

## CODIFICATION OF ORDINANCE

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### **F.1 ACCEPTING OF NEW ROADS**

In addition to the provisions of the Town Charter, Section 3.4.3 the following restriction on the acceptance of new roads shall be followed. Due to icing conditions, snow, and the general inclemency of the weather during the winter months, the Town of Marlborough is hereby prohibited from accepting any new roads between the dates of November 15 and April 15 of any year.

### **F.2 REGULATIONS GOVERNING ACTIVITIES WITHIN THE PUBLIC HIGHWAY RIGHT-OF-WAY**

Sec. 1. That within the Town of Marlborough no person, firm, corporation or their servant agent or employee shall excavate within the Right-of-Way on any street or highway under the control of, or maintained by the Town, or dig below the surface or any street or highway or place any obstruction thereon or install a driveway or do grading thereon without first obtaining a permit therefore from the First Selectman or his authorized representative. As used herein highway or

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street shall include any portion, the shoulders, of any unimproved or underdeveloped portion of the highway or street.

Sec. 2. The issuance of such permits shall be in accordance with the following rules and regulations:

(a) Permit shall be issued only after receipt of application in writing, signed by the applicant or his authorized representative, stating the nature of the work to be performed, location, and person, corporation, or agency performing the work.

(b) The fee for issuing each permit under the provision of this order shall be set by the Board of Selectmen.

(c) A cash or surety bond in an amount equal to the value of the improvements proposed within the Public Right-of-Way must be deposited on issuance of the permit, to insure completion of the improvements and restoration of the highway to conditions satisfactory to the First Selectman. Notification of completion of the work shall be given to the First Selectman, and, upon inspection and approval, he will arrange for release of bond.

(d) Excavation and construction, and restoration of road must be done by a bona fide contractor, and suitable barricades and warning lights must be provided to safeguard the public during the progress of work. One-half of the traveled part of road shall be kept open at all times during construction.

(e) The Superintendent of Highways or his authorized representative is empowered to inspect at any time any or all work being performed under a permit issued under the provisions of this ordinance. If in his opinion the public safety and welfare so warrant, he may direct the permittee to restore any excavation or install or remove any obstruction within 12 hours of such notice and if such direction is not complied with, he may cause such work to be done at the responsibility and expense of the permittee.

(f) Permits will expire six months after date of issue, unless canceled by completion and

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approval of work done by the First Selectman at a previous date.

(g) None of the foregoing provisions of this ordinance shall apply to any work being done by or on behalf of the Town of Marlborough, or performed in connection with the maintenance repair, replacement or relocation of existing utility poles owned by a public service company, not to the erection of any temporary protective warning signs or devices, not to installation of additional utility poles in connection with the extension of service by such a company.

(h) It shall be the responsibility of the general contractor or developer in an area where there is construction or excavation in progress, to prevent littering on, or damage to, a Town Highway. Littering shall include droppings from vehicles, sediment resulting from erosion, and any other debris cited by the Superintendent of Highways or his authorized representative. If littered, the roadway shall be cleaned at the end of each working day and if damaged, the roadway shall be repaired according to the Town of Marlborough "Highway Construction Standards and Specifications", within a reasonable time period as agreed upon by the Superintendent of Highways or his authorized representatives. Any contractor or developer found to be in violation of this section shall be subject to a stop work order and all other penalties dictated by this ordinance.

Sec. 3 All work performed under this ordinance shall be in accordance with the latest approved Town of Marlborough "Highway Construction Standard and Specification" available at the office of the Town Clerk. In the ordinance, the First Selectman will cause necessary repairs to be made and costs will be billed for excess and amount will be due within thirty (30) days from the date of billing.

Sec. 4 Any person, firm or corporation violating any provision of this ordinance shall be guilty of misdemeanor and upon conviction may be subject to a fine of not more than twenty-five (\$25) dollars for each provision thus violated, and each day such violations shall continue after notice to the offender may be deemed a separate offense.

## **F.3000 PARKING**

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3.1 No parking shall be permitted on any highway or town road between the hours of 12 midnight and 6:00 a.m. commencing November 1st of each year and ending April 1st of each following year. Any person violating this ordinance shall be subject to a fine of twenty-five (\$25) dollars for each violation.

### 3.2 OVERNIGHT PARKING

It shall be unlawful for any person to stop, stand, park, or leave any commercial vehicle, item of construction equipment, or trailer on any public highway including any state or municipal highway or any traveled way which is paved, plowed or otherwise maintained by the Town, regardless of whether the same has been formally accepted by the Town of Marlborough) or within the public right of way thereof between the hours of 12:00 midnight. and 6:00 a.m. of any day. The Board of Selectmen may permit for limited durations the parking of construction equipment related to an active Town construction project within the Town highway right of way. Any person violating this ordinance shall be subject to a fine of Twenty-five (\$25) dollars for each violation. (October 5, 2011)

F.4 No parking shall be permitted on any highway or Town road while snow is on the highway or Town road. Any person violating this ordinance shall be subject to a fine of Twenty-five (\$25) dollars for each violation.

