

TOWN OF MARLBOROUGH
CODIFICATION OF ORDINANCES

A.

GENERAL

A.1. FEDERAL OLD AGE AND SURVIVORS INSURANCE SYSTEM

The town shall participate in the Old Age and Survivors Insurance System as provided for in Section 7-452 through 7-459 inclusive of the CGS, in accordance with the existing agreement between the State Retirement Commission and the Town of Marlborough, dated February 20, 1956, excluding therefrom the services performed by individuals to whom Section 218-(c) (3) (c) of the Social Security Act is applicable.

A.2. SIGNPOST

The official Town signpost for purposes of legal notices of Town business shall be that notice board or exterior place nearest to the office of the Town Clerk at the Marlborough Town Hall. The Selectmen shall erect and maintain said signpost and may from time to time designate other locations for said signpost in accordance with CGS 7-102.

A.3. BUILDING CODE

Sec. 1. The Town of Marlborough hereby adopts and implements the State Building Code in accordance with the provision of “Section 19-395 of the CGS.

Sec. 2.SOLAR ENERGY

Be it enacted that the Town of Marlborough hereby authorizes the property tax exemption of solar energy heating or cooling systems set forth in Section 12-81 (56)(a)(b)(c) of the CGS.

A.4. LAND USE AND PERMITS

Sec. 1.A permit shall be required before the filling of, or removal of earth products including, but not limited to, materials such as; sand, gravel, stone, loam, dirt, peat, coal, and minerals. The permit shall be issued or denied in accordance with regulations promulgated by the Zoning Commission of the Town of Marlborough and all such

filling of, or removal of such earth products and the reestablishment of ground level and protection of the area by suitable cover shall conform and comply with regulations promulgated by the Zoning Commission of the Town of Marlborough.

Any person, firm or corporation shall be subject to a fine not more than one hundred (\$100) dollars for each violation of this Section of this ordinance (Sec. 7-148). Each day that a violation continues unabated after notice by the Town shall be considered a separate violation for purposes of fines.

Sec. 2. No building permit shall be issued for any building unless the lot upon which the building is to be located shall have frontage on either (a) a "Street" (as defined below) or (b) a proposed street in an approved subdivision with respect to which all required improvements with the exception of paving, loaming and seeding have been completed and approved by the Town Engineer in conformance with the Town of Marlborough's Highway Standards. A certificate of occupancy shall not be granted for a building located on a proposed street in an approved subdivision until all required improvements have been completed and approved by the Town Engineer in conformance with the Town of Marlborough's Highway Standards with the exception of the final course of paving, loaming, and seeding. This section shall not prevent the issuance of building permits for the construction of farm or accessory buildings.

Any building erected in violation of this Section shall be deemed an unlawful structure, and the First Selectman may bring action to enjoin the erection of such structure or to cause the same to be vacated or removed. Any person, firm or corporation violating this Section shall be subject to a fine of not more than Two Hundred Dollars (\$200) for each building or structure so erected in violation of this Section.

For the purposes of this Section, "Street" shall mean an approved right-of-way that has been accepted by the Marlborough Board of Selectmen, a state road, or a private right-of-way that has been approved by the Marlborough Planning Commission or Zoning Commission. (Effective August, 1996).

A.5. LAND USE COMMISSION’S ORDINANCE FOR FEE SCHEDULES

In accordance with Section 8-1c of the Connecticut General Statutes regarding reasonable fees for processing municipal land use applications, the Town of Marlborough shall henceforth assess fees in accordance with a schedule of fees to apply to the Zoning Commission, Planning Commission, Zoning Board of Appeals and Conservation and Inland Wetland Commission. The Board of Selectman shall set such fee schedule annually for all land use applications to defray the costs of processing said applications. Such schedule shall supersede any specific fees set forth in the general statutes or any special act.

