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**A 12 ELDERLY HOUSING TAX ABATEMENT**

WHEREAS the Town of Marlborough finds it to be in the public interest to facilitate affordable housing for low or moderate income elderly persons; and

WHEREAS a tax abatement pursuant to CGS SECTION 8-215 would further such purposes.

NOW THEREFORE BE IT RESOLVED:

1. Real property taxes otherwise due the Town of Marlborough for premises described in a deed recorded in Vol. 73, Pg. 47 of the Marlborough Land Records, situated on South Main Street, being assessor's Lot 25, Block 28-A, on Map No. 21 presently owned by Marlborough Association for Senior

Housing, Inc. Are henceforth wholly abated until further action of the Board of Selectmen.

2. Such tax abatement shall be used for one or more of the following purposes: (1) To redeem 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 housing by elderly persons of varying income levels within limits determined by the commissioner of housing by regulation, or (3) to provide necessary related facilities or services in such housing.

3. Such abatement shall take effect pursuant to and only when a contract is entered into between the Town and the Marlborough Association for Senior Housing, Inc., approved by the Board of Selectmen on behalf of the Town, and which contract shall provide the terms of such abatement, that moneys equal to the amount of such abatement shall be used for any one or more of the purposes herein stated, and that such abatement shall terminate at any time when such housing is not solely for low or moderate income elderly persons.

4. This ordinance shall take effect thirty days after publication. (June 6, 1988)

**A.13 BAZAARS AND RAFFLES**

AN ORDINANCE ADOPTING FOR THE TOWN OF MARLBOROUGH THE PROVISIONS OF SECTIONS 7-170 TO 7-186, INCLUSIVE, OF CONNECTICUT GENERAL STATUTES, RELATING TO AUTHORITY TO CONDUCT BAZAARS AND RAFFLES IN ACCORDANCE WITH STATE LAW.

SECTION 1. The provisions of Sections 7-170 to 7-186, as amended of Connecticut General Statutes, relating to the conduct of bazaars and raffles in accordance with the operative statutes and regulations of the State of Connecticut, are hereby adopted for the Town of Marlborough pursuant to the authority stated in Section 7-171 of the CGS, as amended.

SECTION 2. This ordinance shall take effect thirty-one (31) days after publication in accordance with Section 7-157 of the CGS. (August, 1988)

**A.14 MOTOR VEHICLE EXEMPTION**

(a) Pursuant to Section 12-81c(1) of the Connecticut General Statutes, any ambulance-type motor vehicle which is used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicle used to transport any such individual for profit, shall be exempt from the local personal property tax.

(1) "Ambulance-type motor vehicle" means any motor vehicle specially equipped or modified in a significant way for the purpose of transporting medically incapacitated individuals, including but not limited to the inclusion of lifts, the equipping with stretchers, beds or other special seating, and significant modification to accommodate medical or emergency equipment such as oxygen; and

(2) "Used exclusively" means that the vehicle is used and devoted primarily and inherently for the purpose of transporting medically incapacitated individuals and does not mean vehicles used partly for transporting medically incapacitated individuals and partly for other purposes.

(b) Pursuant to Section 12-81c(3) of the Connecticut General Statutes, any motor vehicle owned by a person with disabilities, or owned by the parent or guardian of such person, which vehicle is equipped for purposes of adapting its use to the disability of such person, shall be exempt from the local personal property tax. Such vehicles shall include, but are not limited to: (i) vehicles containing wheelchair or scooter loaders that mount on the roof, in the passenger area, in the trunk or other storage areas of a motor vehicle and (ii) vehicles containing any automotive adaptive control device that is installed in the motor vehicle to enable an individual with mobility restrictions to control the accelerator, foot brake, and/or steering wheel, including, but not limited to, any mechanical or electrical control device added to a standard motor vehicle. Upon receipt of an application for an exemption under this subsection, the assessor shall inspect the subject vehicle and determine whether a vehicle qualifies for an exemption. In determining whether a vehicle qualifies for the exemption provided by this subsection, the assessor shall inspect the vehicle and may consider, among other things, the cost of the conversion. The assessor shall determine whether modifications not specifically listed herein would qualify the vehicle for the exemption under this subsection.

