by the implementation of a citation procedure for the imposition of fines for violations and continued noncompliance with the Regulations.

**10.17.2. Authority.** This Ordinance is authorized pursuant to Connecticut General Statute, Section 22a-42 g.

**10.17.3. Definitions.** The following word, terms, and phrases used in this Ordinance shall have the following meanings:

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<sup>32</sup> State Law Reference C.G.S. Chapter 126.

*"Commission"* means the Roxbury Inland Wetlands and Watercourses Commission, acting as the local wetland agency under Section 22a-36 et seq of the Connecticut General Statutes.

*"Agent"* means any designated representative or agent of the Town of Roxbury responsible for the supervision of the Inland Wetlands and Watercourses Regulations and who implements the policies and Regulations of the Commission.

*"Regulations"* shall mean the Inland Wetlands and Watercourses Regulations of the Town of Roxbury, as the same may be amended from time to time.

*"Person"* means any individual, persons, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

**10.17.4. Issuance of Citation.** The Commission or its Agent is hereby authorized to issue citations to any Person who commits a violation of the Regulations. In such instances, each citation will apply jointly and severally to the owner of the subject property and his/her agents, tenants, occupants, licensees, lessees, sublessees, contractors and subcontractors. Each day that any violation continues shall be deemed a separate offense, for which a separate citation may be issued

**10.17.5. Delivery of Citation.** Any such citation may be delivered either by hand delivery or by certified mail to the person named in such citation. The Commission or Agent issuing a citation shall retain a copy of the citation. In addition, a copy of the initial citation shall be reported to The Connecticut Department of Environmental Protection, pursuant to Sections 22a-39-14 of the Connecticut State Regulations.

**10.17.6. Content of Citation.** The citation shall inform such person: (1) of the allegations against such Person and the amount of the fines; (2) that the Person has a period of thirty (30) days from the date of the citation (i.e., the date of hand delivery or the date the citation was mailed) to make an uncontested payment of the fines; (3) that payments shall be made payable to the Town of Roxbury, at the Roxbury Town Hall.

**10.17.7. Failure to Pay.** If the person cited does not pay the fine within thirty (30) days from the date of the citation, then at any time within twelve months from the expiration of the thirty (30) day period, the Agent shall send a notice to the person cited, by hand delivery or certified mail, informing such person: (1) of the allegations against him or her and the amount of the fines; (2) that the person cited may contest liability before a Hearing Officer appointed pursuant to Wetland Citation Hearing Procedure (“Hearing Procedure”) set forth below, by delivering, in person or by mail, within thirty (30) days from the date of the notice, a written demand for a hearing, pursuant to the Hearing Procedure Ordinance; (3) that if the person cited does not demand such a hearing, the Person shall be deemed to have admitted liability and an assessment of the fine may be issued without further notice.

**10.17.8. Amount of Fine.** The fine shall be up to one thousand dollars (\$1,000) per citation for activities in the wetlands or watercourses and up to five hundred dollars (\$500) per citation for activities within regulated areas or setbacks and other upland areas that otherwise impact the wetlands or watercourses. No such fine may be levied against the State of Connecticut or any employee of the State acting within the scope of his/her employment.

**10.17.9. Additional penalties and remedies.** At its discretion, the Commission may seek additional penalties and remedies in accordance with the Regulations.

**10.17.10. No limitation on Authority.** The provision of this Ordinance shall not be construed to limit or alter the authority, duty and responsibility of the Commission as granted and established under Connecticut's Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, the Regulations, and other legislation that may apply.

**10.17.11. Existing Violations.** Violations of the Regulations in existence at the effective date of this Ordinance shall be deemed violations under this Ordinance, and fines may be issued accordingly.

**10.17.12. Special Land Acquisition Fund.** Any fine collected by the Town of Roxbury pursuant to this Ordinance shall be deposited into the Town's land acquisition fund.

**10.17.13. Wetland Citation Hearing Procedure and Post Hearing Procedure.**

(a) Establishment. There is hereby established, in accordance with Connecticut General Statutes Section 7-152c, a Wetland Citation Hearing Procedure for the Town of Roxbury for purposes of providing a hearing procedure under this Ordinance. The superior court has the authority to enforce the assessments and judgments provided for under this article.

(b) Appointment of Hearing Officer. The First Selectman, acting within his or her capacity as chief executive officer, shall appoint one (1) or more citation Hearing Officer(s), other than a member of the Commission, an employee of the Town, a policeman serving the Town of Roxbury or persons who issue citations, to conduct the hearings authorized by this Ordinance.

(c) Any Person who timely requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice 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 notice of violation issued by the Agent or the Commission shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The presence of the issuing official or police officer shall be required at the hearing if such person so requests. A Person cited wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. The Agent or other designated municipal official or officials, may present evidence to the Hearing Officer on behalf of the Commission. If such Person cited fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under this Ordinance. The Hearing Officer may accept copies of investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of the person supply said reports and documents is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the Person cited is liable for the violation, he shall forthwith enter and assess the fines against such Person as provided by this Ordinance.

(d) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

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

(Ord. effective 2-23-06, Amendment to add subsections (d) and (e) Adoption 5-21-13, effective 6-28-13).

**Secs. 10-18—10-20. Reserved.**

## **ARTICLE IV. NORTHWESTERN CONNECTICUT COUNCIL OF GOVERNMENTS**

### **Sec. 10-21. Establishment.**

The Town of Roxbury does hereby seek to join with other towns as a member of the Northwestern Connecticut Council of Governments and in furtherance thereof, adopts §§ 4-124(i) to 4-124(p) inclusive of the General Statutes.

### **Sec. 10-22. Town's Representative.**

As the chief elected official of the Town, the First Selectman will act as the Town's representative to the Council of Governments in accordance with § 4-124(k) of the General Statutes as amended. The Board of Selectmen is hereby authorized to appoint one of the other Selectmen to act as the Town's representative in the absence of the First Selectman. (Ord. of 8-9-85; Ord of 8-23-73-rescinded).

### **Secs. 10-23—10-25. Reserved.**

## **ARTICLE V. ZONING BOARD OF APPEALS**

### **Sec. 10-26. Establishment.**

There shall be a Zoning Board of Appeals, with all the powers set forth under § 8-6 of the General Statutes.

### **Secs. 10-27—10-30. Reserved.**

## **ARTICLE VI. CONSERVATION COMMISSION**

### **Sec. 10-31. Establishment.**

There shall be a Conservation Commission for the development and conservation of natural resources, including water resources within the Town. The Conservation Commission shall have all the powers and duties set forth at § 7-131a of the General Statutes, as amended. (Ord. of 5-6-66; Ord. of 1-1-04)

### **Secs. 10-32—10-35. Reserved.**

## **ARTICLE VII. SUPPLEMENTAL LAND USE FEES**

### **Sec. 10-36. Fees Supplementing Other Fees of Land Use Agencies.**

Pursuant to General Statutes § 8-1c, the following supplemental municipal land use fee ordinance applies to all land use applications:

When the actual cost of processing any land use application exceeds the fees, set forth in the regulations of any Town land use agency, including the Planning Commission, Zoning

Commission, Inland Wetlands Commission and the Zoning Board of Appeals (the "Permit Granting Authority"), the Permit Granting Authority shall charge the applicant a surcharge fee to fund the approximate actual costs of processing the application.

The expenses of any outside consultants may be estimated by the Permit Granting Authority upon receipt of the application, based upon the projected expenses of reviewing, evaluating and processing the application. This reasonable estimate, together with the appropriate application fee required by the regulations of the applicable Permit Granting Authority, shall be paid forthwith and the application shall be deemed incomplete until these fees have been submitted. For the purpose of this Ordinance an "outside consultant" means a professional who is not an employee of the Town, including, but not limited to, engineering, traffic, environmental, wetlands, planning and legal professionals.

Any portion of the surcharge fee not expended by the Town on the project shall be rebated to the applicant upon completion of the review, evaluation and processing of the application.

The applicable Permit Granting Authority shall bill the applicant for any costs incurred by the Town in excess of the estimated surcharge fee paid by the applicant. This bill shall be paid by the applicant prior to the issuance of any permits.  
(Ord. of 8-5-1998)<sup>33</sup>

### **Sec. 10-37. Establishment of Zoning Commission Fee Schedule.**

(a) In addition to the fees required by Section 10-36 of this Code, pursuant to General Statutes § 8-1c the following Zoning Commission Fee Schedule is established:

- (1) Zoning Permit Application Fee    \$80 + \$60 state fee = \$140
  
- (2) Zone Change Petition
  - Application Fee                            \$80 + \$60 state fee = \$140
  - Public Hearing Fee                        \$175
  
- (3) After-the-fact Application Fee    \$340.00
  
- (4) Site Plan Application (Where No Special Permit Requested)
  - Application Fee                            \$110.00 + \$60 state fee = \$170
  
- (5) Special Permit/Amendment to Special Permit
  - Application Fee                            \$110 + \$60 state fee = \$170
  - Public Hearing Fee                        \$175
  
- (6) Renewal of Special Permit
  - Application Fee                            \$80 + \$60 state fee = \$140
  - Public Hearing Fee                        \$100

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<sup>33</sup> Cross reference to Ch. 3. Art. 1, § 3-3 citing Ord. of 5-9-80 regarding waiver of fees for Town and non-profits.

- (7) Temporary Permit for Earth Removal/Renewal of Temporary Permit
- |                    |                                |
|--------------------|--------------------------------|
| Application Fee    | \$110 + \$60 state fee = \$170 |
| Public Hearing Fee | \$175                          |
- (8) Request to ZBA for Variance
- |              |                                |
|--------------|--------------------------------|
| Variance Fee | \$185 + \$60 state fee = \$245 |
|--------------|--------------------------------|
- (9) Request to Zoning Commission for certificate of approval for location of gasoline station
- |                    |  |
|--------------------|--|
| Application Fee    | \$10 + \$60 state fee = \$70 (paid to Town Treas.) |
| Public Hearing Fee | \$175  |
- (10) Request to ZBA for Certificate of approval for location of motor vehicle repair business.
- |                    |  |
|--------------------|--|
| Application Fee    | \$10 + \$60 state fee = \$70 (paid to Town Treas.) |
| Public Hearing Fee | \$175  |
- (11) Request to Zoning Commission for location of motor vehicle junkyard
- |                    |  |
|--------------------|--|
| Application Fee    | \$25 + \$60 state fee = \$85 (paid to Town Treas.) |
| Public Hearing Fee | \$175  |

(b) All fees listed above are due at the time the application is submitted to the land use office. No application will be complete or deemed accepted until the proper fee is received. In addition to the schedule fees applicants will be required to pay the applicable State Surcharge. The \$60 State Surcharge (effective 10/1/09) shown above will be increased automatically with any increase adopted by the State of Connecticut.  
(Ord. of 7-07-04)<sup>34</sup>

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<sup>34</sup> State law reference C.G.S. § 8-1c.

## CHAPTER 11. SOLID WASTE AND RECYCLING

### Sec. 11-1. Purpose.

In order to promote, protect and preserve the public health, safety and welfare of the Town, this Ordinance is adopted by the Town as part of a long-term plan for safe and sanitary disposal of solid waste, and to establish measures to assure compliance of persons within the Town boundaries and of waste collectors and haulers with the requirements of the General Statutes for accumulation, preparation, separation, collection, removal, storage, purchasing, marketing, processing, sale, transportation, recycling and disposal of solid waste. In accordance with these purposes, there is hereby established within the Town a program for the mandatory separation of recyclables from garbage or rubbish.

### Sec. 11-2. Definitions.

For the purposes of this Ordinance:

*Center* means the refuse disposal or drop-off area or areas (“Transfer Station”) designated from time to time by, and under the supervision of, the Board of Selectmen.

*Collector* means any person who holds himself out for hire to collect, haul, transport or dispose of solid waste or recyclable solid waste from residential, business, commercial or other establishments to the Center or, as permitted by law or as designated by the Board of Selectmen, to other locations.

*Hauler* means any person who holds himself out for hire to collect, haul, transport or dispose of solid waste or recyclable solid waste from the Center to such disposal site or sites as may be designated by the Board of Selectmen from time to time.

*Hazardous Waste* means that portion of Solid Waste defined as toxic or hazardous wastes, materials or substances, under any Federal law or within the meaning of § 22a-115(1) or § 22a-151 of the General Statutes or which is otherwise hazardous to the public health, welfare or safety, as may be applicable at any time after the adoption of this Ordinance.

*Person* means an individual, natural person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency or any other legal entity.

*Recyclable Solid Waste* means the type of Solid Waste normally generated, collected or disposed of in the Town, which is or has been designated by this Ordinance, the Commissioner of Environmental Protection, or by the Board of Selectmen to be recycled including, but not limited to: cardboard, glass food and beverage containers, metal food and beverage containers, waste oil, and storage batteries, excepting Unacceptable Waste and Hazardous Waste.

*Residential Property* means real estate containing one (1) or more dwelling units but shall not include hospitals, motels or hotels.

*Residue* means solid waste remaining after any recycling facility holding a permit has processed the waste, but excluding wastes which are toxic or hazardous.

*Solid Waste* means all unwanted or discarded materials or substances consistent with the meaning of that term pursuant to § 22a-260(7) of the General Statutes as amended, including but not limited to garbage, refuse, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, offal and other discarded materials and substances resulting from industrial, commercial, mining and agricultural operations and from community activities, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form or solid or dissolved materials in irrigation return flows or industrial discharges, or source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended.

*Unacceptable Waste* means:

- (1) Pathological waste, Hazardous Waste, radioactive materials, sludges, cesspool or other human waste, human and animal remains, liquid wastes;
- (2) Any material which, in the opinion of the Board of Selectmen, would be prejudicial to the proper operation of the Center;
- (3) Motor vehicles, whole or in part, animal carcasses, large appliances unless doors are removed, and tires;
- (4) Explosives, flammable powders or other combustible materials or substances having a low flash point;
- (5) Any item of waste either smoldering or on fire;
- (6) Wastes in quantities or concentrations that by law require special handling in their collection and/or processing; and
- (7) All other items of waste which, at the time of delivery, would be likely to pose a threat to health or safety, or would not normally be disposed of in a sanitary landfill or which are prohibited by judicial action or any applicable law or regulation.

### **Sec. 11-3. Residential Recyclable Solid Waste.**

(a) On and after January 1, 1991, it shall be mandatory that any person who generates Solid Waste from Residential Property shall separate the following recyclables from the other Solid Waste:

- (1) Cardboard including corrugated boxes and similar material;
- (2) Unbroken glass, bottles, food and beverage containers;
- (3) Metal food and beverage containers including aluminum, bi-metal, tin plated steel, or other metallic cans, plates or trays;
- (4) Newspaper and other newsprint;

- (5) Storage batteries including lead acid batteries or other batteries used in motor vehicles, boats and airplanes;
- (6) Waste oil including crankcase oil;
- (7) Plastic food and beverage containers; and
- (8) Such other Solid Waste items which may be designated from time to time for recycling by the Commissioner of Environmental Protection of the State of Connecticut.