Sec. 1 ESTABLISHING PENALTIES FOR VIOLATIONS OF CERTAIN LAND USE REGULATIONS

A. Citations for Violations of Inland Wetland Regulations

1. The Town Planner and Town employees working at the direction of the Town Planner are authorized to issue citations for violations of the Inland Wetland Regulations of the Town of Marlborough to the extent and in the manner provided by this ordinance. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in the citation. If the person named in the citation sent by certified mail refuses to accept such mail, a citation may be sent by regular United States mail. The issuance of such citations and any fines payable in connection therewith shall be in addition to and not in lieu of any penalties or remedies set forth in the Inland Wetland Regulations of the Town of Marlborough and the Connecticut General Statutes.
2. The Conservation Commission is hereby empowered and authorized, as the designee of the Board of Selectmen, to adopt regulations governing the issuance and enforcement of all citations issued for violations of the Inland Wetland Regulations of the Town of Marlborough, provided, that said regulations shall be in conformance in all respects to this Ordinance and applicable law. In no event shall any citation be issued pursuant to this Section A: (a) prior to the effective date of such regulations, (b) against the state or any employee of the state acting within the scope of his employment, or (c) without the approval of the Conservation Commission. The schedule of fines for such citations shall be set by the Board of Selectmen from time to time and the initial schedule of fines for such citations is set forth in Schedule A attached hereto and made a part hereof.
3. The Town Planner shall retain an original or certified copy of any citation issued pursuant to this Section A, which original or certified copy shall be deemed a business record within the scope of Section 52-180 of the Connecticut General Statutes, as amended.

B. Citations For Violations of Zoning Regulations

1. The Zoning Enforcement Officer and Town employees working at the direction of the Zoning Enforcement Officer, are authorized to issue citations for violations of the Zoning Regulations of the Town of Marlborough to the extent and in the manner provided by this ordinance. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in the citation. If the person named in the citation sent by certified mail refuses to accept such mail, a citation may be sent by regular United States mail. The issuance of such citations and any fines payable in connection therewith shall be in addition to and not in lieu of any penalties or remedies set forth in the Zoning Regulations of the Town of Marlborough and the Connecticut General Statutes.

2. The Zoning Commission is hereby empowered and authorized, as a designee of the Board of Selectman, to adopt regulations governing the issuance and enforcement of all citations issued for violations of the Zoning Regulations of the Town of Marlborough, provided, that said regulations shall be in conformance in all respects to this Ordinance and applicable law. In no event shall any citation be issued pursuant to this Section B: (a) prior to the effective date of such regulations, or (b) without the approval of the Zoning Commission. The schedule of fines for such citations shall be set by the Board of Selectmen from time to time, and the initial schedule of fines for such citations is set forth in Schedule A attached hereto and made a part hereof.

3. The Town Planner shall retain an original or certified copy of any citation issued pursuant to this Section B., which original or certified copy shall be deemed a business record within the scope of Section 52-180 of the Connecticut General Statutes, as amended.

C. Time Period by Which a Fine Must Be Paid If Not Contested

A person or entity receiving a citation authorized by this Ordinance shall be allowed to make an uncontested payment of the fine specified therein for a period of thirty (30) days commencing upon the date of receipt of the citation, provided, if the citation has been sent by regular mail pursuant to the provisions of Section A. or Section B, the day of receipt of the citation shall be deemed to be three days after the day of mailing of the citation. Any payment made pursuant to this Section C shall be made to the Treasurer for deposit in the General fund. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

D. Notice of Right to Hearing

Any person or entity issued a citation and failing to make an uncontested payment thereof pursuant to Section C hereof shall be entitled to a notice informing such person or entity (i) of the allegations against such person or entity and the amount of fines due, (ii) that such person or entity is entitled to contest their liability before a citation hearing board by delivering, in hand or by United States mail to the Town Planner, written demand thereof within ten (10) days following receipt of the notice described by this Section D, (iii) that failure to demand a hearing within such ten (10) day period may result in judgment being entered against such person or entity, and (iv) that such judgment may issue without further notice.