(c) Applications for an exemption under this Ordinance shall be filed annually with the town

assessor's office, in such manner and including such information as required by the town assessor, no later than November 1 following the assessment date with respect to which such exemption is claimed or for vehicles purchased on or after October 2 and on or before July 31 of the assessment year for which such exemption is requested, not later than thirty (30) days after such purchase. This section shall be applicable with respect to the assessment year which commenced October 1, 1988, and each and every year thereafter. Applications for exemptions relative to assessment year which commenced on said October 1, 1988 shall be made not later than thirty (30) days following the effective date of this section or, for vehicles purchased after said effective date, but on or before July 31, 1989, not later than thirty (30) days after such purchases.

This ordinance shall take effect thirty (30) days following publication in accordance with Section 7-157 of the Connecticut General Statutes.

Dated at Marlborough, Connecticut this 23rd day of September, 2003.

**A. 15 MOORING OF WATERCRAFT ON LAKE TERRAMUGGUS**

1. Except as provided below, no person shall moor any raft, watercraft, or other floating object on Lake Terramuggus.
  
2. Notwithstanding the foregoing, an owner of a building lot of record with frontage on Lake Terramuggus may moor a raft or watercraft, and may permit others to moor a raft or watercraft within 100 feet of the shoreline of Lake Terramuggus, so long as each raft or watercraft is moored within the area bounded by lines commencing at either end of the "frontage closure line" of such lot and extending from each such point into Lake Terramuggus in a direction perpendicular to the bearing of the shoreline of Lake Terramuggus at each such point. For the purpose of this ordinance, the frontage closure line of a lot is the straight line between the two points where the boundary lines of such lot meet the shoreline of Lake Terramuggus.
  
3. Any person who violates this ordinance shall be subject to a one hundred (\$100) dollar fine for each violation. In addition, the Town shall have the right to remove from the lake any raft, watercraft, or other floating object that is moored in violation of this ordinance, and the person violating this ordinance with respect to such removed raft, watercraft, or other floating object

shall pay the costs of removal and storage thereof.

Subject to the effect, if any, of Connecticut General Statute 15-136, this ordinance shall take effect sixty (60) days from the date hereof. July 23, 1996.

**A 16. BUILDING PERMITS WHEN TAXES ARE PAST DUE**

The building official of the town of Marlborough shall not issue or renew any building permit for improvements pertaining to real property if any taxes levied by the Town against such real property or against personal property used in a business enterprise conducted on such real property, are delinquent and have been so delinquent for a period of not less than one year. July 17, 1990

Amendment:

“Notwithstanding the foregoing, no building permit or renewal thereof shall be denied on the basis of delinquent taxes where the applicant has submitted an affidavit to the building inspector stating that such delinquent taxes are not the responsibility of the applicant or any entity of which applicant has more than fifty (50 %) percent ownership.” This amendment takes effect 30 days after publication . June, 1991.

**A 17. ORDINANCE CREATING LAND ACQUISITION FUND**

Be it ORDAINED that:

1. Pursuant to the authority of CGS 7-131r, there is hereby established the Marlborough Land Acquisition Fund to be used for the acquisition of land (or any interest in land, including but not limited to, leasehold interests, easements and development rights) to be used for open space, recreation or housing. The Marlborough Land Acquisition Fund shall not lapse at the close of the municipal fiscal year.

2. There shall be deposited into the Marlborough Land Acquisition Fund such sums as the Town may from time to time appropriated for that purpose, not to exceed in any fiscal year that amount that would be generated by the imposition of a tax of not more than two (2) mills against the property subject to municipal property tax in the Town. There shall also be deposited into the Marlborough Land Acquisition Fund all payments in lieu of open space dedication pursuant to the Marlborough Subdivision Regulations under the authority of CGS 8-25 and 8-25b, and any other funds acquired by the Town, whether by gift, bequest, grant or otherwise, for the purpose to be served by the Marlborough Land Acquisition Fund.

