

CODIFICATION OF ORDINANCE

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H. 1. PUBLIC SAFETY

Sec. 1. It shall become unlawful for any person, firm or corporation to leave of permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said icebox, refrigerator or container.

Sec. 2 Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in an amount not exceeding fifty (\$50) dollars or be imprisoned in the Hartford County Jail for a period not exceeding 30 days or be both so fined and imprisoned. Each day such violation is committed or permitted punishable as such hereunder.

Sec. 3 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 effect the validity of the remaining portion hereof.

H. 2. PUBLIC SAFETY

No person shall operate any power boat or motorized vehicle having more than 3.3 brake horsepower on Lake Terramuggus. Any person violating this ordinance shall be subject to a fine of fifty (\$50) dollars for each violation.

H. 3. CONTROL OF OPEN BURNING

No person shall ignite, cause to be ignited, permit to be ignited, or maintained any open fires except as permitted by regulations promulgated by the Connecticut State Department of Environmental Protection. A permit must be secured from the local Burning Official.

H. 4. VEHICLE ORDINANCE

Sec. 1. No person shall operate any motorcycle, minibike, mo-ped snowmobile or other such motorized vehicle on Town property without first obtaining a permit for said use or operation from the First Selectman or the Resident State Trooper.

Sec. 2 Such permit shall be in writing, on a form prescribed by the First Selectman. The permittee shall carry such permit on his person at all times while operating on Town property.

Sec. 3 Any person violating any of the provision of this ordinance shall be subject to a fine not less that two (\$2) dollars nor more than twenty-five (\$25) dollars for each offense and by impoundment of such unauthorized vehicle until the payment of the aforesaid fine together with an impoundment fee of five (\$5) dollars has been made.

Sec. 4 If any such impounded vehicle is not redeemed within thirty (30) days as aforesaid, the Town reserves the right to sell such vehicle and apply proceeds to the fine, impoundment fee and costs of sale.

H. 5. ACCESS FOR FIRE APPARATUS

Sec. 1 In order to ensure the reasonable safety of persons occupying or using any premises in the town of Marlborough, all premises which the Volunteer Fire Company may be called upon to protect in case of fire or other emergency, and which in the opinion of the Town Fire Marshal, after recommendation by the Fire Commission and/or Traffic Safety Commission, are not readily accessible from public roads, shall be provided with suitable fire lanes so that all buildings on the premises are accessible to fire apparatus.

Sec. 2 Fire lanes shall not be required for access to any one or two family residential structures used principally for agricultural purposes. Sec. 3 The designation and maintenance of fire lanes or other access provisions on private property shall be accomplished as specified by the Town Fire Marshal, after recommendation by the Fire commission and/or the Traffic Safety Commission, who may make reasonable requirements as to the establishment of fire lanes within the Town for the orderly access of fire and other emergency equipment on premises of new and existing buildings and facilities to ensure the reasonable safety of persons occupying or using said premises. Sec. 4. Fire lanes may be required for all buildings any portion of which is setback more than 150 feet from a Town road, or exceed 30 feet in height and any portion of which is setback over 50 feet from a Town road.

Sec. 5. Fire lanes may be the driving portions of the vehicle parking area and/or walkways and shall be at least 20 feet in width and extend to a point at least within 10 feet from a building. Any dead-end fire lane more than 300 feet long shall be provided with a turn-around at the closed end at least 90 feet in diameter.

Sec. 6 Notice of the establishment of fire lanes in accordance with this ordinance, after recommendation by the Fire commission and/or the Traffic Safety Commission, shall be given by the Town Fire Marshal in writing to the property owner, First Selectman and Resident State Trooper for the Town of Marlborough. Such fire lanes, as established by the Town Fire Marshal, shall be posted by the owner of the property involved with sixty (60) days of said notice and in accordance with the instructions of the Fire Marshal.