E. Admission of Liability

Any person or entity receiving a notice described in Section D hereof shall be entitled to admit liability and pay the full amount of the fines described in such notice, without requesting a hearing. Such payment shall be made within the ten (10) day period described in Subsection (D)(ii). Any payment made pursuant to the Section E shall be sent to the Town Planner and made payable to the Treasurer for deposit in the General Fund. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

F. Appointment of Hearing Officers and Formation of Hearing Board

1. The Board of Selectmen shall appoint at least three (3) Town residents to act as Citation Hearing Officers to conduct hearings as described in this Ordinance.

In no event shall any of the following individuals be appointed as a hearing officer pursuant to this Section F: (i) the Town Planner, (ii) the Zoning Enforcement Officer, (iii) the Town Building Inspector; (iv) any commissioner of the Conservation Commission, (v) any commissioner of the Zoning Commission, or (vi) any Town employee exercising any authority under the Inland Wetland Regulations of the Town of Marlborough or the Zoning Regulations of the Town of Marlborough. No Citation Hearing Officer shall be entitled to compensation in connection with the exercise of such Citation Hearing Officer's duties hereunder. Each Citation Hearing Officer shall be removable at will by the First Selectman, subject to the approval of the Board of Selectmen, acting as chief executive officer of the Town of Marlborough pursuant to Section 7-12a of the Connecticut General Statutes, as amended.

2. A Chief Citation Hearing Officer shall be elected by the members of the Citation Hearing Board from among the members of the citation Hearing Board.

This election shall be made upon the effective date of this ordinance and annually thereafter in January of each year. The Chief Citation Hearing Officer shall continue in office until their successor is elected. The Chief Citation Hearing Officer, shall be responsible for (i) establishing a Citation Hearing Board from time to time pursuant to Section F.3 hereof, (ii) making final determinations regarding conflicts of interest and other ethical matters as they pertain to any Citation Hearing Officer, (iii) administrating each hearing pursuant to the provisions hereof; and (iv) ensuring the adherence of each hearing conducted hereunder to the applicable provisions of the Connecticut General Statutes, as amended, and the provisions hereof.

3. Three (3) Citation Hearing Officers shall comprise a Citation Hearing Board. In the event that more than three(3) Citation Hearing Officers shall have been appointed pursuant to the provisions hereof, the Chief Citation Hearing Officer shall appoint a Citation Hearing Board from all available Citation Hearing Officers, provided that the Chief Citation Hearing Officer shall use reasonable efforts to ensure the equal participation of all Citation Hearing Officers.

G Hearing Procedure for Citations

1. Any person or entity receiving the notice described in section D shall be permitted to demand a hearing by delivering written demand thereof, in hand or via United States mail, to the Town Planner within the (10) days following receipt of the notice described in Section D. Such person or entity shall be entitled to require the presence of the individual issuing such citation at such hearing, provided such person or entity includes such request in such demand. The Town Planner, upon receipt of such demand, shall assign such hearing and certify such demand to the Chief Citation Hearing Officer.

2. The Chief Citation Hearing Officer shall set a date, time and place for a hearing, and send written notice thereof to such person or entity. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days following the Town Planner's receipt of such demand, provided, that the Chief Citation Hearing Officer shall grant a postponement or continuance of such hearing upon good cause shown as requested by any interested party.

3. Any person or entity wishing to contest liability under the citation shall appear at the hearing. The Town Planner, or his designee, shall be permitted to appear on behalf of the Town.

4. All hearings shall be conducted by a Citation Hearing Board. Each Citation Hearing Board shall conduct hearings in the order and form and with

such methods of proof as the Chief Citation Hearing Officer deems fair and reasonable. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. Testimony and evidence presented shall be recorded by a competent stenographer, or, in the alternative, the Citation Hearing Board shall cause such testimony and evidence to be recorded by a sound-recording device. All testimony and evidence comprising the hearing record shall be retained as a business record within the scope of Section 52-180 of the Connecticut General Statutes, as amended. Any person or entity contesting liability at the hearing, and any individual appearing on behalf of the Town may present evidence. At the conclusion of the hearing, The Citation Hearing Board shall announce a decision, and a written record thereof shall be produced to be included in the hearing record. Any decision by a Citation Hearing Board shall require the affirmative consent of at least two (2) of the Citation Hearing Officers comprising such Citation Hearing Board.