3. The Board of Selectmen shall appoint an Open Space Land Acquisition Advisory Committee to consist at least two (2) citizens at large, and one member of each of the following: Board of Selectmen, Board of Finance, Planning Commission, Zoning Commission, Conservation Commission and Parks & Recreation Commission. The persons appointed shall serve at the discretion of the Board of Selectmen. The Open Space Land Acquisition Advisory Committee shall elect a chairperson and secretary and shall meet periodically but not less frequently than quarterly. The Open Space Land Acquisition Committee shall advise the Board of Selectmen concerning potential acquisitions of land or interests in land for open space, recreation or housing purposes, and perform such other advisory tasks relating to the use and administration of the Marlborough Land Acquisition Fund as the Board of Selectmen may direct.

4. Appropriations from the Marlborough Land Acquisition Fund for the purpose for which it was created may be made upon recommendation of the Board of Selectmen and the approval of the Board of Finance. Any purchase of land, or interest in land, pursuant to this ordinance shall be in accordance with the provisions of the Town Charter and shall be approved by any Annual or Special Town Meeting.

(Effective May, 1999)

**A 18 EFFECTIVE DATE FOR EXEMPTION FOR PROPERTY USED FOR SCIENTIFIC, EDUCATIONS, LITERARY, HISTORICAL OR CHARITABLE PURPOSES.**

(a) Any property tax exemption authorized by Connecticut General Statutes 12-81(7), as amended from time to time, shall be effective as of the date of acquisition of the property to

which the exemption applies.

(b) In the event Section A.18 (a) applies to any tax-exempt organization, the organization shall follow the following procedure to obtain reimbursement of (i) any tax paid by it for a period subsequent to the date of acquisition of the property to which the exemption applies or (ii) any tax paid by the prior owner of the property to which the exemption applies for a period subsequent to the acquisition date and for which the organization reimbursed such owner upon transfer of title of such property:

(1) the organization shall request any such reimbursement by submitting a written request to the Tax Collector and the Board of Selectmen within six months of the acquisition date of the property.

(2) any such written request shall be accompanied by written evidence that the organization paid or reimbursed the prior owner for taxes for a period subsequent to the acquisition date of the property, including evidence of the date(s) and amount(s) of any such payment(s).

(3) the organization shall provide such further written documentation as may be reasonable requested by the Tax Collector of the Board of Selectmen to process the request.

(effective June, 1999)

**A. 19 WATER POLLUTION CONTROL AUTHORITY (WPCA)**

A) There shall be established a Water Pollution Control authority whose composition, powers, and duties shall be as provided by Chapter 103 of the Connecticut General Statutes and as further provided in the Charter for the Town of Marlborough.

B) The Water Pollution Control Authority shall consist of five (5) members. At least one (1) regular member shall reside within the sewer service district.

There shall be three (3) alternate members on the Water Pollution Control Authority. Alternate members when seated, shall have the same powers and duties provided for by law for regular members of the Water Pollution Control Authority. All regular members and alternate members of the Water Pollution Control Authority shall be electors of the Town of Marlborough.

The Board of Selectmen shall appoint all regular members and alternate members. When a vacancy occurs, the Board of Selectmen shall appoint a successor to hold office for the unexpired portion of the term. A member shall continue in office until his successor is appointed. The Board of Selectmen may, for good cause, remove any regular member or alternate member from office prior to the expiration of a term.

If any appointed member of the Authority fails to attend three consecutive meetings of the Authority or who fails to attend fifty percent of all meetings of the Authority held during any calendar year, it shall be cause for removal. Any vacancy occurring other than by expiration of term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

C) The Water Pollution Control Authority shall annually prepare a budget of estimated revenue and expenditures for the ensuing fiscal year starting July 1st, and ending June 30th and submit a copy to the Board of Selectmen by February 15th.