(b) All such residential Recyclable Solid Waste shall be separated by the generator and placed in containers or packaged for collection by the Collector at a designated location for Residential Solid Waste pickup or shall be taken to the Center and deposited in applicable designated containers. All separated recyclables shall have a minimum contamination by food or other materials.

**Sec. 11-4. Nonresidential Recyclable Solid Waste.**

(a) On and after January 1, 1991, any person who generates Solid Waste from other than a Residential Property shall make provisions for the separation of the following from other Solid Waste and for subsequent recycling:

- (1) Cardboard including corrugated boxes and similar material;
- (2) Unbroken glass, bottles, food and beverage containers;
- (3) Metal food and beverage containers including aluminum, bi-metal, tin plated steel, or other metallic cans, plates or trays;
- (4) Newspaper and other newsprint;
- (5) Storage batteries including lead acid batteries or other batteries used in motor vehicles, boats and airplanes;
- (6) Waste oil including crankcase oil;
- (7) Plastic food and beverage containers;
- (8) Office paper including white and manila paper, computer printing and photocopying paper waste; and
- (9) Such other Solid Waste items which may be designated from time to time for recycling by the Commissioner of Environmental Protection of the State of Connecticut.

(b) All such other Nonresidential Recyclable Solid Waste shall be separated by the generator at the source and placed in containers or packaged for collection by the Collector at a designated location for Solid Waste pickup and/or as permitted by the Board of Selectmen, may be taken to the Center or to such other location as may be designated for such waste by the Board of Selectmen.

**Secs. 11-5—11-10. Reserved.**

**Sec. 11-11. Disposal of Refuse.**

(a) Any person residing or having a place of business in the Town shall be responsible for the removal of his refuse to a lawful place for disposal either by himself or by a lawful Collector.

(b) Refuse shall be disposed of at regular and frequent intervals so as not to cause an unhealthy or unsightly accumulation.

(c) No refuse collected, generated or disposed of in the Town shall be deposited for disposal except at such sites and under such conditions as may be approved by the Board of Selectmen.

(d) The Center shall be open such hours as may be designated by the First Selectman, subject to approval by the Board of Selectmen and no dumping shall be permitted except at such designated times.

(e) Any person intending to unload at the Center shall follow the instructions on all posted signs and/or the instructions of the person in charge.

(f) No appliances, white goods, recyclable salvage material, tires, construction or demolition material, debris from structure fire, trees, stumps, limbs or trunks of trees shall be dumped at the Solid Waste Center until the person in charge is notified of such items. The person in charge will direct the person transporting such material to the appropriate site for such material, which may be other than the Center.

(g) No person shall dispose of storage barrels, drums or other similar containers at the Center unless such containers are completely emptied and crushed flat.

(h) The following materials will not be received for disposal at the Center:

(1) Unacceptable Waste;

(2) Rock ledge, stones, rocks and boulders, or fragments thereof with a dimension in excess of ten (10) inches; and

(3) Materials that have not been prepared for collection, collected, or transported in accordance with this Ordinance.

(i) No refuse shall be placed into any container that is or has been used for Unacceptable Waste.

(j) Doors shall be removed from the hinges of all iceboxes, refrigerators, freezers, stoves, other major metal appliances or other large containers with doors affixed prior to disposal and prior to storage in any accessible place for collection or disposal.

(k) Approved containers may be placed at curbside no more than twenty-four (24) hours prior to collection and any empty containers shall be removed from the curbside or street no more than twenty-four (24) hours after collection.

(l) No person shall bring to or discharge at the Center or any other area designated to receive the Town's Solid Waste any material of any nature which was picked up by such person outside the limits of the Town. Each deposit of refuse brought into the Center or such other area in violation of this Ordinance constitutes a separate violation of this Ordinance.

(m) The Board of Selectmen may establish, by resolution, a fee schedule which requires payment by weight, volume, type of waste or any other appropriate measure for various categories of refuse deposited at the Center.

(n) Permits for other than Collectors will be required for all users of the Center, for which the Board of Selectmen may establish, by resolution, an annual permit fee.

(o) Materials governed by the Public Health Code shall be destroyed and disposed of pursuant to such Code.

(p) The Board of Selectmen is hereby authorized to adopt, from time to time, by resolution, such regulations as it shall deem in the public interest regarding the collection, recovery, removal, storage, separation, disposal and recycling of Solid Wastes. Such regulations may include without limitation, requirements for vehicle permits for use of all Solid Waste disposal and drop-off sites including the Center.

(q) The First Selectman shall, and is granted the authority to, designate a person to be contacted by the DEP with inquiries regarding the recycling program.

(r) The First Selectman shall, and is granted the authority to, designate a municipal agent to receive complaints and notices of violations of the separation requirements set forth in Public Act 90-220 and this Ordinance.

(s) The Board of Selectmen is hereby authorized to add or delete, from time to time, items on the list of mandatory and optional recyclables so long as such action is not in conflict with the General Statutes, Department of Environmental Protection regulations, or any regional authority with which the Town has a related agreement.

(t) Unless otherwise provided in such approved Town regulations or State or Federal law, recyclables shall be prepared as follows:

- (1) Glass food and beverage containers, metal food and beverage containers, and plastic food and beverage containers shall be rinsed and placed in separate collection containers. Glass shall be unbroken and shall not include dishes, crockery, spark plugs, Pyrex, or plate or window glass.
- (2) Newspapers and newsprint should be tightly packed in paper grocery bags or tied in bundles not exceeding fifty (50) pounds in weight.
- (3) Corrugated cardboard should be flattened, tied and placed alongside trash.
- (4) Other recyclables such as waste oil, and storage batteries shall be brought to the Center or other designated location.

(5) Recyclables shall not be placed in plastic bags.

(6) China, pottery, light bulbs, Pyrex, and window/mirror glass should be placed in non-recyclable solid waste.

(u) Collectors shall not collect recyclables that are mixed with other Solid Waste.

**Secs. 11-12—11-20. Reserved.**

**Sec. 11-21. Registration of Collectors.**

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

**Sec. 11-22. Registration: Forms, Fees and Frequency.**

(a) All persons intending to act as Collectors shall apply for registration with the office of the First Selectman on the forms provided before July 1 of each year. The applicant will be required to furnish all information requested, including but not limited to:

- (1) The name and address of the business and whether it is a corporation, partnership or sole proprietorship;
- (2) If applicable, the names and addresses of any and all persons owning an interest in the applicant's business;
- (3) A listing and description of the vehicles to be used for hauling Solid Waste or Recyclable Solid Waste;
- (4) The names and addresses of all customers presently served, if any, within the Town;
- (5) The approximate tonnage of Solid Waste and Recyclable Solid Waste expected to be collected each week;
- (6) The names of all other communities served by the applicant;
- (7) Evidence of insurance showing coverage in such amounts as the Board of Selectmen shall determine; and
- (8) Whether the applicant plans to collect Recyclable Solid Waste generated from Residential Property or from commercial, business, municipal and other sources within the Town or both.

(b) A registered Collector shall update the information required by subsection (a) of this Sec. 11-22 at least once each year at the time of registration renewal.

(c) Once approved the registration shall be effective until the following June 30 and, unless properly renewed, shall lapse.

(d) The Board of Selectmen by resolution may adopt registration fees to be paid with the original registration and each annual renewal. Registration fees shall not be prorated.

(e) Registrations are not transferable or assignable.

(f) The Board of Selectmen may require that any Collector depositing recyclables at a regional intermediate processing center ("IPC") that receives, processes and/or markets recyclables shall maintain a performance bond or other means approved by the Board to insure payment with the vendor of that IPC or the municipality.

**Secs. 11-23—11-25. Reserved.**

**Sec. 11-26. Collection and Transportation of Refuse.**

(a) Collectors shall keep any premises in the Town neat and orderly and shall keep all vehicles, containers and equipment in good and sanitary condition, and said vehicles, containers and equipment shall be constructed, equipped, maintained and operated so as to permit no loss of refuse, including liquid waste. All vehicles shall have canvas or other suitable covers.

(b) No person shall transport Unacceptable Waste or Hazardous Waste to the Center or to any area designated by the Town for Solid Waste disposal.

(c) All collections shall be made as quietly as possible and no unnecessarily noisy trucks or equipment shall be used. All vehicles shall conform to all applicable safety regulations and shall be operated in conformance with motor vehicle laws of the State.

(d) The door of any Collector's or Hauler's vehicle used to haul Solid Waste shall be clearly marked with the business name and address of the Collector or Hauler.

(e) Collectors shall provide separate collection for recyclables and shall provide designated containers for each category of recyclable and/or shall require generators to provide clearly marked containers for each category of recyclable. The Collector may require special decals or markings for particular categories of recyclables.

(f) All recyclables shall be set out for collection in an orderly sanitary condition so as not to constitute a nuisance.

(g) All residents who are not served by a Collector shall arrange to dispose of their recyclables at the Center or such drop-off locations as the Board of Selectmen may designate.

**Secs. 11-27—11-30. Reserved.**

## **Sec. 11-31. Administration; Enforcement.**

(a) The First Selectman or his designee shall mail written notice of the approval or denial of an application for registration as a Collector to the applicant within sixty (60) days after the submission of the completed application. Registration is effective only upon approval and issuance of the notice of approval.

(b) The First Selectman may refuse to grant registration to any applicant (or any person, partner, joint venturer, employer, principal or agent associated with the applicant, or shareholder who owns more than ten percent (10%) of such applicant's stock, or employee having some responsibility for the applicant's business at the time of application), or may suspend the registration of any registered Collector, if that person:

- (1) Has violated or does violate any provision of the State Statutes pertaining to Solid Waste or Recyclable Solid waste;
- (2) Violates this Ordinance; or
- (3) Is not insurable in accordance with this Ordinance.

(c) A suspension of registration may not exceed a period of 180 days for any one violation; provided that repeated or willful violation of this Ordinance may result in permanent revocation of registration without right to reapply. Submission of any false information, invalid certifications or falsified documents shall be deemed a violation of this Ordinance.

(d) No denial, suspension or revocation notice will be effective until the person adversely affected has been notified in writing of that decision and the reasons for it, and has been afforded a reasonable opportunity to appear at an informal hearing before the Board of Selectmen to respond.

(e) Any person aggrieved by an initial denial, suspension or revocation of registration may appeal that decision to the Board of Selectmen by filing a notice of appeal with the Town Clerk within fifteen (15) days after notice of the initial decision is mailed to that person.

(f) A hearing shall be scheduled before the Board of Selectmen for a date not more than thirty (30) days after the notice of appeal is filed. The hearing may be postponed or continued to a later date not more than one time, and the later date must be no more than two (2) weeks after the original date. Written notice of the hearing shall be given by the Town Clerk to the person taking the appeal and to any person who requests notice of the hearing. The hearing may be held at a regular or special meeting of the Board of Selectmen.

(g) At the hearing, the person aggrieved shall be permitted to present evidence and cross-examine witnesses. No formal rules of evidence shall apply, but the Board of Selectmen may exclude irrelevant or duplicative evidence. The Board of Selectmen shall make its decision within forty-five (45) days of the date the notice of appeal is filed. That period may, but need not be, extended by any period of postponement, which is requested for the convenience of the person bringing the appeal. The decision may:

- (1) Affirm the decision denying, suspending or revoking the registration;

- (2) Reverse the decision and order the registration granted or reinstated; or
- (3) Order the registration granted or reinstated with modifications and/or conditions.

The decision of the Board of Selectmen shall be final.

(h) The Board of Selectmen may revoke a permit for up to one (1) year, except that revocations for improper handling or disposal of Unacceptable Waste may be permanent.

**Sec. 11-32. Prohibition of Unregistered Collectors.**

Beginning thirty (30) days after the effective date of this Ordinance, persons not properly registered as Collectors and all Collectors whose registrations have been suspended or revoked are prohibited from engaging in collecting, hauling, transporting or disposing of Solid Waste generated within the Town.

**Secs. 11-33—11-40. Reserved.**

**Sec. 11-41. Scavenging Prohibited.**

(a) Upon placement of recyclables for residential curbside collection, or upon delivery to the Center or to any disposal location designated by the Board of Selectmen, it shall be a violation of this Ordinance for any person, other than the generator of the Solid Waste or a registered Collector, to collect, pickup or scavenge Solid Waste, including recyclables, whether or not for pecuniary gain. Scavenging shall include collecting, recovering, hauling, storing or disposing of Solid Waste other than as authorized by this Ordinance. Nonprofit groups with specific written authorization of the First Selectman or his designee are excluded to the extent of that authorization from this prohibition.

(b) Each occurrence of scavenging in violation of this Ordinance shall constitute a separate offense.

(c) Nothing in this Ordinance shall abridge the right of any person to give or sell their recyclables, including deposit beverage containers, to any person provided that such materials have not been set out for residential curbside collection or delivered to any disposal location designated by the Board of Selectmen.

**Sec. 11-42. Location for Disposal.**

Every Collector, Hauler and every other person disposing of Recyclable Solid Waste generated within the Town shall dispose of Recyclable Solid Waste as follows:

- (1) The Board of Selectmen is hereby authorized to, and shall from time to time, designate locations for the disposal of Solid Waste (other than Unacceptable Waste) generated within the Town and shall designate and publish which items of Recyclable Solid Waste shall be disposed of at the Center and which items shall be disposed of at other sites.

- (A) All designated, pre-segregated Residential Recyclable Solid Waste shall be taken directly to the Center unless the Board of Selectmen gives specific authorization to dispose of certain categories of such waste at other specified locations.
  - (B) The Collector and Hauler and any generator who disposes of other Recyclable Solid Waste directly shall keep and maintain records of the quantity and type of Recyclable Solid Waste delivered to each disposal site other than the Center, the location, and date of delivery of such items to the site. No Recyclable Solid Waste from any other Town shall be disposed of at the Center, unless express advance written permission is first obtained from the Board of Selectmen. The Collector and Hauler and all generators using alternate sites shall comply with all requirements pertaining to such alternate disposal.
  - (C) Any Hauler who is requested or contracted to transport Residue remaining after the Center or other Recyclable Solid Waste disposal area has processed any portion of the Town's Recyclable Solid Waste shall transport such Solid Waste to the Solid Waste disposal facility designated by the Town. The Collector shall comply with all reporting and record keeping requirements of the Center and of any other Recyclable Solid Waste disposal facility designated by the Town.
- (2) Until one or more sites have been designated for disposal of the Town's Recyclable Solid Waste in accordance with the procedures of General Statutes § 22a-220a, and until notice has been given under subsection (A) of Sec. 11-42 requiring the use of any such disposal site, all Recyclable Solid Waste shall be disposed of in accordance with the Town's existing Solid Waste plan and existing agreements, as those plans and agreements may be modified from time to time.
  - (3) After a disposal site for the Town's Recyclable Solid Waste has been designated, and after the Town has been notified in accordance with its contracts that the site is available for use, the Board of Selectmen or its designee shall give notice of the requirements for Solid Waste disposal. After the notice is published, all persons collecting, transporting or disposing of Recyclable Solid Waste in the Town shall comply with the requirements of that notice not later than the date specified for compliance in the notice.
  - (4) Notice that a designated disposal site for Recyclable Solid Waste is available for either partial or full use shall be published in the same manner as is required for hearings before ordinances are adopted by the Town. In addition, individual notice of those requirements shall be mailed to every person who is registered in the Town as a Collector. The notice shall specify the date after which all persons disposing of Recyclable Solid Waste in the Town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such as a limitation on the amount of Recyclable Solid Waste which may or must be delivered, or the dates or times at which delivery must be made.