5. No Citation Hearing Officer which has a conflict of interest or the appearance of a conflict of interest in any hearings shall be assigned to preside over such hearings as part of a Citation Hearing Board. Any Citation Hearing Officer who determines that there exists the possibility of the appearance of a conflict of interest in any hearing shall recuse himself from such hearing, and the Chief Citation Hearing Officer shall assign an alternate Citation Hearing Officer to such hearing.

H. Entry of Judgment

1. If any person or entity receiving the notice described in Section D hereof fails to make a payment pursuant to Section E or demand a hearing within the (10) days of receipt thereof, such person or entity shall be deemed to have admitted liability for the violation(s) stated in the citation. The town Planner shall certify said failure to respond to the Chief Citation Hearing Officer, and the Chief Citation Hearing Officer shall thereafter enter and assess the fines stated in the citation.

2. If such contesting person or entity fails to appear at the hearing, the Citation Hearing Board assigned to such hearing shall determine whether such person or entity was duly noticed pursuant to the provisions of this Ordinance. If the Citation Hearing Board determines that such person or entity was duly noticed pursuant to the provisions of this Ordinance, the Citation Hearing Board shall determine whether such person or entity's presence was necessary. The Citation Hearing Board shall be permitted to review copies of police reports, investigatory and citation reports and other official documents mailed to the Chief Citation Hearing Officer or the Citation Hearing Board by such person or entity. If the Citation Hearing Board determines that such person or entity was duly noticed and that such person's or entity's presence at the hearing was necessary, the Citation Hearing Board shall enter an assessment by default. Each determination made hereunder by a Citation Hearing Board shall require the affirmative consent of at

least two (2) of the Citation Hearing Officers comprising such Citation Hearing Board.

3. If, at the conclusion of the hearing, the Citation Hearing Board announces a decision stating that the person or entity cited is not liable, the Chief Citation Hearing Officer shall dismiss the matter and enter the determination in writing.

4. If, at the conclusion of the hearing, the Citation Hearing Board announces a decision stating that the person or entity cited is liable for the violation(s) stated in the citation, the Chief Citation Hearing Officer shall enter as provided for by this ordinance such decision and assess the fines stated in such citation.

I. Failure to Make Payment When Due

If any assessment is not paid on the date of its entry, the Chief Citation Hearing Officer shall follow the procedures established in Section 7-152c(f) of the Connecticut General Statutes, as amended.

J. Right to Appeal

this Any person or entity against which an assessment has been entered pursuant to Ordinance is entitled to judicial review by way of appeal in accordance with Section 7-152c(g) of the Connecticut General Statutes, as amended.

SCHEDULE A

TO ORDINANCE ESTABLISHING PENALTIES FOR VIOLATIONS OF CERTAIN LAND USE REGULATIONS

SCHEDULE OF FINES

CITATIONS ISSUED FOR VIOLATIONS OF THE INLAND WETLAND REGULATIONS OF THE TOWN OF MARLBOROUGH:

Fine: One Thousand and No/100 Dollars (\$1,000.00) for each cited violation.

CITATIONS ISSUED FOR VIOLATIONS OF THE ZONING REGULATIONS OF THE TOWN OF MARLBOROUGH:

Fine: One Hundred Fifty and No/100 Dollars (\$150.00) per day for each cited violation.