The Water Pollution Control Authority shall maintain proper accounting and financial records through the office of the Town Treasurer and shall have an annual report submitted by August 15th to the Board of Selectmen

D) Membership and Terms of Appointment: In January of each year, the Board of Selectmen shall appoint regular members(s) and alternate member(s) to replace those whose terms are then expiring. All regular members and alternate members shall be appointed to hold office for a period of three years. Vacancies shall be filled for the unexpired portion of the term and the Authority may recommend a candidate to the Board of Selectmen to fill said vacancy.

E) A Chairman and the Vice Chairman shall be elected by the members of the Authority from

among the members of the Water Pollution Control Authority. These elections shall be made annually in January of each year. The Chairman and Vice Chairman shall continue in office until their successors are elected.

F). The Water Pollution Control Authority shall be authorized to establish and promulgate bylaws to enable it to function in fulfilling its duties

G). The Tax Collector is designated to collect all benefit assessments, connection charges, and use charges with respect to any sewerage system, in each case in accordance with the applicable provisions of the General Statutes.

H) This ordinance shall be effective thirty (30) days after the legal notice is published in the newspaper. The Water Pollution Control Authority in existence immediately before the effective date of this ordinance shall remain in office until the Board of Selectmen appoints the five (5) regular members pursuant to subsection D above.

This Ordinance shall take effect (30) day following publication in accordance with Section 7-157 of the Connecticut General Statutes.

DATED AT MARLBOROUGH, CONNECTICUT, THIS 30th DAY OF JUNE, 2010.

## **A.20 ILLICIT DISCHARGE MANAGEMENT**

### **Section 1. Purpose and Intent.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Marlborough through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the

National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges by any user.
  
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
  
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

**Section 2.00 Definitions.**

For the purposes of this Article, the following shall mean:

**Authorized Enforcement Agency:** employees or designee(s) of the municipal agency designated to enforce this ordinance.

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

**Clean Water Act.** The federal Water Pollution Control Act (33 U.S.C. §1251 et seq.), and any subsequent amendments thereto.

**Construction Activity.** Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Hazardous Materials.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**Illegal Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section X of this ordinance.

**Illicit Connections.** An illicit connection is defined as either of the following:

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

**Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit** means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual group, or general areawide basis.

**Non-Storm Water Discharge.** Any discharge to the storm drain system that is not composed entirely of storm water.

**Person.** Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**Pollutant.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid waste and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables, pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure, and noxious or offensive matter of any kind.

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

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

**Storm Water.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**Storm water Pollution Prevention Plan.** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

**Wastewater** means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

**Section 3. Applicability.**

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

**Section 4. Responsibility for Administration.**

The Director of Planning and Development or designee(s) (hereinafter the "Authorized Enforcement Agency") shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Authorized Enforcement Agency may be delegated in writing to persons or entities acting in the beneficial interest of or in the employ of the Agency.

**Section 5. Severability.**

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

**Section 6. Responsibility for Administration.**

The standards set forth herein and promulgated pursuant to this Article are minimum standards, and this Article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

**Section 7.00 Discharge Prohibitions.**

**A.00 Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.
  
- (2) Discharges specified in writing by the Authorized Enforcement Agency as being necessary to protect public health and safety.
  
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the Authorized Enforcement Agency prior to the time of the test.
  
- (4) The prohibition shall not apply to any non-storm water discharge permitted under and NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

**B. Prohibition of Illicit Connections.**

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

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

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

**Section 8. Suspension of MS4 Q Access.**

**A. Suspension Illicit Discharges in Emergency Situations.**

The Authorized Enforcement Agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 of Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

**B. Suspension due to the Detection of Illicit Discharge**

Any person discharging to the MS4 in violation of this ordinance may have their MS4 Access terminated if such termination would abate or reduce an illicit discharge. The Authorized

Enforcement Agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the Authorized Enforcement Agency for a reconsideration and hearing.