- (5) In addition to designating a disposal site for Recyclable Solid Waste, the Town may from time to time designate or identify-additional sites for disposal of Unacceptable Waste or Recyclable Solid Waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations or drop-off sites for the convenience of residents, landfills, or any other type of facility deemed appropriate by the Town. If any person will be required to use a particular site, that site shall be designated in the manner provided in General Statutes § 22a-220a. The disposal of Hazardous Wastes shall be the responsibility of the generator and shall be accomplished in a manner approved by the Connecticut Commissioner of Environmental Protection.
- (6) The Board of Selectmen is hereby authorized to employ or make contracts with persons including the Housatonic Resource Recovery Authority ("HRRA") and other regional authorities for the separation, collection, transportation, processing, and/or marketing of recyclables, as provided for in § 22a-220(a) of the General Statutes, to carry out the provisions of this Ordinance.

**Secs. 11-43—11-45. Reserved.**

**Sec. 11-46. Reporting Requirements.**

(a) Except for Recyclable Solid Waste disposed of at the Center, every Hauler and Collector and other waste generator shall keep and maintain accurate records of all information requested by the Board of Selectmen, required by State Law, or required by this Ordinance including but not limited to the following:

- (1) The amount (tonnage) of Recyclable Solid Waste derived from each municipality recorded by truckload;
- (2) The disposal facility other than the Center to which the waste is taken and the total tonnage disposed of at such facility(ies); and
- (3) The amount of solid waste derived from a recycling facility which has processed the Town's Recyclable Solid Waste, transported from that facility to the disposal site designated by the Town for receipt of such waste.

(b) Reports of the above information shall be made every six (6) months to the First Selectman.

**Sec. 11-47. Warnings and Reporting of Violations.**

(a) Any Collector who has reason to believe that a person from whom he collects Solid Waste has discarded recyclable items with such waste without the required separation of recyclables shall promptly notify the First Selectman or his designated agent of the alleged violation.

(b) Collectors shall provide a written warning notice, by tag or other means to any person suspected by the Collector or Town agents of violating the requirements of this Ordinance. The Collector shall assist the Town to identify any person responsible for creating loads containing significant quantities of recyclable items mixed with Solid Waste which are delivered to the Center or other designated location by the Collector and detected by the operator of the disposal facility.

(c) Any Collector shall be deemed to have committed an infraction if they fail to:

- (1) Notify a Town agent or the First Selectman that a person from whom he collects solid waste has discarded recyclable items with solid waste;
- (2) Provide a warning notice to such persons at the request of the municipality; or
- (3) Assist the Town in determining the person responsible for creating loads containing significant quantities of recyclable items mixed with Solid Waste, which are delivered to the Center or other location by the Collector.

(d) Any Collector who dumps more than one (1) cubic foot in volume of Solid Waste at one time in an area not designated for such disposal by the Town or who knowingly mixes other Solid Waste with items designated for recycling pursuant to General Statutes § 22a-241b or this Ordinance shall be subject to such penalties as are provided in General Statutes § 22a-220a, as amended.

**Secs. 11-48—11-50. Reserved.**

**Sec. 11-51. Ownership of Recyclables; Collection by Non-Profit Organizations.**

(a) Only registered Collectors and qualified non-profit organizations with written permission from the First Selectman may collect recyclables.

(b) All recyclable materials shall become the property of the Town except as expressly permitted in writing by the First Selectman.

**Secs. 11-52—11-55. Reserved.**

**Sec. 11-56. Penalty.**

(a) Any person who violates any provision of this Ordinance shall be subject to the following penalties:

- (1) Upon a first and second offense, the violator shall receive a written warning.
- (2) Upon a third offense occurring within a period of one (1) year from the date of the original offense, the violator shall be subject to a fine of fifty (\$50.00) dollars.
- (3) Upon any subsequent offense occurring within a period of one (1) year from the date of the original offense, the violator shall be subject to a fine of one hundred (\$100.00) dollars for each violation and, in addition, may be refused recycling collection.

(b) Every day that a person continues in violation of this Ordinance shall be deemed a separate violation. Violations of this Ordinance shall include, without limitation, failure to separate recyclables from other waste and failure to collect recyclables separately from other wastes.

(c) In accordance with the authority provided in General Statutes § 22a-241i, any commercial establishment that is found to have violated the provisions of General Statutes § 22a-241b(c) shall be subject to a fine in the amount of five hundred (\$500.00) dollars for each violation.

**Secs. 11-57—11-60. Reserved.**

**Sec. 11-61. Severability.**

If any provision of this Ordinance is declared invalid, that decision shall not affect the remaining provisions of this Ordinance, which shall continue in full force and effect.

**Sec. 11-62. Repeal.**

This Ordinance hereby repeals all ordinances or parts of ordinances of the Town inconsistent with the provisions of this Ordinance to the extent of such inconsistency. (Ord. of 8-12-66; Ord. adopted 12-12-90)

## CHAPTER 12. ROADS

### ARTICLE I. ROAD CONSTRUCTION AND STANDARDS

#### DIVISION 1. GENERAL PROVISIONS

##### **Sec. 12-1. General.**

This ordinance sets forth the policies, rules, procedures, standards, specifications, for the construction and maintenance of streets in the Town of Roxbury and related administration and enforcement.

##### **Sec. 12-2. Title.**

This ordinance is entitled "**TOWN OF ROXBURY HIGHWAY CONSTRUCTION SPECIFICATIONS AND RECOMMENDED STANDARDS FOR CONSTRUCTION AND ACCEPTANCE OF STREETS** " and may hereinafter be cited as the "Road Ordinance."

##### **Sec. 12-3. Definitions.**

Certain words used in this Ordinance are defined and explained as follows:

*Agent.* The Board can by resolution designate an agent or agents to be responsible for the inspection and supervision of construction as carried out under this Ordinance, who would be responsible for the issuance of permits and performance of duties under the direction of the Board.

*Board.* Board shall mean the Board of Selectmen of the Town of Roxbury or the First Selectman where the Board has authorized the First Selectman to act on its behalf.

*Form 814.* Form 814 shall mean the State of Connecticut Department of Transportation Standard Specifications for Roads, Bridges and Incidental Construction (Form 814A) dated 1995, as amended, and is hereby made a part of this Road Ordinance and hereafter referred to as "Form 814."

*Street.* The term Street shall mean a proposed public or private highway, street or road in a subdivision or resubdivision approved by the Planning Commission or an existing street or road. Streets shall be classified in accordance with the standards contained in the Roxbury Plan of Conservation and Development adopted by the Planning Commission.

##### **Sec. 12-4. Driveways.**

Driveways connecting to public streets shall be constructed in accordance with the Town's Driveway Ordinance and only after the issuance of a Driveway Permit by the First Selectman or the First Selectman's agent.

### **Sec. 12-5. Standard Detail.**

“Drawings of Town of Roxbury Standard Details for Streets, Storm-sewers and Other Construction” that are part of this Road Ordinance, may be procured at the office of the First Selectman.

### **Sec. 12-6. Standards Specifications and Drawings.**

Where conflict occurs between or within regulations, standards, specifications and drawings, the more stringent or higher quality requirements shall be assumed to apply, except that the First Selectman shall make the final decision as to which stipulation will provide the best work and will be most consistent with design intent.

### **Secs. 12-7—12-10. Reserved.**

## **DIVISION 2. APPLICATION PROCEDURE**

### **Sec. 12-11. Applicability.**

The provisions hereof are applicable to the construction of streets in an approved subdivision.

### **Sec. 12-12. Maps.**

Maps showing rights-of-way for streets and highways and rights-of-way and easements for drainage and other improvements shall be prepared in accordance with the standards for a subdivision map specified in the Subdivision Regulations. Construction plans for streets, drainage and other improvements shall be prepared in accordance with the standards for construction plans specified in the Subdivision Regulations as the same may from time to time be amended, or if not so specified in the Planning Regulations, according to the standards provided in this Ordinance. All maps shall be prepared by and shall bear the name, seal and signature of a land surveyor and/or engineer licensed as such by the State Board of Registration for Connecticut Engineers and Land Surveyors of the State of Connecticut and in accordance with the "Minimum Standards for Survey and Maps" dated June 21, 1998 of the Department of Consumer Protection, State of Connecticut, as amended.

### **Sec. 12-13. Computations.**

Computation shall be sufficient to permit the Board or Town Consulting Engineer to check drainage design. Such computations shall consider the entire upstream watershed and the downstream area affected by the storm water runoff and shall be accompanied by a drainage map showing upstream watershed and the downstream area affected by the storm water runoff. The design for the drainage system shall be based on the provisions of Sec. 12-43(2).

#### **Sec. 12-14. Applications for Road Construction Permit.**

Application for a Road Construction Permit shall be made in writing to the Board and shall include the following documents:

- (1) Two (2) copies of the maps and plans as specified in Sec. 12-12 and the computations provided for in Sec. 12-13;
- (2) A fee of \$100.00; and
- (3) In the event that such proposed construction is within or relates to an existing Town street and/or other Town improvement, evidence of Worker's Compensation and Contractor's Liability insurance in amounts and with carriers acceptable to the Board of Selectmen with the Town named as an insured shall be presented.
- (4) When a revision to the maps or plans submitted under Sec. 12-14(1), is made at the request of the Board or proposed by the applicant, two (2) copies of the revised plans or maps shall be submitted to the Board.

#### **Sec. 12-15. Permit Procedures – Issuance.**

A road construction permit shall be issued in writing by the First Selectman subject to:

- (1) Plan Approval. The completion of plans for the construction of streets, drainage and other necessary plans requested and approved by the Board and which also may be required to be approved by the Planning Commission.
- (2) Inspection Fee. Payment to the Town of Roxbury an inspection fee equal to 1% of the cost of streets, drainage and other improvements, based on cost estimates approved by the Board, but in no case shall the fee be less than \$100.00 per inspection.
- (3) Security. All road construction or reconstruction and all excavation on or under a Town highway or right-of-way and all proposed subdivision roads built within the Town of Roxbury shall be secured with a performance guarantee in an amount equal to one hundred (100%) percent of the cost of the work. The cost of such work shall be estimated by a licensed professional engineer and approved by the Town's consulting engineer. The guarantee shall be paid by the developer before commencing any work and shall be in an amount approved by the Selectmen and in a form and content approved by Town Counsel.
- (4) Inspection Access and Deeds. A written agreement, in form satisfactory to Town Counsel, permitting entrance by the Town onto the land shown on the subdivision plan for the purposes of inspection and of installing the required improvements in the event of the failure of the applicant to make such improvements or to properly maintain them until the Town has assumed responsibility for them, and such written agreements shall provide that the developer, on demand, shall execute and deliver to the Town a warranty deed or certificate of title to the area of the street or streets and easements shown on the subdivision plan as approved, including any strips served for future street purposes.

### **Sec. 12-16. Permit Procedures - Length of Permit.**

The Road Construction Permit shall be valid for a period of time that the Board deems necessary for the completion of construction. Permits may be extended for a period not to exceed one (1) year upon written approval of the Board. Upon the expiration of the extended time period, the Board shall either (a) require reapplication for the uncompleted work or (b) pay for the completion of the work by calling the performance guarantee.

### **Sec. 12-17. Performance Guarantee.**

The Applicant shall execute an agreement and file a performance guarantee in the form of an irrevocable letter of credit or cash with the First Selectman, said guarantee to be in an amount and with surety and conditions satisfactory to the Board, securing to the Town of Roxbury the actual construction, installation and completion of all improvements to the satisfaction of the Board including without limitation, streets, drainage and placing of monuments, within a period not to exceed two (2) years from the filing of the guarantee. Said guarantee shall be in form and amount and with a surety acceptable to Town Counsel and, if the road is part of a subdivision or resubdivision application, to the Planning Commission.

### **Sec. 12-18. As-Built Plans.**

Upon the completion of any road, drainage or other improvements, applicant shall file with the Board the following:

- (1) The applicant's land surveyor, licensed to practice in the State of Connecticut, shall certify the installation and precise location of monuments to a Class A-2 accuracy by noting such monuments and their location on the linen transparency or polyester film construction plans and by signing (original signature) and sealing (embossed seal) the plans.
- (2) The applicant's land surveyor and engineer, licensed to practice in the State of Connecticut, shall certify on the linen transparency or polyester film construction plans and profiles the location and elevation of all required improvements and by signing (original signature) and sealing (embossed seal) the plans and profiles to show "as-built conditions."
- (3) A certification, signed and sealed by an engineer licensed to practice in the State of Connecticut, that such engineer has inspected all construction work and all improvements have been completed in accordance with plans and profiles approved by the Board and the Standards and Specifications of this Road Ordinance.
- (4) All mathematical and control data necessary to reproduce any and all street and easement lines on the ground and all bench mark locations and elevations.
- (5) One (1) linen transparency or polyester film of the as-built drawings and four (4) prints of the as-built drawings.

**Sec. 12-19. Reduction or Release of Performance Guarantee.**

Before the reduction or release of the Performance Guarantee provided for in Sec. 12-17 of this Ordinance:

- (1) The streets, street improvements and street drainage shall have been inspected and approved by the Board or its Agent;
- (2) As-Built Plans shall have been filed with the Board pursuant to Sec. 12-18, and approved by said Board;
- (3) For the release of the Performance Guarantee the Applicant shall execute an agreement and file a maintenance performance guarantee for maintenance of streets, drainage and other improvements. Said guarantee shall be in form and amount and with surety acceptable to the, the Board, Town Counsel, and if the construction is part of a subdivision or resubdivision application, the Planning Commission. In the case of improvements that are not to be offered for acceptance by the Town, the maintenance guarantee must be in effect for a period of twenty-four (24) months from the release of the performance guarantee. In the case of improvements that are to be offered for acceptance by the Town, the maintenance guarantee shall be in effect for a period of twenty-four (24) months from the release of the performance guarantee or until acceptance of the improvement by the Town, whichever period is shorter;
- (4) For the reduction of the Performance Guarantee the applicant shall execute a new agreement as specified in Sec. 12-17 of this Ordinance.