RESOLUTION OF THE FIRST SELECTMAN, TOWN OF MARLBOROUGH

WHEREAS, as of the date hereof, the board of Selectmen of the Town of Marlborough duly adopted an ordinance establishing a policy and procedure for the issuance of citations for land use violations, entitled “Ordinance Establishing Penalties for Violations of Certain Land Use Regulations” (the “Ordinance”); and

WHEREAS, pursuant to Section 22a-42g of the Connecticut General Statutes, as amended, the chief executive officer of Marlborough is empowered to authorize persons to issue citations for violations of the Inland Wetlands Regulations of the Town of Marlborough; and

WHEREAS, pursuant to Section 7-152c of the Connecticut General Statutes, as amended, the Board of Selectmen of Marlborough is empowered to appoint persons to conduct municipal citation hearings; and

WHEREAS, pursuant to Section 7-12a of the Connecticut General Statutes, as amended, The First Selectman of the Town of Marlborough is deemed to be said chief executive officer; and

WHEREAS, the undersigned, as First Selectman of the Town of Marlborough desires to expressly affirm the appointment of certain individuals as being authorized to issue citations for violations of the Inland Wetlands Regulations of the Town of Marlborough, and

WHEREAS, pursuant to Section 7-152c of the Connecticut General Statutes, as amended, the Board of Selectmen of Marlborough is empowered to appoint persons certain individuals as municipal citation hearing officers, as set forth in the Ordinance.

NOW, THEREFORE, the undersigned, as First Selectman of the Town of Marlborough, hereby (i) authorizes the Marlborough Director of Planning and Development and Town employees working at the direction of the Marlborough Director of Planning and Development to issue citations for violations of the Inland Wetland Regulations of the Town of Marlborough, pursuant to Section 22a-42g of the Connecticut General Statutes, as amended.

Dated this 20th day of February, 2007.

A.6. REGIONAL COUNCIL OF GOVERNMENTS

The Town of Marlborough does hereby adopt Section 4-124(i) through

4-124 (p) of the 1971 Supplement to the CGS (Public Act 821), providing for the formation of a Regional Council of Governments within a planning region as defined or redefined by the director of the office of State Planning, and does hereby join such Regional Council of Governments when and as such Council is duly established in accordance with such statutes, upon the adoption of said statutes by not less than sixty percent of all municipalities within such planning regions. The adoption of such Sections of the CGS is intended to include the provisions of any special act of the 1975 General Assembly respecting additional representation for the core city within the Capitol Region on a Regional Council of Governments, and a non-voting advisory Regional Forum thereunder, consistent with the proposed by-laws of such Regional Council of Governments on May 3, 1973.

BE IT ORDAINED THAT Section A.7 of the Codification of Ordinances of the Town of Marlborough is hereby repealed, and the following is enacted in replacement thereof:

A.7 PEDDLING AND SOLICITING

I. License required

No person, except as hereinafter stated, shall sell, offer for sale or solicit orders for any goods, wares or merchandise within the Town of Marlborough without a license (hereinafter referred to as the "Peddling License") issued by the Town Clerk's Office upon the filing of an application as hereafter provided.

II. Exceptions

The following activity shall not require a Peddling License:

- A. Sales by farmers and gardeners of the produce of their farms and gardens, the sale, distribution and delivery of milk, teas, coffees, water, spices, groceries, meats and bakery goods, newspapers, sales on approval, conditional sales of merchandise and any other persons or sales which may be exempt from such regulation by the General Statutes.
- B. Sales by persons having an established place of business in the Town of Marlborough.
- C. Sales to dealers and business establishments.
- D. Sales for the benefit of a charitable organization located in Marlborough, a regional or charitable organization that though not located within Marlborough provides services to residents of Marlborough (e.g., the Andover Hebron Marlborough Youth and Family Services organization, etc.) or a charitable organization approved by the State.
- E. Sales by persons for their own account who are residents of the Town of Marlborough and who have not attained 16 years of age.

- F. An activity otherwise exempted by law.