A person commits an offence if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Authorized Enforcement Agency.

**Section 9. Industrial or Construction Activity Discharges.**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Authorized Enforcement Agency prior to the allowing of discharges to the MS4.

**Section 10. Monitoring of Discharges**

**A. Applicability.**

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

**B. Access to Facilities**

(1) The Authorized Enforcement Agency shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Authorized Enforcement Agency.

(2) Facility operators shall allow the Authorized Enforcement Agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3) The Authorized Enforcement Agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Authorized Enforcement Agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The Authorized Enforcement Agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Authorized Enforcement Agency and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the Authorized Enforcement Agency access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Authorized Enforcement Agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(7) If the Authorized Enforcement Agency has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Authorized Enforcement Agency may seek issuance of a search warrant from any court of competent jurisdiction.

**Section 11. Requirement to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management.**

Authorized Enforcement Agency will adopt requirements identifying Best Management Practices for any activity, operation or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

**Section 12. Watercourse Protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**Section 13. Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. Said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch

services. In the event of a release of non-hazardous materials, said person shall notify the Authorized Enforcement Agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Authorized Enforcement Agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**Section 14. Enforcement.**

**A. Notice of Violation.**

Whenever the Authorized Enforcement Agency finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Authorized Enforcement Agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and

(f) The implementation of source control or treatment BMPs.

B. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

**Section 15. Appeal of Notice of Violation.**

Any person receiving a Notice of Violation may appeal the determination of the Authorized Enforcement Agency. The notice of appeal must be received within 15 days from the date of the Notice of Violation. Hearing on the appeal before the Inland Wetlands Commission shall take place within 45 days from the date of receipt of the notice of appeal. The decisions of the Inland Wetlands Commission shall be final.

**Section 16. Enforcement Measures After Appeal.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 15 days of the decision of the Inland Wetlands Commission, then representatives of the Inland Wetlands and Watercourses Commission shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

**Section 17. Cost of Abatement of the Violation.**

Within 15 days after abatement of the violation, the owner of the property will be notified of the cost off abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the Inland Wetlands Commission or by the

expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the town by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 18% per annum shall be assessed on the balance beginning on the 15th day following discovery of the violation.

**Section 18. Injunctive Relief.**

It shall be unlawful for any person to violate any provisions or fail to comply with any of the requirements of this Article. If a person has violated or continues to violate the provisions of this Article, the Authorized Enforcement Agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**Section 19. Compensatory Actions.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Article, the Authorized Enforcement Agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

**Section 20. Violations Deemed a Public Nuisance.**

In addition to the enforcement process and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**Section 21. Criminal Prosecution.**

Any person that has violated or continues to violate this Article may be prosecuted criminally to the fullest extent of the law, in addition to the remedy provided by this Article.

**Section 22. Remedies Not Exclusive.**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Authorized Enforcement Agency to seek cumulative remedies.

This Ordinance shall take effect (30) thirty days following publication in accordance with Section 7-157 of the Connecticut General Statutes

DATED AT MARLBOROUGH, CONNECTICUT, THIS 15th DAY OF June, 2010

**A21: Tax Exemption for Veterans Receiving Special Housing Assistance**

**BE IT ORDAINED THAT** the Town of Marlborough hereby adopts the municipal option to allow a property tax exemption for certain veterans as authorized by Connecticut General Statutes Sec. 12-81(21)(C) and as follows:

Section A21-1 **Statutory Authority**

The Town of Marlborough hereby adopts the optional tax exemption for certain veterans authorized by and in accordance with Connecticut General Statutes Sec. 12-81(21) (C) .