**Sec. 12-20. Acceptance of Streets.**

(a) One year after the release of the performance guarantee, a petition may be made in writing to the Board for the acceptance of a street by the Town meeting. Such petition shall be signed by the owner(s) of the street and shall include the following documents:

- (1) A copy of a map to be filed in the Town Clerk's office showing all street and drainage rights-of-way.
- (2) Warranty Deed and Certificate of Title for the rights-of-way of the street and drainage structures and of any easements in support thereof. Petitioner must also provide:
  - (A) A Waiver of Mechanic's Liens or title insurance insuring against mechanic's liens.
  - (B) Letter from the Tax Collector indicating full payment of taxes due.
  - (C) Any other certificates and documents required by Town Counsel.

(b) Upon receipt of the required documents, the Board shall refer said documents to the Planning Commission for its review under § 8-24 of the General Statutes, as amended, not less than thirty-five (35) days before the Town meeting at which the acceptance will be voted. The Board shall then place the petition for acceptance on the call of the next Town meeting provided however that all requirements of this Ordinance and, if applicable, the Subdivision Regulations have been fulfilled.

### **Sec. 12-21. Liability Insurance.**

The manufacturer's and Contractor's liability insurance specified under Sec. 12-14(3) shall include no less than the following:

- (1) Public liability limits of \$1,000,000/\$1,000,000 aggregate.
- (2) Property damage limits of \$500,000/\$500,000 aggregate including blasting and underground damage resulting from the use of mechanical equipment, on work covered by this document.
- (3) Coverage with respect to all subcontractors doing any part of the work covered by the Permit.
- (4) If the policy is changed or cancelled during the policy period, the policy shall provide that written notice will be given to the First Selectman of the Town of Roxbury at least fifteen (15) days before the effective date of such change or cancellation period.
- (5) The Town of Roxbury shall be named as an additional insured.
- (6) Such additional coverage as requested by the Board.

### **Sec. 12-22. Inspection Procedures.**

The Board or its authorized agent, and where appropriate, the Planning Commission, shall have free access to the construction work at all times and shall be authorized to take material samples, corings and other tests as deemed necessary to determine compliance with the standards of this Road Ordinance. The Board may require the applicant at applicant's own expense, to have such tests made and certified by a Connecticut licensed professional engineer.

### **Sec. 12-23. Notification.**

The applicant or contractor for the street, drainage or other subdivision or road improvements shall notify the Board in writing of his intention to start any construction project at least five (5) days prior to starting the work. Should the applicant or such contractor close down the construction project for a period exceeding one (1) week, due to weather conditions or other cause, the applicant or such contractor shall notify the Board in writing of such closing; he shall notify the Board in writing of his intention to resume the work. In addition, the applicant or such contractor shall give timely written notice to the Board for inspection purposes at least forty-eight (48) hours before each of the following stages of work:

- (1) Commencement of site clearance and after the construction work has been staked out.
- (2) Commencement of excavation and grading of streets and installation of embankments.
- (3) Commencement of installation of drainage and other utilities.

- (4) Commencement of back-filling structures and drainage pipes, facilities and other utilities.
- (5) Prior to commencement of the subbase on compacted subgrade.
- (6) Commencement of placement of the processed aggregate on the subbase of a street.
- (7) Commencement of placement of the binder course of bituminous concrete on base.
- (8) Commence of placement of the surface course of bituminous concrete on binder course.
- (9) Commencement of installation of curbs.
- (10) Completion of installation of guard rails, signs, street lighting, street trees, topsoil, seeding and other improvements.
- (11) The Board or its agent reserves the right to inspect all work at any time and without notice.
- (12) Depending on the individual project, the Board may require inspections at other times and the Board reserves the right to inspect the project, without notice, at any time.
- (13) Contractor is required to notify utility companies and “call before you dig” prior to any excavation.

#### **Sec. 12-24. Inspections, Orders.**

The Board or its agent shall have three (3) working days in which to inspect the completed work in each of the stages of the project, outlined in Sec. 12-23, prior to approving the work. No work shall be commenced on succeeding stages of construction until the required inspections have been made and approval given in writing by the Board. The Board may issue a Stop Work Order and may suspend the Road Construction Permit if, in its judgment, any construction project or any stage thereof is not being carried out in accordance with this Ordinance or if unforeseen field circumstances are encountered for which the approved plans are insufficient; the Board shall withdraw such Order and reinstate the Permit when it determines that there is compliance with this Ordinance.

**Sec. 12-25. Barricades and Protection.**

When any excavation is made within the right-of-way of any Town street, the applicant or his contractor shall provide a railing or suitable barricade so as to enclose such excavation material placed in the right-of-way. The railing or barricade shall be continued and maintained during the whole time such excavation is exposed or open. A sufficient number of lighted flashing warning lights approved by the Board shall be provided for public safety, to be affixed to some part of such railing or barricade or in such other proper manner over or near such excavation and excavated material, and so kept from the beginning of the twilight of the evening through the whole of the night, and every evening and night during the time such excavation shall be open, exposed or in state of repair. The applicant or his contractor shall comply with any order of the Board or its authorized agent for provision of the barricades and shall furnish at applicants or contractor's sole cost, a Town constable or a State Trooper in uniform when so ordered.

**Sec. 12-26. Rights of Safe Passage.**

The applicant or his contractor shall provide safe and convenient passage for public travel around or over any excavation in a Town street or highway and shall keep such passage free from earth, stones, trenches or any other materials which may hinder travel of pedestrians or vehicles. The applicant or his contractor shall comply with any order of the Board or its authorized agent for protection of safe passage. Street gutters shall not be obstructed in any manner so as to prevent or retard flow of water there.

**Sec. 12-27. Suspension of Work.**

All work shall be suspended if the contractor fails to provide such adequate directional or warning devices to control and protect both vehicular and/or pedestrian traffic.

**Secs. 12-28—12-40. Reserved.**

**DIVISION 3. STANDARDS AND SPECIFICATIONS**

**Sec. 12-41. Street Design.**

The following standards shall apply to the construction of streets:

- (1) Right-of-way. All Streets shall have a minimum right of way width of fifty (50) feet.
- (2) Turnaround. A turnaround with a minimum radius of one hundred (100) feet for the right-of-way shall be provided at the closed end of all dead-end streets. Based on the classification of streets specified in Sec. 12-41(3) hereinafter, the width of the travelway, within the turnaround shall be in a circular or irregular configuration (as shown in the Roxbury Subdivision Regulations) in which the outer edges of the paved area are at least eighty (80) feet apart and the outer edges of the landscaped area are at least fifty (50) feet apart. The interior island inside the pavement shall be suitably landscaped.

- (3) Width of Travelway. Streets shall be designed with the following width of pavement centered between street lines and measured between curb faces:
- (A) Local Street: Paved width for straight sections: Nineteen (19) feet; paved width for curved sections: Twenty-one (21) feet.
  - (B) Collector Street: Paved width of straight sections: Twenty (20) feet; paved width for curved sections: Twenty-two 22 feet.
  - (C) Modified width standards may be permitted for Limited Roads as defined and according to standards set forth in the Roxbury Subdivision Regulations.
  - (D) Turnaround: See Sec. 12-41(2).

The recommended travelway width means that on-street parking is prohibited on all Local Streets and that parking may be permitted, subject to Board approval, on one side of a Collector Street.

- (4) Gradient. The minimum grade for all streets shall be 1% except that a minimum grade of from 0.56% to 1.096% may be established for one hundred (100) feet or less and at tangents of vertical curves. The maximum grade for any street shall not exceed the following:
- (A) 10% for Collector Streets and 12% for Local Streets.
  - (B) Turnarounds: 3%.
  - (C) Modified gradients may be permitted for Limited Roads as defined and according to standards set forth in the Roxbury Subdivision Regulations.

However, grades steeper than 10% for Collector Streets and 12% for Local Streets may be approved by the Board when approved by the Roxbury Planning Commission and when the topography warrants such approval in order to prevent deep cuts or fills, providing the Board finds that the street will provide safe and convenient circulation and has been designed in a manner capable of public use and maintenance by the Town.

- (5) Vertical Curvature. Appropriate vertical curves for transition, including super-elevated curves meeting acceptable engineering standards, shall be established on all streets and street intersections to insure adequate sight distance in accordance with the classification of the street. Except at intersections, vertical curves shall provide a minimum sight distance of two hundred (200) feet along the edge of pavement. Where any street approaches an intersection at a grade of four percent (4%) or more, a transition area having a maximum grade of two percent (2%) shall be provided for a minimum of fifty (50) feet measured from the right-of-way line of the street intersection.
- (6) Horizontal Alignment. Connecting curves between tangents shall be provided for all deflection angles in excess of five (5) degrees. Suitable tangents shall be provided between curves, and the minimum radius of curvature at the centerline of streets shall be as follows:

- (A) Local Street: Two Hundred (200) feet.
- (B) Collector Street: Two Hundred Fifty (250) feet.
- (C) Modified horizontal alignment standards may be permitted for Limited Roads as defined and according to standards set forth in the Roxbury Subdivision Regulations.

(7) Intersections.

(A) New road intersections shall be designed so that either the centerline of all roads entering an intersection shall pass through a single point with no more than two (2) intersecting roads meeting the main road at any one point, or shall be spaced at least eight hundred (800) feet from an arterial road intersection, four hundred (400) feet apart on a Collector Street and two hundred fifty (250) feet apart on Local Streets measured from the intersection of the centerline. The Board may approve modifications of these standards when the applicant demonstrates to the satisfaction of the Board that conditions are present which justify such modification. Minimum intersection sight distances shall be as follows:

- (i) 350' for 30 M.P.H. design speed
- (ii) 425' for 35 M.P.H. design speed
- (iii) 475' for 40 M.P.H. design speed
- (iv) 525' for 45 M.P.H. design speed
- (v) 575' for 50 M.P.H. design speed

Greater distances may be required if the Board, in its sole discretion, shall so determine.

The sight distance shall be measured with the stopped driver located twenty (20) feet behind the intersecting street edge of pavement to the center of the proposed travelway for traffic approaching from the left and right. The sight distance shall be based on a height of eye of 3.5'. No obstructions shall be located within this sight zone.

(B) Roads shall intersect at ninety (90) degree angles where feasible. Where unusual topographic conditions warrant, the Board may, through written approval, allow modification of this standard, but no intersection shall be at an angle of less than sixty (60) degrees.

(C) At street intersections, the radii at the face of the curb shall be as follows:

- (i) Local street to local street: Thirty (30) feet
- (ii) Local street to collector street: Thirty (30) feet
- (iii) Collector street to collector street: Thirty (30) feet

(8) Cross Sections. All streets shall be designed with a cross section in accordance with drawings entitled "Typical Street Cross Section Town of Roxbury" which drawings are hereby made a part of this Ordinance.

- (9) Condition of Existing Town Streets. An application for Road Construction Permit must demonstrate, to the satisfaction of the Board, that existing Town streets providing access to the proposed subdivision are adequate. For the purpose of this section, an adequate Town street is one that provides safe and sufficient access and egress to the proposed lots in the proposed subdivision for the number and type of vehicles expected to utilize such access, taking into account, among other things, both existing and anticipated future traffic flow and volume in relation to the width of traveled surface, number of intersections and driveways, condition of surface and other conditions and standards for streets set forth in the Subdivision Regulations and this Ordinance. Unless the Board finds that existing Town Streets providing access to the proposed subdivision are adequate, it shall deny the application for a Road Construction Permit.
- (10) Street Improvements. A subdivision application must show all proposed work on Town streets providing access to the proposed subdivision to meet the requirements of the Subdivision Regulations and this Ordinance, together with a statement of the proposed method of meeting the cost of such work. Where a subdivision, in the opinion of the Board, requires expenditures to improve existing Town streets to conform to the Subdivision Regulations and the requirements of this Ordinance and the applicant is unwilling to make such expenditures and post performance bonds secured by letters of credit or cash collateral, in form and substance satisfactory to the Board, the Board shall disapprove such improvements unless the Board, the Board of Finance, and Town Meeting have approved such expenditures.
- (11) Conforming Existing Street Rights-of-way to Town Plan of Conservation and Development. If any existing Town street right-of-way is less in width than as shown on the Plan of Conservation and Development, the Subdivision shall provide not less than one-half of the added width required by such as measured by the centerline of the street right-of-way. The applicant's conveyance to satisfy this subsection shall be by warranty deed, in form and substance satisfactory to Town Counsel, conveying sufficient land to the Town so that the streets can be widened (and/or straightened) to the width specified herein. Where the future width of street is not otherwise indicated on the Plan of Development, it shall be fifty (50) feet. The requirements of this subsection are in addition to those set forth in the Subdivision Regulations and shall not, in any way, be construed or interpreted to impose upon the Town any obligation to improve or widen any Town street.
- (12) Intersections with Existing Town Streets. All intersections with existing streets shall have plan, profile, and typical sections of existing roadway each side of the intersection, and the sight distances shown in accordance with Sec. 12-41. (7).

#### **Sec. 12-42. Street Construction.**

Streets shall be constructed in accordance with the following standards and procedures:

- (1) Survey and Field Layout. Instrument surveys shall be made, maintained and recorded as follows:

- (A) A centerline survey of the street shall be run in the field with suitable construction ties established to all control points. Stations shall be established to all control points. Stations shall be established at fifty (50) foot intervals and at all points of curvature and points of tangency. The beginning of this line shall be designated at Station 0 + 00 and shall be the intersection point of the proposed centerline with the centerline of the connecting street. Offset hubs shall be provided as part of the centerline survey.
  - (B) A construction stake shall be placed perpendicular to the tangent, or radial in the case of curves, at each station on both sides of the streets and clear of all construction. The construction stake shall be marked with the station offset to centerline and cut and fill to profile grade as measured from the top of the stake.
  - (C) A stake sheet showing the stations, profile grade, stake offsets and grades, and cuts or fills shall be prepared and presented to the Board before construction starts.
  - (D) Permanent benchmarks throughout the length of the project at one thousand (1,000)-foot intervals or as directed by the Board shall be established and recorded with the Board of Selectmen for the duration of the project. The datum for benchmarks shall be Town, State or U.S. datum; an assumed datum may be used only with the permission in writing from the Board.
  - (E) Grade stakes, construction stakes and benchmarks shall be protected and preserved until the construction work is approved by the Board.
- (2) Clearing and Grubbing. The entire area of the right-of-way required to be graded in accordance with the standard cross section shall be cleared of trees, stumps, brush, roots, large rocks, ledge and other unsuitable materials, except that trees suitable for street trees shall be left standing as directed by the Board or shown on the approved construction plans. All large rocks, boulders, felled trees, stumps, brush and other objectionable materials shall be removed from the street right-of-way and shall be deposited and suitably covered at those locations on the property shown on the approved construction plans or approved off site location. All topsoil shall be temporarily stored at those locations shown on the approved construction plans.
- (3) Preparation of Subgrade. The subgrade will be prepared as follows:
- (A) All trees and roots shall be stripped to below the base course of the pavement and for the full width of the pavement. All soft spots, peat, loam, organic material, spongy soil, boulders, ledge and other unsuitable material shall be removed and replaced by material conforming to State of Connecticut Department of Transportation Standard Specifications Form 814, Section M.02.07. Where ledge rock is encountered, it shall be removed to a depth of eighteen (18) inches below subgrade, and the area back-filled with gravel and compacted.