Sec. 7 Any property owner, who fails to comply with the requirements and instructions of the Fire Marshal as to fire lanes within the time allotted, shall be fined one hundred (\$100) dollars and shall suffer a penalty of ten (\$10) dollars for each day thereafter until compliance is made.

Sec. 8 No vehicle shall be parked or standing within an established fire lane.

Sec. 9 Whenever any vehicle is found parked or standing in an established fire lane, a Constable or State Trooper shall attach to such a vehicle a parking violation notice to the owner or operator thereof setting forth that such vehicle has been parked unlawfully, provided, however, that in an emergency, such unlawful parking constitutes a hazard or impedes the orderly access of emergency equipment, the Constable, State Trooper or the Chief Fire Officer in charge may have the vehicle towed to another portion of the lot or area which is not within a fire lane, all at the expense of the owner of said vehicle.

Sec. 10 In any prosecution or proceeding for unlawful parking in a fire lane, the registered owner of the vehicle so parked shall be presumed to be the operator thereof.

Sec. 11 The penalty for unlawful parking in a fire lane shall be a fine of ten (\$10) dollars.

Sec. 12. Each person who violates Section 8 shall within five (5) days of the time when such notice was attached to such vehicle, pay to the Town of Marlborough the penalty for and in full satisfaction of such violation. The failure of such persons to make such payment within such time limit shall render such person subject to double the penalty provided by Section II.
Effective date: January 7, 1984.

H.6. ALCOHOLIC LIQUOR IN PUBLIC AREAS

Sec. 1 Purpose: Regulation of Consumption and Possession of Alcoholic Liquor within and upon Public Highways, Public Areas and Parking Areas.

Sec. 2 Definitions: For purpose of this section:

(A) "Alcoholic Liquor" has the same meaning as set forth in Section 30-1 of the General Statutes.

(B) "Parked vehicle" has the same meaning as set forth in Section 14-1 of the General Statutes.

(C) "Open container" means any open bottle; any which was sealed by a liquor tax stamp, which seal has been broken, whether or not stopped; any can which is set up to dispense; or any glass, cup, jar, or other vessel.

(D) "Public highway" means a highway, road, street, avenue, boulevard or any other way within and under the control of the Town of Marlborough and open to public use, including the sidewalks of any such highway.

(E) "Public area" means any public or privately owned park, plaza, mall, arena, stadium or cemetery which is open to the public.

(F) "Parking area" means lots, areas or other accommodations for the parking of motor vehicles off the street or highway and open to public use with or without charge.

Sec. 3. PROHIBITED ACTS

Except as permitted in Section (4) hereof, no person shall consume any alcoholic liquor, or possess any open container of alcoholic liquor upon or within the limits of any public highway, public area, or parking area within the Town of Marlborough. For purposes of section, without limiting the generality of the foregoing, the consumption of alcoholic liquor or the possession of an open container of alcoholic liquor in parked vehicles within or upon parking area of a public highway or sidewalk is a violation hereof.

Sec. 4. EXCEPTIONS;

(A) Consumption of alcoholic liquor or possession of an open container of alcoholic liquor is permitted during any function, festival, event or celebration conducted on or within a public highway, public area, or parking area pursuant to any law, statute, ordinance, resolution or permit authorizing the sale or consumption of liquor in or upon such public highway, public area or parking area.

(B) This ordinance shall not apply to any function specifically authorized by the Board of Selectmen or any authorized function occurring at Blish Memorial Park or other areas within the

jurisdiction of the Park and Recreation Commission.

Sec. 5 PENALTY:

Any person violating the provision of this section shall be fined fifty (\$50) dollars for each offense. Effective date: February 23, 1984.

H.7 ADULT DAY CARE

1. It is hereby declared that Adult Day Care is a necessary alternative to institutional care, which affects the public health, safety and general welfare.
2. The town hereby adopts the Standard for Adult Day Care dated May, 1979 prepared by the National Institute on Adult Day Care, a constituent unit of the National Council on the Aging, which Standards are on file in the Town Hall and are incorporated herein by reference.
3. It shall be unlawful for any person to engage in, conduct or carry on or permit to be engaged in, conducted or carried on, in or upon any premises in the Town, the operation of Adult Day Care for two or more unrelated adults without first having obtained a permit from the Director of Health.