Section A21-2 **Tax Exemption**

A. The dwelling house and the lot whereupon the same is erected, belonging to or held in trust for any citizen and resident of the Town of Marlborough, occupied as such person's domicile, shall be fully exempt from property taxation, if such person is a veteran who served the Army, Navy, Marine Corps, Coast Guard or Air Force of the United States and that person has received financial assistance for specially adapted housing under the provisions of Section 801 of Title 38 of the United States Code and has applied such assistance toward the acquisition or modification of such dwelling house.

B. The same exemption shall be allowed on such a housing unit as described in subsection A, and which is owned by the surviving spouse of a veteran who had qualified for the Tax Exemption allowed by this Ordinance, while such spouse remains a widow or widower and while such dwelling unit remains the spouse's domicile.

**Section A21-3 Application**

An individual seeking to benefit from the tax exemption provided for by this Ordinance shall submit to the Assessor and affidavit of other proof sufficient to demonstrate his or her qualification for this exemption. Additionally, an individual shall submit such proof at any time as it may be requested by the Assessor thereafter, including but not limited to a submission necessary for an individual's annual attestation.

**Section A21-4 Appeal**

Any individual aggrieved by an adverse decision by the Assessor shall have the right to appeal that decision to the Board of Selectmen. Any such appeal shall be in writing, to the Board of Selectmen and be made within ten (10) days of such decision. The Board of Selectmen shall hear such appeal de novo at its next regular meeting, and issue a final decision on the appeal within a reasonable time thereafter.

**Section A21-5 Review of the Optional Tax Exemption**

After the adoption of this optional tax exemption for certain veterans, the Board of Finance shall

review this optional tax exemption and the economic impacts on the Town of Marlborough, and shall advise the Board of Selectmen of the same within ninety days of the passage of this Ordinance. The Board of Finance shall thereafter conduct an additional review of this optional tax exemption and economic impacts on the Town of Marlborough and shall advise the Board of Selectmen of the same on or about February 1, 2012, and every fourth year thereafter to coincide with a date approximately ninety days next following the election of the Board of Selectmen.

**Section A21-6 Effective Date and Severability Provision**

- A. This tax relief program will be effective the Grand List of October 1, 2009.
  
- B. The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

DATED AT MARLBOROUGH, CONNECTICUT, THIS 23RDDAY OF DECEMBER,2009

**A 22 - PROPERTY TAX RELIEF FOR CERTAIN HOMEOWNERS AGED SIXTY-FIVE OR OVER OR PERMANENTLY AND TOTALLY DISABLED.**

**Section A22-1 – TAX RELIEF AUTHORIZED**

The Town of Marlborough hereby enacts a tax credit for elderly and disabled homeowners pursuant to Section 12-129n of the Connecticut General Statutes for eligible residents of the Town of Marlborough on the terms and conditions provided herein. The program is enacted for the purpose of assisting such homeowners with a portion of the costs of property taxation. This program shall be known as the Marlborough Optional Elderly or Disabled Tax Relief.

**Section A22-2 – ELIGIBILITY**

A. An applicant shall meet the following criteria to be eligible for this program:

1. Such person is sixty five years of age and over at the close of the preceding calendar year or whose spouse, living with him or her, is sixty five years of age or over or sixty years of age or over and the surviving spouse of a tax payer qualified in Marlborough under this program at the time of his or her death; or

2. Under age sixty five and eligible in accordance with applicable federal regulations to receive permanent total disability benefits under Social Security, or have not been engaged in employment covered by Social Security and accordingly have not qualified for benefits thereunder, but have become qualified for permanent total disability benefits under any federal, state or local government retirement or disability plan, including the Railroad Retirement Act and any government- related teachers' retirement plan, in which requirements with respect to qualifications for such permanent total disability benefits are comparable to such requirements under Social Security; and

3. Applicants under subdivisions (1) or (2) above must have paid real estate taxes in the Town of Marlborough for the five years immediately preceding their receipt of tax benefits under this Section and meet the requirements of the Town of Marlborough with respect to maximum income allowable during the calendar year preceding the year in which application is made for the tax relief provided herein.