- (B) Embankments shall be constructed of suitable fill material deposited in successive layers not exceeding twelve (12) inches in depth after compaction; embankments to an elevation of three (3) feet above free water surface at the time of filling shall be constructed of rock and/or free draining material conforming to Form 814, Section M.02.07. No stone over five (5) inches in its greatest dimension shall be placed within eighteen (18) inches of the elevation of the subgrade.
  - (C) The subgrade shall be compacted by the use of power rollers of at least sixteen (16) tons, or by other suitable equipment approved by the Board or its agent. The subgrade shall be brought to a uniform surface to conform to the shape of the required cross section.
  - (D) Where rock fill is used, construction methods shall be in accordance with the provisions of Subarticle 2.02.03-5 of Form 814.
  - (E) The finished surface shall be smooth and even and shall not vary more than one-half (1/2) inch from the standard cross section of established grade. Any deviation from this cross section or established grade shall be corrected by cutting or filling followed by repeated rollings until a well-compacted surface is obtained.
  - (F) The contractor shall protect the subgrade from damage. At all times the subgrade surface shall be kept in such condition that it will drain readily and correctly. The subgrade shall be checked for compliance with specifications before any remaining road construction material is placed upon it.
- (4) Subbase. The subbase shall be constructed as follows:
- (A) The subbase material shall be crushed gravel or crusher run stone in accordance with Article M.02.02 and M.02.0G of Form 814.
  - (B) Construction methods shall be in accordance with Section 2.12 of Form 814. The compacted thickness of the subbase shall be twelve (12) inches after compaction. All drainage and utilities buried within the paved area shall be installed and tested to insure proper functioning prior to installation of the subbase.
  - (C) All compacting shall be done with a power roller weighing not less than ten (10) tons or equivalent vibratory roller or compactor. Rolling shall proceed in a longitudinal direction beginning at the gutter line and proceeding toward the center. Sufficient overlap with the inside roller wheel shall be maintained to avoid any unrolled areas. Rolling shall be continued until the material is well keyed and does not creep ahead of the roller.
  - (D) The final surface shall not vary more than one half (1/2) inch from the established grade and standard cross-section.
  - (E) The subbase shall not be constructed during freezing weather or in a wet or frozen subgrade.

- (F) Should the subgrade beneath the subbase become churned up and mixed with subbase material at any time the contractor shall remove the mixture and replace it with new subbase material to the required thickness shown on the plans or as previously required by the Board. Such replaced subbase material shall be compacted to the required minimum density.
  - (G) The subbase shall be checked for general compliance with the specifications before any remaining road construction material is placed upon it.
- (5) Processed Base. The processed base shall be constructed as follows:
- (A) The base material shall conform to the requirements of Subarticle M.05.01-1, M.05.01-2 and M.05.01-3, Form 814.
  - (B) Construction methods shall be in accordance with Section 3.04 of Form 814. The aggregate shall be spread uniformly upon the prepared subbase directly from approved spreaders or stone boxes to a depth of not less than four (4) inches after final compaction. Power graders shall not be permitted to spread the aggregate base except with the permission of the Board. After the aggregate is spread, it shall then be thoroughly compacted; and during the compacting, water shall be applied from an approved watering device by a vertical spray delivering a flushing stream. The compacting and wetting shall be continued until the voids in the aggregates have been reduced to a minimum obtainable. The compacting shall be continued until the course is thoroughly compacted to a firm and uniform surface satisfactory to the Board. Should any irregularities of surface develop during or after the compacting of the course, it shall be remedied by loosening the material already in place and removing or adding coarse aggregate as required after which the entire area, including the surrounding surface, shall be compacted, broomed and wetted and the compacting continued until it is compacted satisfactorily to a uniform surface.
  - (C) All compacting shall be done with a power roller weighing not less than ten (10) tons or an equivalent vibratory roller or compactor. The compacting shall begin at the sides, overlapping the shoulders for a distance of not less than five (5) inches and progress toward the center, parallel with the centerline of the pavement, uniformly lapping each preceding tract and covering thoroughly the entire surface. Areas of super-elevation and special cross slope shall be compacted beginning at the low edge and proceeding toward the high edge or as directed by the Board.
  - (D) The final surface shall not vary more than one-half (1/2) inch from the established grade and standard cross-section.
  - (E) The processed base shall be checked for general compliance with the specifications before any remaining road construction material is placed upon it.

- (6) Pavement. On the prepared and approved processed base there shall be constructed two courses of bituminous concrete as follows:
- (A) The binder course shall conform to the requirements of Class 1, Section M.04 of Form 814; and the surface course shall conform to the requirements of Class 1, Section M.04 of Form 814.
  - (B) No bituminous surfacing work shall be performed between October 15th and April 15th, except with the written consent of the Board.
  - (C) All roadway pavements shall be laid using an approved, self-propelled paving machine. Pavement shall be compacted using a steel-wheeled roller weighing not less than ten (10) tons.
  - (D) Permanent paving shall be placed only when the underlying surface is dry, when the atmospheric temperature in the shade is above 40°F, and when the weather is not foggy or rainy, provided however, that the Board may permit, in case of sudden rain, the placing of mixture then in transit from the plant if laid at proper temperature and if the roadbed is free from pools of water. Such permission shall in no way relax the requirements for quality of the pavement and smoothness of surface. No material shall be laid upon a frozen base course or when wind conditions are such that rapid cooling will prevent satisfactory compaction. No load shall be sent out so late in the day that spreading and compaction cannot be completed during daylight.
  - (E) Before placing the permanent surfacing, the exposed edges of the existing pavement shall be completely cleaned of all surface dirt and debris.
  - (F) The contractor shall check all manholes, catch basins or other appurtenant structures for proper alignment and elevation before placing any pavement and after paving has been completed.
  - (G) The contact surfaces of manholes, catch basins or other appurtenant structures in the pavement and the exposed edges of the existing pavement shall be painted thoroughly with a thin uniform coat of bituminous material immediately before any bituminous concrete is placed against them.
  - (H) It is the intent of the Board that contractor shall restore the existing Town roads to a condition equal to this Ordinance or better than that in which they were prior to construction, whichever is the most restrictive.

The work to be performed on existing roads shall be done after a suitable period has elapsed for settlement of the backfilled trenches and when approved by the Board.

Where directed by the Board, existing roadway pavement, which cannot be used in the restoration of the road, shall be scarified, removed and disposed of by the contractor.

All manhole covers, catch basin frames, valve boxes, or similar structures shall be raised to final grade prior to placing the binder course.

Prior to paving over trenches, the contractor shall cut the existing pavement back in two neat parallel lines on either side of the trench so as to expose twelve (12) inches of undisturbed subgrade. Contractor shall then pave over the back-filled trench and the two cutback areas.

- (I) Any part of the pavement damaged by traffic or other causes occurring prior to its final acceptance shall be repaired or replaced in a manner satisfactory to the Board. The contractor shall protect the pavement against both public traffic and the traffic caused by contractor's employees and agents.
- (7) Curbs. Bituminous concrete curbs shall be constructed on the outer edge of the completed pavement, except as specified hereinafter. Curbs shall be machine-formed, having a cross section approved by the Board, a height of six (6) inches and a base width of nine (9) inches. The curb material shall conform to Section M.04, Class 3 of Form 814, and construction shall conform to Section 8.15 of Form 814. Where driveways exist or are planned, depressed curbing must be installed. The surface of the pavement where the curbing is to be constructed shall be cleared of all loose and foreign material, shall be dry and shall be coated with an R.C.-2 or other bitumen before placing the material. The material shall be properly compacted to the required cross section by use of a suitable machine specifically designed for the purpose. After completion of the curbing, traffic shall be kept at a safe distance for a period of not less than twenty-four (24) hours and until the curbing has set sufficiently to prevent injury to the work. At all intersections stone curbing shall be installed conforming to Section 8.13 of Form 814 from the point of curvature to the point of tangency. Material for stone curbing shall conform to Article M.12.06 of Form 814. The Board shall be permitted to waive any of these curb requirements in situations where recommended by the Planning Commission or where it deems appropriate to permit sheet flow. Curbing shall comply with General Statutes § 7-118a, where applicable.
- (8) Slope limits. Cut or fill slopes beyond the shoulder area or street line shall not exceed one (1) foot of rise or fall for each three (3) feet of horizontal distance; but the Board may require a variation in the degree of slope to whatever extent is necessary to maintain the stability of the bank under the particular conditions. All areas which fail to show a uniform stand of grass, for any reason whatsoever, shall be re-seeded and such areas shall be seeded repeatedly until all areas are covered with a satisfactory growth of grass. All earth surfaces of slopes, and areas that have been disturbed in any way due to grading and construction of the streets, shall be covered with a minimum of four (4) inches of topsoil and suitably seeded or planted to prevent soil erosion. The Board may require the removal or lowering of embankments adjacent to street intersections in order to assure adequate sight distance at the intersection. No cut or fill sections beyond the right-of-way shall extend into property outside the subdivision or property not owned by the applicant, unless appropriate slope rights are obtained for the Town; in the absence of such slope rights, appropriate retaining walls shall be constructed within the subdivision to prevent encroachment upon adjoining property.

- (9) Guideposts. Guideposts shall be installed along all streets where there will be an embankment with a depth of four (4) feet or more within 20 feet of the proposed pavement. Posts shall conform to Form 814, Section M.10.02 and shall be installed in accordance with Form 814, Section 9.10 spaced six (6) feet on center with a minimum tip diameter of six (6) inches and a minimum length of seven (7) feet with 3-1/2 feet set in the ground.

#### **Sec. 12-43. Storm Drainage Design.**

Storm drainage for streets shall be planned and designed in accordance with the following standards:

- (1) General. Sufficient pipe shall be installed to carry existing watercourses in the street right-of-way and to drain both the proposed street or streets and extensions thereof or other streets which, based on topography, will be served by the same drainage system. No open ditches or channels shall be provided in the street right-of-way unless (a) sufficient additional right-of way, in excess of the minimum standard width, is provided so as to maintain the standard cross section and (b) proper provision is made for protective guideposts or rails. Street drainage systems shall take into account the effects upon downstream systems, shall be coordinated with general drainage requirements for the use and development of the abutting lands and shall provide for the following:
- (A) Use and protection, and improvement if needed, of the natural drainage system;
  - (B) Interception of channel drainage coming from any adjoining property or street;
  - (C) Protection of locations in use or proposed, necessary for on-site sewage disposal and water supply facilities; and
  - (D) Prevention of flooding and soil erosion.
- (2) Runoff Calculations. The method to be used in determining runoff for drainage areas is the S.C.S. (Soil Conservation Service) TR #55 and/or TR #20. All computations shall include the TR-55 Curve Number Computations, Tc and Tt through Subarea Computations, Graphical Discharge Method, Tabular Discharge Method for each drainage and subdrainage area and the Storm Volume for Detention Basins when applicable. All storm drainage facilities shall be designed based on the following storm return frequency criteria:
- (A) Drainage System: All drainage systems, within the subdivision and which are not part of an established drainage course, shall be designed for a storm return frequency of twenty-five (25) years.
  - (B) Cross Culverts: All culverts not part of an established drainage course crossing any street shall be designed for a storm return frequency of fifty (50) years.
  - (C) Minor Streams (less than 640-acre watershed—less than one square mile): All minor streams shall be designed for a storm return frequency of fifty (50) years.

(D) Major Streams (more than 640-acre watershed—more than one square mile): All major streams shall be designed for a storm return frequency of one hundred (100) years.

The applicant's engineering consultant shall provide the Board and Planning Commission where a subdivision application is involved, with drainage computations and drainage map, specified in Sec. 12-13 to determine the adequacy of storm water systems, including the spacing of catch basins and the need for double basins in roadway sags.

- (3) Pipe Design. Pipes shall be sized so that the headwater depth divided by the diameter of the pipe shall be 1.2 or less at peak flow. The minimum grade for storm drains shall be one (1) percent unless otherwise permitted by the Board. The minimum pipe size shall be fifteen (15) inches. The minimum cover over pipe shall be four (4) feet from the invert, but in no case shall be less than two (2) feet over the top of pipe. Culverts under streets shall extend to the edge of the right-of-way.
- (4) Point of Discharge. The discharge of all storm water that has been collected or otherwise artificially channeled shall be into suitable natural streams or into Town or State drainage systems with adequate capacity to carry the discharge. Otherwise there shall be no discharge onto or over private property within or adjoining the subdivision unless applicant has secured, (a) proper easements and discharge rights, (b) such easements and rights are transferable to the Town, and (c) there will be adequate safeguards against soil erosion and flood danger. No storm water shall be diverted from one watershed to another. Discharge shall be made in a manner that protects streams, ponds, swamps and wetlands from pollution.
- (5) Discharge into Public Street. Any and all discharge of water into a public street from private lands, including waters directed to a street by virtue of changes in grades on the private lands, is subject to the review and approval of the Board prior to the initiation of construction. Minor drainage of storm water or seepage, including roof drains, foundation drains, water from sump pumps, driveway drains, and similar structures, shall be connected to any existing storm drains in the street. Where storm drains do not exist in the street, the landowner shall solicit the advice of the Board as to how the drainage must be treated to avoid public nuisance. The Board may require that the property owner submit plans prepared by an engineer licensed to practice in the State of Connecticut.
- (6) Drainage Structures. Catch basins, manholes and other drainage structures shall be provided at all changes in horizontal and vertical alignment. The length of pipes shall not exceed three hundred (300) feet between structures; and catch basins shall be provided in order that surface water will travel without interception not more than three hundred (300) feet. The Board may require oil/water separators where there is risk of pollution from street runoff.
- (7) Access to Drainage Structures. Access shall be provided, based on the standards in the Town's driveway ordinance, to all drainage structures not located within a public street but located within an easement specified by Section 3.4.4. The Board may require such other improvements as it deems necessary to prevent unauthorized use of the access drive.