III. Application for Peddling License

The application for a Peddling License shall be filed with the Town Clerk's Office, in writing, and shall contain the following information:

- A. The full name and description of the applicant; if a partnership, the names of all partners; if a corporation, club or association, the name of agent, officers and directors.
- B. The permanent home address and business address of the applicant.
- C. The full and legal name and address of the applicant's employer.
- D. If a vehicle is to be used in relation to the Peddling License, a description of the same, together with the license or other registration number or other similar means of identification.
- E. A description of the nature of the business and any goods to be sold.
- F. A sample copy of all of the materials, which the applicant intends to provide to potential customers, shall be provided with the application.
- G. A certificate of insurance for each policy applicable to the business subject of the application, including, but not limited to, general liability and workers' compensation insurance.

IV. Background check

Prior to the issuance of such Peddling License, each applicant and all persons registered as helpers shall undergo a Connecticut State Police Records Check (SPRC) and submit the results of the same to the Town Clerk's office.

V. Issuance of License

The Town Clerk shall issue the license or provide written notice of the denial of the same within 30 days of receipt of the completed application or the submission of the results of the aforesaid background check, whichever date is later.

VI. Appeal process

In the event any such license is denied by the Town Clerk's Office, the applicant may appeal by making a written request within five days of such denial for a hearing before the Board of Selectmen at the next regularly scheduled meeting or a special meeting called for this purpose within thirty (30) days of the denial.

VII. Fees

The Peddling License fee shall be \$100 per year. Each person helping or assisting in the sale, offering items for sale or soliciting orders shall be individually licensed and shall pay the license fee. All such Peddling Licenses shall expire on the 31st day of December following the date of issuance.

VIII. Issuance of card or button

The Town Clerk shall issue to such persons as shall qualify a card or button bearing the name and address of the licensee, the name and address of his employer, if any, and the expiration date of the license, signed by the Town Clerk's Office.

IX. Nontransferability of license

No Peddler's license shall be used at any time by any person other than the one to whom it was issued.

X. Records

It shall be the duty of the Town Clerk's Office to keep a record of all Peddlers' Licenses and a detailed account of all receipts for such licenses, which receipts shall be turned over monthly to the Town Treasurer.

XI. Use of public streets and property restricted

A peddler or solicitor using a vehicle shall have no exclusive right to any location on public streets or public property, shall not be permitted any stationary location therein and shall not be permitted to operate in any congested area or any area where his operations might impede or inconvenience the public. For the purpose of this chapter, the judgment of a police officer or Town official, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

XII. Exhibit of license

Each individual holding a Peddler's License must present his Peddler's License upon his arrival at the property of any potential customer and upon the request by any individual.

XIII. Night sales at dwellings prohibited

Calls at the dwelling of any person for sale or solicitation by any licensee between the hours of 6:00 p.m. and 8:00 a.m. are prohibited, except by appointment with the owner or tenant of the property.

XIV. Revocation of license; notice of hearing

A. Any license may be suspended by the First Selectman without hearing, and/or revoked after notice and hearing for any of the following causes:

1. Fraud, misrepresentation or false statement contained in the application for license.
2. Fraud, misrepresentation or false statement made in the course of carrying on the business.
3. Any violation of this Ordinance.
4. Conviction of any crime or misdemeanor involving moral turpitude subsequent to the issuance of the license.
5. Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

- B. Notice of such suspension and/or revocation shall be given, in writing, setting forth the grounds for suspension and/or revocation. Such notice shall be mailed by certified mail, return receipt requested, to the licensee at the address provided by said licensee in his most recent submitted application or his last known address at the time the license is suspended. The licensee, if he wishes to challenge the revocation of his Peddler's License, must request a hearing before the Board of Selectman by forwarding such a request, in writing, to the Board of Selectmen within five days of the date of the notice of suspension/revocation. If the licensee fails to timely request a hearing, the suspension and/or revocation shall be final, without any further notice to the licensee. If a hearing is timely requested, the date fixed for the hearing shall be not less than five days nor more than 10 days after the receipt of the licensee's request for a hearing.

XV. Expiration of licenses

All Peddler Licenses shall expire on the 31st day of December following the date of issuance.