4. No such property tax relief, together with any relief received by any such resident under the provisions of Section 12-129b to 12-129d, inclusive, and 12-170aa shall exceed, in the aggregate the total amount of the tax which would, except for said Sections 12-129b to 12-129d, inclusive, 12-170aa and this section, be laid against the taxpayer.

5. Any tax relief granted in accordance with this program shall not disqualify such resident with respect to any benefits for which such resident shall be eligible under the provisions of section 12-129b to 12-129d, inclusive, and 12-170aa, and any such tax relief provided under

## A. GENERAL 2

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this section shall be in addition to any such benefits for which such resident shall be eligible under said sections provided, however, that the total tax relief available under all such programs, together with this program, shall not exceed seventy-five (75) percent of the tax that would otherwise be payable absent all such programs.

6. No person delinquent in payment of his/her real or personal property taxes to the Town of Marlborough shall be eligible for real property tax relief pursuant to this program.

7. An applicant may not be simultaneously registered for or receiving a similar tax relief benefit in any other municipality.

8. Any benefits accruing pursuant to this Optional Elderly or Disabled Tax Relief Program shall cease immediately upon the death of the eligible taxpayer, provided the eligible taxpayer's spouse does not qualify for relief under this program, and shall be prorated for the year in which the taxpayer dies.

B. Applicants shall be eligible for real property tax relief as set forth herein provided all of the following conditions are met:

1. Such person has been a resident of the Town of Marlborough for a period of five years prior to the October 1 assessment date, and shall occupy such property as his or her principal residence. "Principal residence" shall be defined as that real property occupied as his or her residence for more than one hundred eighty three (183) days of each calendar year.

2. If during a tax year a qualifying taxpayer dies leaving a spouse who would also qualify under this program, the surviving spouse shall be entitled to receive the remaining benefits for that tax year.

3. If any person entitled to the tax credit pursuant to this program sells the property upon which the tax credit is granted, no additional tax credit shall be allowed for his or her interest in the property for any fiscal years commencing after the date of such sale of the property, and

provided further that the purchaser of the property shall pay the Town of Marlborough a pro rated share of the tax credit the same as provided to the State of Connecticut by Section 12-170aa(i) of the Connecticut General Statutes.

**Section A22-3 – APPLICATION**

Application for benefits under this program shall:

- A. Be made on forms provided by the Town Assessor of the Town of Marlborough and shall be accompanied by a copy of the applicant's most recent federal tax returns or other documentation of all income and residency status satisfactory to the Assessor.
  
- B. Be filed the first year with the Assessor of the Town of Marlborough at any time between January 1 and April 15 of each year to obtain a tax credit for the next fiscal year. All approved applicants will be required to refile biennially with the Town Assessor to maintain their eligibility. There is no exception to this filing period.
  
- C. Applications and other documentation presented in support of the application for tax relief shall not be open for public inspection except as may otherwise be required by law.
  
- D. The penalty for filing an application containing a false statement of any kind shall include the refund by the taxpayer of all tax relief granted hereunder together with interest at the rate of eighteen (18%) per annum.

**Section A22-4 – COMPUTATION OF BENEFITS**

- A. The Assessor of the Town of Marlborough shall determine whether each applying taxpayer is entitled to a tax credit under this program and shall compute the amount of tax credit to which each qualified taxpayer is entitled and advise the Tax Collector in what amount to reduce the amount of the tax levied against the taxpayer.

B. The Assessor is hereby authorized to implement this program, and to adopt such rules and regulations, consistent with Section 12-129n, as may be necessary for the proper administration of this program.