## **Sec. 12-44. Drainage Construction.**

Storm drainage shall be constructed in accordance with the following standards:

- (1) Pipe. Pipe shall be generally laid in straight lines between structures. All storm drainage pipe shall be reinforced concrete Class IV in accordance with the requirements of Article M.08.01-6 of Form 814 or Board-approved equal, except when fill heights require Class V. In general, under-drains shall be installed on the uphill side of the road.
- (2) Methods. Storm drainage pipe shall be laid in accordance with the following procedures:
  - (A) Prior to laying pipe, the trench shall be excavated to the required depth, the bottom of which shall be graded to afford a uniformly firm bearing for the pipe throughout its length. Where rock is encountered, it shall be excavated to not less than six (6) inches below the bottom of the trench; and this depth shall be refilled with crushed stone and thoroughly tamped and shaped. Where the nature of the foundation material is poor, it shall be removed and back-filled with gravel or crushed stone approved by the Board, or its agent. A minimum of a six (6) inch thick layer of compacted crushed stone, not larger than three (3) inches, shall be provided under the storm drainage pipe and up the side of the pipe to a depth of twelve (12) inches in the trench before additional backfill is added.
  - (B) All pipe shall be carefully laid, true to the lines and grades given, hubs upgrade and with the ends fully entered into adjacent hubs. Construction must be accomplished in dry conditions.
  - (C) Line and grade stakes shall be set by a Connecticut licensed land surveyor or professional engineer and shall be maintained in good order until the work has been inspected and approved by the Board. Where necessary, three (3) batter boards shall be maintained in place at all times when laying pipe and shall not be spaced more that thirty (30) feet apart.
  - (D) In sandy, silty or other soil in which there is a danger of washing or cave-ins, the joints of concrete pipe shall be thoroughly wetted and caulked.
  - (E) The interior of all pipe shall be cleaned of dirt and other deleterious materials, and kept clean as the next section of pipe is laid. During the progress of work, the exposed ends of the pipe shall be provided with an approved temporary watertight cover fitted to the pipe so as to exclude undesirable matter. Covers shall be kept in place except when pipe is being installed.
  - (F) All reinforced concrete pipe joints shall be sealed with a cold-applied bituminous sealer approved by the Board.

- (G) The backfill around the pipe and to a depth of at least eight (8) inches on top of pipe shall consist of crushed stone where the drainage pipe is necessary to serve as an underdrain for the street or to control the water table; the remainder of the trench may be back-filled with bank run gravel upon approval of the Board. Trenching, backfill and compaction shall conform to Section 2.05 of Form 814.
  - (H) Riprap conforming to the requirements of Form 814, Section 7.03 and M.12.02, shall be placed at inlets, outlets, in channel beds at bends or curves as required to prevent scouring, erosion and/or siltation of streams and culverts. Computations shall be submitted for sizing riprap.
  - (I) The inlets and outlets of all exposed drainage culverts shall be protected by concrete or mortared stone headwalls, endwalls, and, where necessary, appurtenant wingwalls. All endwalls shall conform to the requirements of Form 814, Section 5.06.
  - (J) Catch basin, manholes, drop inlets, endwalls and other related drainage structures shall be constructed in accordance with Form 814, Section 5.07.
- (3) Tributary Drainage to a State System. Where drainage is tributary to a portion of a Connecticut Department of Transportation drainage system, the holder of the road permit shall obtain the approval of the Connecticut Department of Transportation for such drainage and shall submit the approval to the Board and where improvements are part of Planning and/or Zoning Commission approvals, with the other documents required for approvals by such Commissions.
- (4) Easements. Permanent easements, of a nature acceptable to the Town Counsel, shall be deeded to the Town in all cases where drainage pipes or ditches cross or abut lands other than a street right-of-way. A minimum width of twenty (20) feet shall be required and said easements shall be clearly defined on the final subdivision plan placed on file in the land records.
- (5) Right to Drain Required. Where drainage waters are discharged directly or indirectly onto adjacent landowners, the holder of the road permit shall secure and deed to the Town from said landowner for a right to drain, which deed shall be acceptable to the Town Counsel.
- (6) House and Foundation Drains. House and foundation drains in no case shall be permitted to discharge onto the highway. Such drains shall be connected to catch basins or beyond the limits of the right-of-way prior to construction of the bituminous concrete.

## **Sec. 12-45. Sidewalks.**

Where sidewalks are to be installed, as determined by the Board and the Planning Commission, they shall be constructed of portland cement concrete or bituminous concrete as follows:

- (1) Width and Location. Sidewalks shall be a minimum of four (4) feet in width and shall be located within the street lines with one (1) edge abutting the property line. The requirements of General Statutes 7-118a shall apply whenever applicable.
- (2) Bituminous Sidewalks. Bituminous concrete sidewalks shall be laid on a six (6) inch gravel base, tamped and rolled, and three (3) inches thick after compaction. The bituminous materials used shall conform to Form 814, Section M.04 Class 2, and the construction shall conform to Section 9.22.
- (3) Concrete Sidewalks. Portland cement concrete sidewalks shall be laid on a six-(6) inch bank-run gravel base, tamped and rolled; and shall be constructed of concrete four (4) inches in thickness. Materials shall conform to Form 814, Section M.03.01 for Class "C" concrete and shall be constructed in accordance with Form 814, Section 9.21.

## **Sec. 12-46. Erosion Control.**

Soil erosion and sediment control measures shall be installed and maintained in accordance with any approved plans or permit and with the following standards:

- (1) Erosion and siltation control requirements are applicable to all construction work that causes disturbance to the existing ground surface. All control measures shall be constructed and maintained during construction in accordance with the standard details, drawings, this Section and the Erosion & Sediment Control Handbook, latest edition, Soil Conservation Service, U.S. Department of Agriculture.
- (2) All embankments shall be mulched with hay as soon as practical after formation. The embankment formation operation shall not proceed more than five hundred (500) feet in front of the mulching operation unless approved by the Board. The initial application of hay shall be at a rate equal to one hundred ten (110) bales per acre. Subsequent applications as necessary or ordered shall be at sufficient rate to minimize erosion of the previously formed embankments.
- (3) All watercourses and wetlands within fifty (50) feet of a proposed construction activity shall be protected with a continuous filter fence or closely butted row of hay bales prior to commencing work in those areas or such more protective measures as may be required by the Roxbury Planning Commission or Inland Wetlands Commission.
- (4) All runoff from disturbed areas is to be controlled and filtered. Hay bales or broken stone filters are to be installed at discharge locations shown on the drawings. Additional hay bales and/or mulch may be required during construction as site conditions dictate, or as ordered.

- (5) Erosion controls are to be installed and operational as soon as possible in a given section of roadway before proceeding on to another.
- (6) In the event that the contractor shall schedule construction such that storm sewers are installed prior to constructing the downstream facilities they are tributary to, the contractor shall do so in accordance with the manufacturer's instructions. Under dry conditions the road surface shall first be moistened. The contractor shall remove all excess materials from the site at the end of each working day.
- (7) Clean up. General clean up, grading, sweeping, and picking up of surplus materials, shall not be delayed until the end of the project. The contractor shall schedule his work in such a manner as to allow sufficient time in each workday to accomplish this work. Roadway surfaces are to be swept by hand or by machine to alleviate dust problems. The use of power sweepers or drag brooms shall be carefully controlled. Where heavy concentrations of material exist on the road surfaces, the contractor shall clean by hand or by machine such material in advance of sweeping.
- (8) Utility Warning Tape. A warning tape, not less than four (4) inches in width, identifying each buried utility, shall be placed not less than two (2) feet above each utility during back filling of the trench.

(Ord. of 8-25-03; Ord. of 1-1-04)

**Secs. 12-47—12-100. Reserved.**

## **ARTICLE II. SCENIC ROADS**

### **Sec. 12-101. Purpose.**

The scenic roads of the Town play an essential role in defining the Town's rural character and in preserving the slower pace of country living that is valued and encouraged in Roxbury. Section 7-149a of the General Statutes authorizes the municipal preservation and protection of the scenic or historic values of rural scenic Town roads. It is the purpose of this Ordinance to meet that need while also providing for common convenience and public safety. Pursuant to § 7-149a of the General Statutes, the Town hereby provides for the designation of Town roads or portions thereof as scenic roads, and further in order to maintain the scenic nature of Town roads so designated, or portions thereof, future alteration or improvement of such designated scenic roads, including but not limited to, widening of the right-of-way or of the traveled portion of the highway paving, changes of grade, straightening, removal of stone walls and removal of mature trees.

### **Sec. 12-102. Authority.**

Subject to the requirements of this Ordinance, the authority to designate a Town road or any portion of any Town road as a scenic road is hereby delegated to the Roxbury Planning Commission (Commission).

**Sec. 12-103. Designation Criteria.**

(a) Prior to designating a Town road or portion thereof as a scenic road, the Commission must first specifically find that at least one of the following criteria are met:

- (1) The Town road is unpaved;
- (2) The Town road is bordered by mature trees or stone walls;
- (3) The traveled portion of the Town road is no more than twenty (20) feet wide;
- (4) The Town road offers scenic views;
- (5) The Town road blends naturally into the surrounding terrain; or
- (6) The Town road parallels or crosses over one or more of the following: brooks, streams, lakes or ponds.

(b) No State highway or portion thereof may be designated a scenic road under the provisions of this section.

(c) The Town road must be free of intensive commercial development and intensive vehicular traffic.

(d) No Town road or portion thereof may be designated as a scenic road by the commission pursuant to this Ordinance unless the owners of a majority of the lot frontage abutting both sides of the Town road or portion thereof proposed as a scenic road (hereinafter "Abutting Owners" agree to the designation by filing a written statement of approval with the Roxbury Town Clerk.

**Sec. 12-104. Procedure for Designation.**

(a) Scenic roads may be designated as follows:

- (1) Proposed by the Commission. The Commission, on its own initiative, may propose a Town road or portion thereof for consideration for scenic road designation, provided it obtains the written concurrence of the Abutting Owners.
- (2) Petition by Abutting Owners. Abutting Owners of the Town of Roxbury may petition the Commission for a designation of a Town road or portion thereof as a scenic road according to the procedure set forth.
- (3) General Procedure. All proposals for scenic road designations by the Commission or petitions by Abutting Owners shall:
  - (A) State which road or portion of road is requested to be so designated.
  - (B) Describe those characteristics of the road which qualify it for scenic road status as set forth in Sec. 12-103 of this Scenic Road Ordinance as well as the characteristics which enhance the scenic character of the road.

- (C) Be signed by the Abutting Owners of the road or portion of the road to be so designated.
- (D) Those signing a Petition have the responsibility of proving to the satisfaction of the Commission that the signatories own a majority of the frontage abutting the road or portion of road proposed to be designated. Such proof may include information already on file with the Town but may require new additional information such as a survey. If the Commission proposes the designation the Commission shall incur the expense and responsibility of proving that it has the consent of the Abutting Owners.
- (E) Each Abutting Owner shall indicate his or her address on the Petition or when signing the concurrence on a proposal made by the Commission.
- (F) Petitions for designation must contain the name, address and signature of the circulator of the petition, who must be a resident of Roxbury. The Petition shall have a signed statement by the circulator that the circulator either knows each individual who signed the petition or that the signer satisfactorily identified himself or herself to the circulator. An original and one copy of the Petition shall be filed with the Town Clerk, who shall retain the copy and forward the original to the commission. The Petition shall constitute the application for designation of a scenic road.

(b) Public Notice. In order to designate a Town road or portion thereof as a scenic road, the Commission shall first hold a public hearing regarding such required by § 8-26e of the General Statutes, by publication in a newspaper of general circulation in the Town of Roxbury at least twice in intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days prior to the date of such hearing and by sending a copy thereof by registered or certified mail to the owners of lots fronting the Town road or the portion of the Town road to be designated as a scenic road.

(c) Referrals. The Commission shall notify, before the Public Hearing, the Board of Selectmen, Zoning Commission and Volunteer Fire Department of the application and solicit their comments.

(d) Time Period for Action. For applications initiated by the Abutting Owners, the Commission shall act upon the designation within the period of time permitted under § 8-26d of the General Statutes that requires that a hearing shall commence within sixty-five (65) days of receipt of such application for designation of a scenic road. The hearing shall be completed within thirty (30) days after such hearing commences. All decisions on such matters shall be rendered within sixty-five (65) days after completion of such hearing. The applicant may consent to one or more extensions of any period specified in this section, provided the total extensions of any such period shall not be for longer than the original period as specified in this section, or may withdraw the application.

(e) Notice of the Decision. Notice of the decision of the Commission shall be published in a newspaper having a substantial circulation in the Town of Roxbury within fifteen (15) days after such decision has been rendered. Such notice shall be a simple statement that the Town road or portion thereof was or was not designated as a scenic road by the Commission, together with the date of such action. The grounds for the designation or non-designation shall be stated in the minutes of the Commission and shall include in as much detail as possible the special features which make the Town road so designated scenic, or the reasons for denying designation.

### **Sec. 12-105. Rescission and Appeal.**

(a) Decision. The designation of a Town road or a portion thereof as a scenic road may be rescinded by the Commission, using the same procedures required in this Ordinance for designation, and provided that the owners of a majority of lot frontage abutting the Town road or a portion of the Town road concur with such rescission.

(b) Appeal. Pursuant to § 7-149a(d) of the General Statutes, any person aggrieved by the designation of a Town road or portion of a Town road as a scenic road may appeal such designation in the manner and utilizing the same standards of review provided for appeals from the decisions of § 8-28 of the General Statutes.

### **Sec. 12-106. Application for Alterations and Improvements.**

(a) Preservation Objective. Routine maintenance and the regulation of future alterations and improvements of a designated Town road shall be carried out so as to preserve to the highest degree possible the scenic characteristics of the Town road which are indicated in the records of the Commission as the basis for the designation. Any road or portion of any road designated as a scenic road shall be maintained by the Town in good and sufficient repair and in passable condition.

(b) Hearing and Decision Responsibility. The alteration or improvement of a designated scenic road shall be determined by the Board of Selectmen. Any proposal for alteration or improvement, whether by public or private applicant, shall be submitted to the Commission which shall hold a public hearing in accordance with the same requirements as set forth in § 8-26e of the General Statutes and Sec. 12-104 of this Ordinance, and submit findings of fact and a recommendation to the Board of Selectmen. After a recommendation by the Commission to maintain a designated highway without change, the Board of Selectmen may disregard that recommendation only by a majority vote of its own. The Board of Selectmen shall consider the findings of fact of the Commission and shall give due consideration to the Commission's recommendation. The Board of Selectmen shall authorize alteration or improvement of a scenic road or portion of a scenic road if it finds that such alteration or improvement is necessary to maintain the road in good and sufficient repair or in reasonable safe condition for public travel.