4. Every applicant for a permit to engage in, conduct or carry on Adult Day Care on premises in the town shall file an application with the Director of Health on a form promulgated by the Director of Health, and pay a filing fee of \$100. payable to the Town of Marlborough.

5. The form of application shall require information from the applicant which will enable the Director of Health to ascertain whether the proposed Adult Day care operation is consistent with the Standards for Adult Day Care.

6. Permits granted under this ordinance are not transferable.

7. An Adult Day Care permit may be revoked or suspended after a public hearing before the Board of Selectmen where it appears that the permittee has violated the Standards for Adult Day Care.

8. The Director of Health, or his designee, before revoking or suspending any permit, shall give the permittee at least ten (10) days written notice of the violations and the opportunity for a public hearing before the Board of Selectmen at which time the permittee may present evidence bearing upon the question. In such cases the violations charged by the Director of Health shall be specific and in writing.

9. Any person or entity engaging in, conducting or carrying on or permitting the engaging in conducting or carrying on the Adult Day Care as defined herein, in or upon any premises in the town without a permit, shall be subject to a fine of not more than \$100 for each violation continues shall be considered a separate violation .

EFFECTIVE 12/30/90

H. 8 REDEMPTION FEE FOR IMPOUNDED CAT OR DOG

Any cat or dog captured or impounded under the provisions of sections 22-332d or 22-333 of the Connecticut General Statutes shall be redeemed by the owner or keeper thereof, or the agent of such owner or keeper, upon proper identification, and presentation to the Marlborough Animal Control Officer of a license, tag or other means of identification for such cat or of a license and tag for such dog, and upon the payment by such owner or keeper or his agent of (1) a redemption fee of fifteen dollars, and (2) the cost of advertising incurred under the provisions of sections 22-332 or 22-332d(a) of the Connecticut General Statutes. When the owner or keeper of any such impounded cat or dog fails to redeem such cat or dog within twenty-four hours after receiving notification to do so, or where the owner was unknown, within twenty-four hours after notification was effected by means of publication in a newspaper, such owner or keeper shall pay, in addition to such redemption fee and the cost of advertising, the sum of fifteen dollars per day for the cost of detention and care of such impounded cat or dog. In addition, any owner or keeper of any such impounded cat or dog who fails to redeem such cat or dog within one hundred and twenty hours after receiving notification to do so shall have committed an infraction as set forth in sections 22-332d or 22-333.

*The owner or keeper of any dog shall be required to keep such dog on a leash or lead while within the confines of public streets, sidewalks, highways, and other public places and grounds within the Town of Marlborough. No dogs are allowed in Town Parks and School grounds.

Dogs found roaming at large, in violation of the provisions of this ordinance, shall be subject to the provisions of Section 22-332 relating to impounding and disposition. In addition, any owner or keeper who allows his or her dog to roam at large, in violation of this ordinance, shall forfeit and pay for the use of the Town of Marlborough, a charge of \$25.00 to be recovered by an action on this ordinance brought in the name of the Treasurer of the Town. *

***This section shall take effect Sept. 2005.**

H. 9 NATURE TRAILS ORDINANCE

No animals, except dogs as provided for in this Ordinance, shall be permitted in the Town Trail Area **H.9 Town of Marlborough Nature Trails Ordinance**

Sec. 1 - Definitions:

a. For the purposes of this Nature Trails Ordinance (the "Ordinance"), the definitions of 14-1 C.G.S. are incorporated by reference as if contained herein. In the event a definition contained within C.G.S. § 14-1 conflicts with any definition in this Ordinance, the definition contained in this Ordinance applies.