**Section A22-5 – QUALIFYING INCOME**

A. The applicant's qualifying income is the income of the applicant and the applicant's spouse, as applicable, or as defined in the State Guidelines for Elderly and Totally Disabled Tax Relief Programs. Income shall include adjusted gross income as defined in the Internal Revenue Code of 1954 as amended; Social Security benefits; railroad retirement benefits; income from other tax exempt retirement and annuity sources; as well as any other taxable and nontaxable income including without limitation rental income and gifts or contributions to living expenses made by any individual other than the applicant's spouse if that individual is 22 years of age or older and his or her principal residence is the applicant's property.

B. Specifically excluded from qualifying income are Social Security payments made on behalf of a dependent person, casualty loss reimbursement by insurance companies, grants for disaster relief and life insurance proceeds.

**Section A22-6 – AMOUNT OF TAX RELIEF**

A. An otherwise qualified individual who has an income equal to or less than the maximum allowable qualifying income level for “unmarried homeowners,” as indicated on the schedule of qualifying income contained within C.G.S. § 12-170aa(c), shall be eligible to for tax relief in the amount of \$500, subject to the other limitations of this Optional Elderly or Disabled Tax Relief Program.

B. An otherwise qualified individual who has an income greater than the maximum allowable qualifying income level for “unmarried homeowners,” but less than or equal to the maximum qualifying income level for “married homeowners,” as both are indicated on the schedule of qualifying income contained within C.G.S. § 12-170aa(c), shall be eligible for tax relief in the amount of \$300.00, subject to the other limitations of this Optional Elderly or Disabled Tax

Relief Program.

**Section A22-7 – MAXIMUM ABATEMENT**

A. The total abatement of property tax revenue which may be granted by the Town of Marlborough pursuant to the provisions of this program shall not exceed an amount equal to ten percent of the total real property tax assessed in the Town of Marlborough in the preceding tax year. If the number of qualified applications in any year exceeds this amount, the tax relief will be prorated equally among all qualifying applicants.

**Section A22-8 – DETERMINATION OF TAX RELIEF**

A. The Assessor shall review applications and information provided by applicants seeking tax credits under this Program. The Assessor shall determine eligibility of applicants no later than May 15th of each year and notify the Tax Collector of the amount of tax credit.

**Section A22-9 – APPEALS**

Any applicant aggrieved by any act or determination of the Assessor may appeal to the Board of Selectmen in accordance with the following procedure:

1. The applicant shall, in writing on a form prescribed by the Assessor, and within five business days of the act or final determination of the Assessor of which the applicant claims to be aggrieved, submit his or her appeal to the Board of Selectmen.
2. The Board of Selectmen shall date stamp the appeal, and thereafter, within seven calendar days thereof, not including the date of receipt, schedule a hearing thereon, such hearing to be not later than fourteen calendar days thereafter and shall then notify the applicant, in writing by

first-class mail, postage prepaid, of the date, time and place of the Board of Selectmen's hearing of the applicant's appeal.

3. At the hearing, at which the applicant may be represented by legal counsel or otherwise, the applicant shall present evidence in support of the claimed basis of appeal. The hearing shall be informal, and the Board of Selectmen may request such additional information from the aggrieved applicant and/or the Assessor as the Board of Selectmen deems necessary and appropriate to render a full and fair decision upon the applicant's appeal.

4. The hearing, pursuant to this section, may be adjourned for the purpose of obtaining evidence not immediately available, but in any case, the Board of Selectmen shall render a written decision, which decision shall be final and not subject to further appeal, by no later than the 14th calendar day following the Board of Selectmen's receipt of the applicant's appeal.

#### **Section A22-10 – PERIODIC PROGRAM REVIEW**

A. This tax relief program shall be reviewed by the Board of Selectmen and by the Board of Finance in the second year after implementation and then every 2 years thereafter or as deemed necessary. The Board of Finance will make recommendations for continuation, modification or termination of this program to the Board of Selectmen.

#### **Section A22-11 – EFFECTIVE DATE**

This tax relief program will be effective with the Grand List of October 1, 2011, and thereafter.

DATED AT MARLBOROUGH, CONNECTICUT, THIS 5th DAY OF October, 2011,