(c) Routine Road Maintenance. Routine Town road maintenance and repair of designated scenic roads shall include:

- (1) Removal of dead and seriously diseased or damaged trees and branches of trees;
- (2) Trimming of the tree branches that encroach on the traveled portion of the Town road below the height needed to allow school buses and emergency vehicles to pass;

- (3) Trimming or removal of brush and removal of boulders or other obstacles that encroach on the traveled portion of the road; necessary trimming for utility lines;
- (4) Trimming of brush to enhance and protect scenic views, stone walls, mature trees and other characteristics of the scenic road set forth in the decision designating it a scenic road;
- (5) Correction of drainage problems;
- (6) Graveling, and, re-treatment and repair of existing roadway surfaces;
- (7) Application of traffic markings;
- (8) Snow plowing, sanding, sweeping and catch basin cleaning; and
- (9) Maintenance of stone walls.

(d) Natural and Man-made Disasters. In case of a natural or man-made disaster in which a road becomes impassable or unsafe for public travel and access must be provided, emergency repairs may be made as needed. The designating of a scenic road shall have no effect on the actions of the Town or Fire, Police, or Ambulance Departments or Services during a disaster or emergency.

(e) Paving and Non-Routine Maintenance. Improvements or non-routine maintenance of alterations, as referred to in this section of this Ordinance, examples of which include paving of dirt or gravel roads, widening the travel portion of the road beyond eighteen (18) feet, change of grade greater than two percent (2%), straightening, removal of mature trees or structures for other than public safety reasons, shall require approval of the Board of Selectmen as set forth in this section of this Ordinance. To the extent possible, the work shall be performed so as to maintain or enhance the road's scenic character. The Board of Selectmen shall take into account the safety features of the proposed changes, the overall impact of the proposed changes on the scenic road and the public response to the proposed change.

(f) Standards for Alteration. When contemplating alterations to a scenic road for common convenience and necessity, which alterations are not considered routine maintenance and repair under Sec.12-106(c) subsections (3), (4), and (5) of this Ordinance, including without limitation, safety reasons and Fire and Police considerations, the Commission shall:

- (1) Review a suitable map, and where deemed necessary by the Commission, a technical report documenting the cited hazard and offering alternative solutions;
- (2) Notice and hold a Public Hearing in accordance with § 8-26e of the General Statutes and Sec. 12-104 of this Ordinance;
- (3) Have available and consider a full description of the recommended safety measures affecting the scenic road along with an estimate of their overall impact on the scenic road. If stone walls or portions thereof along the untraveled portion of the scenic road must be removed, they shall be rebuilt in as close to their original location as possible;

(4) Consider the following:

- (A) Speed Limits. Scenic values are correlated with lower speeds.
- (B) Curves. Curves provide a constant unfolding of new and changing views and therefore have scenic value. Curves shall not be eliminated unless they are found to be a definite hazard within the concept of the specific road.
- (C) Grades. Hills and valleys provide scenic value and therefore should not be destroyed by cuts and fills unless absolutely essential for road safety.
- (D) Widths. A narrow road is correlated with high scenic beauty. Designated scenic roads should not be widened unless the amount of traffic, as determined by a factual study, demands it. For some rural roads, the amount of traffic that can be handled can be greatly increased by wide bypasses and turnouts constructed at intervals where they do least damage to scenic and environmental values.
- (E) Side Slopes. Existing steepness of side-slopes is preferable to reduction of gradient by extensive removal of soil and rock. This is specially true where the slope is fully stabilized and where it is rich with existing ground cover, shrubs and trees.
- (F) Vistas. Vistas of distant landscapes shall be preserved by suitable vegetation management techniques.
- (G) Utility Lines. Wherever possible, utility lines should be put underground. Where they are overhead, the utility corporations should use conservative vegetation management techniques that preserve wild flowers and shrubs.
- (H) Vegetation. Vegetation on the side of the road shall be managed in such a way as to preserve wild flowers, trees and shrubs that provide habitat to wildlife.
- (I) Stone Walls. Stone walls shall be preserved except where necessary for public safety.

Any action under Sec.12-106(c), subparagraphs (1), (2), and (4), shall be taken in a manner which will avoid or reduce adverse effects on the designated Town road. Any reconstruction of a Town road shall be done in a similar manner with a view to restoring the road to the extent possible to its scenic character at the time of designation.

(g) Rights of Landowners.

- (1) Nothing in this Ordinance shall be deemed to prohibit a person owning or occupying land abutting the Town road or portion thereof designated as a scenic road by the Commission from (a) maintaining and repairing the land which abuts the road so designated if the maintenance occurs on land not within the right of way, paved or unpaved, of the scenic road, or (b) from having access to his property by driveway or subdivision road connecting to a scenic road.

- (2) Nothing herein shall prohibit permanent placement of sand barrels, refuse containers, recycling containers, or Fire Department water supply facilities such as hydrants, within the right of way of any scenic road, nor shall abutters to any scenic road be prohibited from permanently placing mail boxes or house numbers within the right of way of any scenic road.
- (3) Nothing herein shall prohibit a landowner from permanently removing a portion of a stone wall in order to construct or improve a driveway or, in the case of a subdivision, to connect a subdivision road with a designated scenic road.
- (h) Reduction of Adverse Effects. Any action taken under any section of this Ordinance shall be taken in a manner that will avoid or reduce adverse effects on the designated Town road. Any reconstruction of a Town road shall be done in a similar manner with a view to restoring the road to the extent possible to its scenic character at the time of designation.

**Sec. 12-107. Enforcement.**

(a) General. This ordinance shall be enforced in the same manner as all Town ordinances.

(b) Penalty. Violation of this Ordinance shall be subject to a fine not exceeding one hundred dollars (\$100.00) per day for each day that the violation continues, and such other legal remedies as may be available to the Town.  
(Ord. of 11-6-97; amended Ord. of 3-10-2000).

**Secs. 12-108—12-120. Reserved.**

**ARTICLE III. INTER-MUNICIPAL ROAD MAINTENANCE**

**DIVISION 1. INTER-MUNICIPAL AGREEMENTS**

**Sec. 12-121. Authorization.**

That the Selectmen are authorized to enter into an agreement with the Town of Bridgewater relative to the division, liability and maintenance of a certain section of Botsford Hill Road a/k/a Town Line Road.  
(Ord. of 10-5-36)

**Secs. 12-122—12-130. Reserved.**

## **ARTICLE IV. TRAFFIC CONTROL, STANDING AND PARKING**

### **Sec. 12-131. Parking at Side of Road.**

No person shall park any motor vehicle or permit it to remain stationary upon the traveled portion of any public highway except upon the right-hand side of such highway and in the direction in which such vehicle is headed. If such highway is curbed, such vehicle shall be so placed so that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the curb. Diagonal parking and standing or parking and standing on the left-hand side of one-way streets, however, shall be permitted in such areas as the traffic authority may designate by appropriate signs and/or markings.

### **Sec. 12-132. Parking Within Highway.**

No person shall park any motor vehicle or permit it to remain stationary within the limits of any public highway in such a manner as to constitute a traffic hazard or to obstruct the free movement of traffic thereon, nor shall any person double-park any motor vehicle. However, a vehicle which has become disabled so that it is impossible or impractical to remove it may be permitted to remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it.

### **Sec. 12-133. Distance from Marked Crosswalk, an Intersection, or a Stop Sign.**

No person shall park any motor vehicle or permit it to remain stationary within twenty-five (25) feet of a marked crosswalk, an intersection, or a stop sign.

### **Sec. 12-134. Prohibited Parking.**

No person shall park any motor vehicle or permit it to remain stationary in any place where, or during any period when, parking is prohibited by the traffic authority as indicated by appropriate signs and/or marking.

### **Sec. 12-135. Compliance with Traffic Authority and Markings.**

No person shall park any motor vehicle or permit it to remain stationary for a longer period of time than that permitted by the traffic authority as indicated by appropriate signs and/or markings.

### **Sec. 12-136. Winter Nuisances or Hazards.**

No person shall park any motor vehicle or permit it to remain stationary within the limits of any public highway so as to create a nuisance or hazard during the time of falling snow, sleet or freezing rain or to obstruct or interfere with snow removal and/ or sanding.

**Sec. 12-137. Fire Lanes and Zones.**

(a) No person shall park any motor vehicle or permit it to remain stationary in any fire zone or fire lane established by the Town fire marshal and designated by signs, markings or other devices.

(b) Whenever the Town fire marshal establishes a fire zone or fire lane pursuant to the General Statutes and/or the Fire Safety Code of the State of Connecticut, he shall cause to be erected or installed adequate signs, markings or other devices to delineate such fire zones or fire lanes. Such signs and markings shall be installed, if the premises are privately owned, at the expense of the owner and shall be erected by the owner within thirty (30) days after receipt of written notice from the fire marshal directing the installation of such signs or markings. Such signs or marking shall conform to federal and state requirements or uniform traffic control devices.

(c) Nothing in Sections 12-131 to 12-137 shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping or being held stationary by any officer, in an emergency to avoid an accident or to give the right of way to another vehicle or a pedestrian.

**Sec. 12-138. Violations and Fines.**

(a) Any person violating the provisions of Sections 12-131 to 12-134 of this Ordinance shall be fined not more than fifty dollars (\$50).

(b) Any person violating the provisions of Sections 12-135 and 12-136 of this Ordinance shall be fined not more than one hundred dollars (\$100) or imprisoned not more than thirty (30) days or both fined and imprisoned.

(c) Any person violating the provisions of Section 12-137 of this Ordinance shall be fined not more than two hundred dollars (\$200) or imprisoned not more than three (3) months or both fined and imprisoned.

(d) Whenever any vehicle shall be found parked or stationary in violation of this Ordinance, a police officer may serve upon the owner or operator of such vehicle, or attach to such vehicle, a notice of such violation. Within ten (10) days of the issuance of such notice of violation, the owner or operator of such vehicle may pay to the Town Clerk or First Selectman a violation fee as follows:

(1) Violation of Sections 12-131 and 12-132	\$ 5.00
(2) Violation of Section 12-133	\$10.00
(3) Violation of Sections 12-134 and 12-135	\$10.00
(4) Violation of Section 12-136	\$25.00
(5) Violation of Section 12-137	\$25.00

Upon the payment of such violation fee within ten (10) days, a prosecution under this Ordinance shall be barred. Should the owner or operator elect not to pay the violation fee within the ten (10) day period, the Police Department shall be authorized to seek an arrest warrant to prosecute the owner or operator for the violation of this Ordinance.

**Sec. 12-139. Towing.**

(a) Whenever any vehicle shall be found parked or stationary in violation of Sections 12-132, 12-136 or 12-137 of this Ordinance, such vehicle may be removed by or under the direction of a member of the Police Department, by means of towing or otherwise, to a public or private parking facility located within the Town of Roxbury. Such removal of any vehicle shall be deemed to be the abatement of a nuisance and shall be at the risk of the owner or person entitled to the possession of such vehicle.

(b) The provisions of Section 14-150 of the General Statutes pertaining to notice and hearing, liability for towing and storage charges, and sale of motor vehicles to satisfy the lien for towing and storage charges are hereby incorporated into this Ordinance by reference.  
(Ord. of 7-18-80)

**Secs. 12-140—12-150. Reserved.**

**ARTICLE V. TOWN ROADS STATUS**

**DIVISION 1. TOWN ROAD MAP**

**Sec. 12-151. Designation of Town Roads.**

The State Highway Map on file in the First Selectman's and Town Clerk's offices is the official town road map of Roxbury. All roads not shown were discontinued as of August 12, 1980.  
(Ord. of 8-12-80)

**Secs. 12-152—12-160. Reserved.**

**ARTICLE VI. JUDGE ROAD SPECIFICATIONS**

**Sec. 12-161. Specifications.**

Relocated Judge Road as shown on the Resubdivision Map of Golden Harvest Farm Limited Partnership entitled, "Map prepared for Golden Harvest Farm Botsford Hill road Town of Roxbury County of Litchfield State of Connecticut scale 1"=100' December, 1987 Revised to August 15, 1988, sheet 1 of 2 Arthur H. Howland, L.S. & P.D. New Milford, CT." be constructed in conformance with all the requirements of the Roxbury Town Road Specification Ordinance with the following exceptions (a) the surface of the travelway may be gravel rather than bituminous material, and (b) the width of the travelway within the 50-foot wide roadway may be reduced to 18 feet plus 4-foot shoulders on each side, which shoulders must be stumped, graded, and seeded in addition to all other road specifications requirements of the Town.  
(Ord. of 8-31-88)

## CHAPTER 13. TAXATION; ASSESSOR

### ARTICLE I. TAX PAYMENTS

#### DIVISION 1. PAYMENT OF TAXES IN INSTALLMENTS

##### **Sec. 13-1. Single Payment.**

Any property tax due in an amount not in excess of one hundred (\$100.00) dollars shall be due and payable in a single payment.<sup>35</sup>

(Ord. of 5-31-74 amended by Ord. of 1-1-04)

##### **Secs. 13-2—13-10. Reserved.**

#### DIVISION 2. WAIVER

##### **Sec. 13-11. Minimum Amount Waiver.**

Any property taxes in an amount less than two (\$2.00) dollars shall be waived.  
(Ord. of 6-4-81)

##### **Secs. 13-12—13-15. Reserved.**

#### DIVISION 3. RETENTION OF EXCESS PAYMENT

##### **Sec. 13-16. Retention of Excess Payment.**

In accordance with § 12-129 of the General Statutes, as amended by Public Act 95-283, the Tax Collector is authorized to retain payments made for any property tax in excess of the amount due from the taxpayer, provided the amount of the excess payment is less than five (\$5.00) dollars.

(Ord. at 5-15-96 repealing Ord. of 6-4-81)

#### DIVISION 4. PAYMENT AND FEE FOR DELINQUENT TAXES

##### **Sec. 13-17. Right to Require Form of Payment.**

Pursuant to § 12-146 of the General Statutes, the Tax Collector may require that payment of any delinquent property tax applicable to a motor vehicle shall be paid only in cash or by certified check or money order.

##### **Secs. 13-18—13-30. Reserved.<sup>36</sup>**

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<sup>35</sup> State law reference – C.G.S. § 12-144

<sup>36</sup> Sec. 13-18 regarding a \$5.00 fee for payment of delinquent motor vehicle taxes was adopted 12-15-03 and repealed 8-2-04.

## ARTICLE II. TAX EXEMPTIONS

### DIVISION 1. PERSONAL PROPERTY TAX EXEMPTION FOR MEDICAL TRANSPORT VEHICLES, NONPROFIT AMBULANCE COMPANY PROPERTY AND RETROFITTED VEHICLES FOR THE DISABLED

#### Sec. 13-31. General.

Pursuant to General Statutes § 12-81 (c), the following shall be exempt from personal property taxation by the Town:

- (1) Any ambulance-type motor vehicle that is used exclusively for the purpose of transporting any medically incapacitated individuals, providing such transportation is not for profit; any applicant hereunder shall provide proof satisfactory to the Assessor, that the transportation is not for profit.
- (2) Any property owned by a nonprofit ambulance company; any applicant hereunder shall provide proof satisfactory to the Assessor, that the ambulance company is not for profit.
- (3) Any Motor Vehicle owned by a person with a permanent physical disability provided that such Motor Vehicle is specially adapted or retrofitted after original manufacture to accommodate such owner's disability. The cost of such adaptation or retrofit must exceed \$1000. For the purposes of this Ordinance, "Motor Vehicle" shall mean any passenger, commercial, or combination motor vehicle registered and suitable for use on the public highways of Connecticut, owned by such disabled person and operated by or for the benefit of the disabled person. However, "Motor Vehicle" shall not include aircraft, boats or other motorized equipment or vehicles excluded from the definition of "Motor Vehicle" set forth at General Statutes § 14-1(a) (47). Any disabled person applying for an exemption for a retrofitted motor vehicle as described above, shall provide a written certification of the existence, nature and extent of the disability requiring such retrofit from a licensed physician and evidence of the cost of the after-manufacture adaptation or retrofit.