b. "*Town*" shall mean the Town of Marlborough.

c. "*Trail*" is any track, foot path, course, walk or path intended or maintained primarily for use by pedestrians within the Town.

d. "*Town Trail Area*" means the area of each trail and the adjacent buffer area of 5 feet or overlapping private property area on which the Town holds an easement.

e. "*Pedestrian*" means a person going on foot or a person propelling or being propelled in a

wheelchair.

f. "*Person*" means a natural person, corporation, company, association, partnership or firm.

g. "*Non-motorized vehicle*" means any vehicle propelled by human muscular power, including a bicycle, tricycle, wheelchair (including a low speed motorized or powered wheelchair), or cross country skis, in-line skates (roller blades), roller skates, or baby carriages/strollers for children.

h. "*Snowmobile*" means any self-propelled vehicle designed for travel on snow or ice.

i. "*All-terrain vehicle*" means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways.

Sec. 2 – Permitted Uses

a. Town Trail Areas are for use by pedestrians and non-motorized vehicles only. The Town may limit the use of bicycles in posted Town Areas.

b. All Town Trail Areas shall be open from dawn to dusk unless the First Selectman or his designee has granted special permission to an individual or a group in writing to extend this time period.

c. Dogs must be leashed at all times while within the Town Trail Areas and owners must remove

solid pet waste from Town Trail Areas.

d. Special Event Permits may be issued by the First Selectman of the Town of Marlborough.

Sec. 3 Prohibited Uses

a. The operation of a motor vehicle, motorcycle, other motorized vehicle is prohibited on any Town Trail Area, except official vehicles engaged in maintenance or emergency activities.

b. No person shall operate a snowmobile or all-terrain vehicle on or over any Town Trail Area without the written permission of the First Selectman of the Town of Marlborough.

c. No person shall park or store any motor vehicle or motorized vehicle, bicycle, trailer or personal property on any Town Trail Area, except in those areas set aside and designated as temporary parking.

d. No person or organization shall camp overnight in any Town Trail Area.

e. No person or organization shall erect tents, or construct shelters or other structures of a temporary or permanent nature in any Town Trail Area.

f. No person shall light, kindle or use any fire in any Town Trail Area.

g. Hunting, trapping, archery, discharging firearms, paintball guns, air guns or use of any weapon on or into any Town Trail Areas is prohibited. Hunters crossing Town Trail Areas to gain access to private or state property may proceed through Town Trail Areas only with an unloaded firearm.

h. No person shall offer any article, item or service for sale in any Town Trail Area without the express written permission of the First Selectmen, except that this does not apply to established Parks & Recreation Dept. and Board of Education programs.

i. No person shall destroy, injure, herd, harvest or disturb any form of wildlife, plant life, or its habitat on any Town Trail Area excluding state permitted fishing where specifically allowed.

j. No bottles, broken glass, cans, waste paper or other rubbish shall be left in any Town Trail Area except in containers designated for that purpose. If the containers are full or there are no containers available, it is the responsibility of each person bringing disposable items into a Town Trail Area to remove these or any derivative waste when they leave the Town Trail Area. No yard waste, leaves, or other refuse, may be deposited into Town Trail Areas. No residential or commercial dumping of any kind is permitted in Town Trail Areas.

k. No person shall deface, disfigure, mar, injure, remove, alter or otherwise intentionally damage or tamper any Town Trail Area property or improvement.

l. No person shall use any alcoholic beverage and/or illegal drugs in any Town Trail Area

m. No animals, except dogs as provided for in this Ordinance, shall be permitted in the town trail Area unless specifically authorized by the Town.

Sec.4 - *Violations* - Each violation of this Ordinance shall constitute a separate violation.

Sec. 5 -.*Penalties*

a. Any person violating any of the provisions of this ordinance shall be subject to a fine not less than fifty (\$50) dollars nor more than two hundred fifty (\$250) dollars for each offense.

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 22nd DAY OF June, 2010