**F.5 HANDICAPPED PARKING** The Board of Selectmen may designate areas reserved for handicapped parking. Unauthorized use of said areas shall subject the violator to a fine of twenty-five (\$25) dollars for each violation.

### F.6 SIDEWALKS – 12/88

**Sec. 1** The First Selectman shall provide for an inspection of Town accepted sidewalks and shall order the owner or occupants of property adjoining any defective sidewalk to repair the same. If such defect is not repaired within thirty (30) days from the date of order thereof, the First Selectman may order the repair of such defect and cost of such repair shall be collected by the Town of Marlborough from the defaulting property owner. (12/88)

### **Sec 2.1 Definitions.**

The following words, terms and phrases, when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Occupant* means the tenant, lessee or any other person or entity in possession and control of any privately owned premises.

*Owner* means the person, estate, corporation or any other legal entity that owns or holds any interest in the premises. This includes all owners regardless of number or interest.

*Premises* means any tract, parcel, lot or other subdivision of land, within the town with or without buildings thereon, that adjoins or fronts on any sidewalk within the town or borders or adjoins any street, square or public place within the town where there is a sidewalk.

*Sidewalk* means any paved, graded, planked or raised, or in any other way improved, municipally-owned off-road walkway intended for public use.

### **Sec 2.2 Owner or occupant's duty to remove any obstruction from sidewalk.**

Pursuant to C.G.S. § 7-148(c)(6)(C)(v), each owner or occupant of land adjacent to any sidewalk shall remove snow, ice, sleet, debris or any other obstruction there from.

**Sec 2.3 Specific duty to remove snow and ice; throwing snow and ice into street.**

(a) In addition to the duty on an owner or occupant pursuant to § 7-148(c)(6)(C)(v), an owner or occupant of any premises abutting a public sidewalk shall remove or cause to be removed from the entire width of such sidewalk any and all snow and ice within twenty-four (24) hours after the snow event has ceased.

(b) In any case or situation where the removal of ice is impossible or extremely difficult the owner or occupant shall cause such sidewalk to be made safe for public travel by covering the same with sand or some other suitable substance.

(c) All snow and ice accumulating in the street higher than a point 4 (four) inches below the bottom of the lowest outlet on any fire hydrant, and within a radius of three (3) feet from the center of such hydrant, shall be removed by the occupant or owner of the premises fronting on that portion of the street within twenty-four (24) hours after the snow event has ceased.

(d) No person shall throw or put, or cause to be thrown or put, any snow or ice into or onto the traveled portion of any public street or highway under the jurisdiction of the town.

**Sec 2.4 Municipal liability for ice and snow on public sidewalks**

(a) This section is adopted pursuant to C.G.S. § 7-163a.

(b) The Town of Marlborough shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the Town is the owner or in possession and control of land abutting such sidewalk.

(c) The owner, occupant, or person in possession of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the Town of Marlborough had prior to the effective date of this ordinance and such owner, occupant, or person in possession shall be liable to persons injured in person or property where a breach of said duty is a proximate cause of said injury.

### **Sec 2.5 Violation and penalty.**

(a) Whenever any owner or occupant, as herein defined, whose duty it is to remove snow, ice, sleet, debris or any other obstruction or to otherwise make sidewalks safe for public travel, as herein provided, shall fail, refuse or neglect to comply with the same or shall otherwise violate any provision of this article shall be issued a citation and fined \$75.00 (seventy five dollars) for each offense. The citation must be paid upon receipt.

(b) Each and every day of refusal or neglect to comply with such provisions shall be deemed a separate offense.

(c) Any owner or occupant issued a citation pursuant to this article shall be entitled to a hearing pursuant to the provisions of C.G.S. §7-152c as revised.

(d) The Board of Selectmen shall appoint a hearing officer(s) pursuant to C.G.S. §7-152c as revised. The hearing officer(s) will conduct the hearing as provided for in C.G.S. §7-152c as revised.

### **Sec 2.6 Removal by Town upon violations; lien.**

(a) Pursuant to C.G.S. § 7-148(c)(6)(C)(v), in the event any owner or occupant of premises as defined herein shall fail, neglect or refuse to remove snow, ice, sleet, debris, or any other obstruction from any sidewalk or to make any sidewalk safe for public travel or otherwise fails, neglects or refuses to comply with the provisions of this article, the First Selectman or his designee, upon such failure, neglect or refusal, may remove or cause to be removed any obstruction from such sidewalk or otherwise make it safe for public travel.

(b) The costs of such removal or other necessary action shall be a lien upon the premises concerned, provided the First Selectman shall cause a certificate of lien to be recorded in the office of the town clerk within 30 (thirty) days from such removal or other necessary action.

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