Further, to qualify for this exemption, the disability shall be such that without the adaptation, the owner seeking the exemption would be unable to safely drive or be a passenger in such motor vehicle. Proof of the cost of such adaptation shall also be provided as part of the application for this exemption. No individual shall receive any exemption until he or she has, in each year in which such exemption is being sought, submitted evidence satisfactory to the Assessor as to his or her actual disability rating on the assessment day as of which such exemption is being sought, except that proof of disability of persons who have attained the age of sixty-five (65) years or who have presented Veterans' Administration certificates showing permanent total disability need be filed but once.

**Sec. 13-32. Eligibility.**

No individual shall receive any exemption to which such individual is entitled under this Ordinance until he or she has submitted evidence satisfactory to the Town Assessor to support eligibility hereunder. Such evidence shall be provided to the Assessor no later than December 31st following the assessment date. Except as set forth at Sec. 13-31(3) above, such evidence shall be provided in each year in which such exemption is being sought. Such proof of eligibility shall include the specific information referenced for each exemption described above and such further proof as is necessary for the Assessor to determine qualification for an exemption. Exemptions so proved shall take effect on the next succeeding assessment day. No individual entitled to exemption under Sec. 13-31(3) of this Ordinance shall receive more than one exemption hereunder.

(Ord. of 12-14-2000, effective 6-24-2001))

**Secs. 13-33—13-40. Reserved.**

**DIVISION 2. TAX ABATEMENT FOR HUD 202 ELDERLY HOUSING PROJECT**

**Sec. 13-41. Purpose.**

The purpose of this Ordinance shall be:

- (1) To reduce rents below the levels which would be achieved in the absence of such abatement and to improve the quality and design of such housing;
- (2) To effect occupancy of such housing by persons and families of varying income levels within limits determined by the Connecticut Commissioner of Economic and Community Development (“Commissioner”), by regulation; or
- (3) To provide necessary related facilities or services in such housing.

**Sec. 13-42. Eligible Property.**

The following property for which rents or carrying charges are limited by regulatory agreement may be classified by the Town as property used for low or moderate-income persons (the “Classified Properties”) and is eligible hereunder:

Property near Crofut Road off of Route 67 (known as 19 Bernhardt Meadow Lane), Roxbury (“Property”) providing that the “United States Department of Housing and Urban Development” or its successor department (hereinafter “HUD”) shall approve and operate a HUD 202 program on the Property for elderly persons (age 62 or older) who are low or moderate income persons as determined by HUD from time to time, and provided further that the Property shall continue to be operated for the same use, residential population and income levels as approved by HUD (which property is referred to as “Classified Property”).

**Sec. 13-43. Abatement of Real Property Taxes.**

Pursuant to General Statutes § 8-215, the Town shall abate up to 100% of real property taxes for the Property, providing the Town is authorized to do all things necessary to apply, contract for and obtain any governmental tax abatement reimbursement that may from time to time become available for the Property.

**Sec. 13-44. Termination.**

Any abatement permitted hereunder shall terminate at any time when such housing is not solely used for low or moderate-income persons.

**Sec. 13-45. Contract with the Town Required.**

Such real estate tax abatement shall only be effective if made pursuant to a contract between the Town and the owner of the Property; such contract shall set forth the terms of such abatement and shall provide that moneys equal to the amount of such abatement shall be used for any one or more of the purposes stated in Sec. 13-41 of this Ordinance. The contract shall provide that if state assistance in the form of a grant-in aid or payment in lieu of taxes should become available to reimburse the Town, the owner of the Property shall cooperate with the Town in all respects and do all things reasonably necessary to aid the Town in obtaining such reimbursement.

**Sec. 13-46. Value of Classified Property.**

For the purposes of this Ordinance, the present and true value of any of the Classified Property for which rents or carrying charges are limited by regulatory agreement, or otherwise regulated by the federal or state government, shall be based upon and shall not exceed the capitalized value of the net rental income (gross income of the project as limited by the schedule of rents or carrying charges, less reasonable operating expenses and property taxes) of the housing project or as otherwise required by General Statutes § 8-216a, as amended.

**Sec. 13-47. Low and Moderate-Income Persons Defined.**

For the purpose of this Ordinance, low and moderate-income persons shall be defined as determined by the Commissioner or by regulations promulgated by the Commissioner. (Ord. 1-9-01 effective 1-24-2001 amended by Ord of 5-9-2001; Ord. of 1-1-04)

**Secs. 13-48—13-80. Reserved.**

**ARTICLE III. ASSESSOR**

**Sec. 13-81. Assessor.**

There shall be one (1) salaried Assessor who shall have all the powers, duties and rights conferred upon assessors by the General Statutes and who shall be employed by and serve at the discretion of the Board of Selectmen. (Ord. of 5-17-95 effective July 1, 1995)

**Sec. 13-82. Certification.**

The Assessor shall be certified or recommended as a candidate for certification as a certified Connecticut municipal assessor and shall have such other qualifications as the Board of Selectmen may determine.<sup>37</sup>  
(Ord. of 5-17-95 effective July 1, 1995)

**CHAPTER. 14 HEALTH**

**ARTICLE I. PUBLIC HEALTH CODE; DIRECTOR OF HEALTH; SANITARIAN**

**DIVISION 1. PUBLIC HEALTH NURSE**

**Sec. 14-1. Employment.**

The Board of Selectmen shall be authorized to employ a Public Health Nurse.  
(Ord. of 10-5-42)

**Sec. 14-2. Continued Employment.**

The Selectmen shall be authorized to continue the employing of a public nurse.  
(Ord. of 10-2-44; Ord. of 1-1-04)

**Secs. 14-3—14-10. Reserved.**

**DIVISION 2. PUBLIC HEALTH CODE**

**Sec. 14-11 Health District and Board of Health**

**14.11.1. Membership.** The Town hereby joins the Newtown Health District (“Health District”) that shall be an instrumentality of Roxbury, Newtown and any other constituent municipality that joins the Health District and which Health District shall have and will carry out all the duties exercised or performed immediately prior to the effective date of this ordinance by the Town’s Director of Health and Environmental Officer /Sanitarian and shall exercise all the authority as to public health required of or conferred upon the Town by the Code and the Health District as set forth in section 19a-243 of the General Statutes.

**14.11.2. Board Representation.** The Board of Selectmen shall appoint one (1) person to be a member of such Newtown District Board of Health (“Board of Health”) plus one (1) additional Town representative for each additional ten thousand population or part thereof, provided the Town shall not have more than five (5) representatives on the Board of Health. The term of office for members of the Board of Health shall be three years; except that during the initial formation of a Board of Health with three-year appointments, appointments shall be so made that approximately one-third of the board shall be appointed for one year, approximately one-third appointed for two years and approximately one-third appointed for three years. Members of the Board of Health shall serve without compensation.

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<sup>37</sup> Cross reference Code Sec. 2-61.

**Sec. 14-12. Adoption and Enforcement.**

The Town adopts by reference the Public Health Code enacted pursuant to §§ 19a-36 and 19a-37 of the General Statutes as amended and the rules and regulations for the promotion of general health within the district adopted by the Board of Health from time to time. All provisions of the Public Health Code and such rules and regulations shall be enforced in the Town by the Newtown Health District. Fees for permits issued under the Public Health Code shall be in the amount determined from time to time by the Newtown Health District and all prior Town Public Health code fees schedules are hereby rescinded and the permit/fee schedule established by the Health District, as it may be amended from time to time, is substituted therefor.<sup>38</sup>

(Ord. of 1-1-04, amended effective Ord. of 2-23-06).

**Sec. 14-13.** The Town shall be authorized to pay its proportionate share of the expenses of the Health District from such funds as may have been appropriated by the Town to pay the cost of operating the district, including debt service on borrowings of the district, such apportionment to be made equitable on a per capita basis as established by the last annual population estimate by the Department of Public Health for each participating town, city or borough.. From passage of this ordinance to June 20, 2006, the funds allocated to the Roxbury Health Department, shall be re-allocated to the Health District to the extent necessary to fund the Town's proportionate share.

**Sec. 14-14. Approval Required.**

In addition to other requirements of the Public Health Code and the Health District, no dwelling, or commercial structure or other building, structure or improvement shall be erected or constructed within the Town unless the sanitation facilities are approved by the Health District and are in accordance with the Public Health Code and the rules and regulations of the Health District.

(Ord. of 10-2-44)

(See Ord. of 10-2-44; Ord. of 1-1-04, amended effective Ord. of 2-23-06).

**Secs. 14-15—14-23. Reserved.**

(Ord. of 10-2-44; Ord. of 1-1-04 regarding Environmental Inspector and Town Sanitarian is repealed Ord. of 2-23-06).

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<sup>38</sup> See Addendum for current fee schedule.

## **CHAPTER 15. EDUCATION**

### **ARTICLE I. REGIONAL BOARD OF EDUCATION**

#### **Sec. 15-1. Membership in Regional School District #12.**

Together with the Town's of Bridgewater and Washington, Roxbury shall be a member of Regional School District #12 with schools located in the Towns of Bridgewater, Roxbury and Washington and for the purposes of providing the necessary facilities and administering grades kindergarten through 12 of the public schools.

(Ord. of 8-11-67)

## CHAPTER 16. HOUSING

### ARTICLE I. ROXBURY HOUSING PARTNERSHIP

#### Sec. 16-1. Establishment.

There shall be a Roxbury Housing Partnership (“Partnership”) established in accordance with § 8-336f of the General Statutes in order to develop ways to increase the supply and availability of affordable housing in the Town. This Partnership shall have all the powers and duties conferred and imposed by § 8-336f and by this Ordinance.

#### Sec. 16-2. Composition.

The Partnership shall be composed of the following members appointed by the First Selectman, provided that the total number of members shall not exceed nine (9):

- (1) The First Selectman;
- (2) One (1) member of the Planning Commission, one (1) member of the Zoning Commission, one (1) member of the Inland Wetlands Commission, and one (1) senior housing representative;
- (3) At least one (1) but not more than three (3) representatives of the local business community, such as local bankers, realtors and developers;
- (4) At least one (1) but not more than three (3) representatives of public interest groups, such as housing advocates, members of the clergy, members of local civic groups and representatives of local nonprofit corporations; and
- (5) At least one (1) but not more than three (3) local urban planning land use and housing professionals.

#### Sec. 16-3. Vacancy.

Any vacancy in the membership of the Partnership, for whatever cause arising, may be filled for the unexpired portion of the term vacated, by the First Selectman upon the recommendation of the Board of Selectmen.

#### Sec. 16-4. Meetings.

A majority of the members of the Partnership shall constitute a quorum for the conduct of meetings. The Partnership shall have the power to adopt rules and regulations for the conduct of its meetings. Meetings shall be noticed and conducted in the manner directed by Chapter 3 of the General Statutes. At its first regular meeting, the Partnership shall elect a chair and such other officers as it may deem appropriate. Special meetings may be called by the Chair of the Partnership at any time, and shall be called upon written request of any three (3) members. No action by the Partnership shall be valid unless authorized by a majority of the members present and voting.

### **Sec. 16-5. Initial Designation.**

In order to receive initial designation under the Connecticut Housing Partnership Program pursuant to § 8-336f of the General Statutes, the Partnership, no later than thirty (30) days after the date of its first regular meeting, shall:

- (1) Submit evidence to the Commissioner of Housing that the Partnership has been formed in accordance with the provisions of § 8-336f of the General Statutes; and
- (2) Submit to the Commissioner of Housing evidence that sufficient local resources have been committed to the Partnership.

### **Sec. 16-6. Development Designation.**

In order to receive development designation under the Connecticut Housing Partnership Program pursuant to § 8-336f of the General Statutes, the Partnership shall have the following duties and responsibilities:

- (1) To examine and identify housing needs and opportunities in the community;
- (2) To explore the availability of any state, municipal or other land that is suitable for the development of affordable housing;
- (3) To review applicable zoning regulations to determine whether such regulations restrict the development of affordable housing in the community, and to identify any necessary changes to such regulations;
- (4) To establish priorities and develop a long-range plan to meet identified housing needs in the community consistent with regional housing needs;
- (5) To establish procedures for the development of a written proposal to achieve such priorities in accordance with said plan; and
- (6) To start and carry out an activity, development or project designed to create additional affordable housing in the Town, subject to such federal, state or local approval as may be required. Notwithstanding the other provisions of this Section, no expenditure or commitment of public funds of the Town may be made or authorized by the Partnership, its agent, or any member of the Partnership, without prior approval by the Town acting by Town Meeting, nor shall the Partnership, its agents or members have any right to bind the Town by contract, agreement or otherwise without prior and specific approval of a Town Meeting.

### **Sec. 16-7. Employees.**

The Partnership may hire employees or retain private contractors as it deems necessary with such funds as may be appropriated for.

**Sec. 16-8. Reports to the Board of Selectmen.**

On or about October 1, 1992, and once every six (6) months thereafter, or more frequently if the business of the Partnership requires, the Partnership shall submit a written report to the Board of Selectmen. The report shall describe: (1) the progress of the Partnership in carrying out each of the duties set forth in Sec. 16-6 of this Ordinance; and (2) the assistance provided to the Partnership to date by the State Commissioner of Housing pursuant to § 8-336f of the General Statutes. The Board of Selectmen may require the Partnership to submit such other reports or information as the Board of Selectmen deems necessary to apprise it of the Partnership's progress in carrying out the mandate of the Connecticut Housing Partnership Program to determine ways to increase the supply and availability of affordable housing in the Town.

**Secs. 16-9—16-30. Reserved.**

**Sec. 16-31. No Conflict with Federal or State Law.**

This Ordinance shall not be construed to conflict with any State or federal statute, rule or regulation.

**Sec. 16-32. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

(Ord. of 6-25-92)

## **CHAPTER 17. ANIMALS**

### **Sec. 17-1. Regional Animal Control District Membership.**

Pursuant to General Statutes § 22-331a, the Town shall be a member of Regional Animal Control District #2 for all purposes set forth in § 22a-331a.  
(Ord. of 8-21-88)