XVI. Penalties for offenses

- A. Any person violating any of the provisions of this Ordinance, including, but not limited to, the sale, offering for sale or solicitation of orders for sale without a valid Peddler's License, shall be punished by a fine not to exceed \$199.
- B. This section shall be enforced by citations issued by designated municipal officers or employees, and a citation hearing procedure authorized by § 7-152c of the Connecticut General Statutes.

Dated October 5, 2011.

**A.8. SUPERINTENDENT OF HIGHWAYS
DELETED**

The First Selectman shall be the Superintendent of Highways for the Town of Marlborough.

(Deleted entire Ordinance 9/16/03)

A.9. RESIDENT STATE POLICEMAN

The Board of Selectmen are authorized to enter into an agreement with the Commissioner of the Connecticut State Police for providing a Resident State

Policeman for the Town of Marlborough under the provisions of Section 29-5 of the CGS.

A.10. LOITERING

It shall be unlawful to loiter or cause undue noise or nuisance on any street, sidewalk or public place.

It shall be unlawful to loiter on private property where the owner has made written request to the Board of Selectmen to regulate loitering on his property, and has given notice of said loitering prohibition by posting his property in conspicuous manner.

Any person violating this ordinance shall be subject to a fine not exceeding one hundred (\$100) dollars for each offense pursuant to CGS 7-148(d).

A.11. LIQUOR SALES

The sale of alcoholic liquor shall be unlawful each day from one o'clock a.m. until nine o'clock a.m. except Sunday and Monday when it shall be unlawful from one o'clock a.m. on Sunday until twelve o'clock noon, and from eleven o'clock p.m. on Sunday until nine o'clock a.m. on Monday, except that such sale shall be lawful on January 1 until three o'clock in the morning.

The sale of alcoholic liquor in hotels, restaurants, cafes, bowling establishments, clubs, golf country clubs and places operating under charitable organization permits, a university permit, a coliseum permit, coliseum concession permit, a special sporting facility restaurant permit, a special sporting facility employee recreational permit, a special sporting facility guest permit, a special sporting facility concession permit or special sporting facility bar permit and tavern permits shall be lawful on Sunday from twelve o'clock noon until eleven o'clock p.m. Except for Sunday sales permitted herein, wherever the provisions of CGS, Section 30-91 are more restrictive, they shall take precedence over this ordinance.

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. 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. Discharge Prohibitions.

A. 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 of 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 23RD DAY 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 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,

B.

GENERAL ELECTION

BOARDS AND COMMISSIONS

B. 1 PLANNING COMMISSION

There shall be established a Planning Commission whose composition, powers, and duties shall be as provided by Chapter 126 of the CGS and as further provided in the Charter for the Town of Marlborough.

B. 2 ALTERNATES TO THE BOARD OF FINANCE

Sec. (a) Pursuant to CGS 7-340 (a) there shall be three (3) Alternates to the Board of Finance whose powers and duties, when seated, shall be the same as provided by law for regular members of said Board. The offices of Alternate to the Board of Finance shall be filled by election. Said appointments and elections shall comply with minority representation requirements of CGS 9-167(a) and the Town Charter.

Sec. (b) The terms of office for said alternates shall be four (4) years

except that one of the initial appointees shall serve until the municipal election in November, 1983 and the others shall serve until the municipal election in November, 1985.

Sec. (c) All vacancies shall be filled by the Board of Selectmen.

B. 3 CONFLICT OF INTEREST REPLACEMENTS

Sec. (a) If either the Zoning Commission, Zoning Board of Appeals or Conservation Commission is unable to obtain a quorum due to disqualification of one or more members by reason of conflict of interest on a particular matter, the Board of Selectmen shall appoint such temporary replacements as are necessary and appropriate to enable such board or commission to operate with at least a quorum.

Sec. (b) Such replacement shall be chosen from the last completed list of electors and shall act as a member of such board or commission only in the hearing and determination of such matter for which there was no quorum and until the final determination of such matter at which time the appointment shall terminate.

Sec. (c) Such appointment shall be made by the Board of Selectmen only after the panel of alternates for said board or commission is depleted and with due consideration to the minority representation requirements of CGS s 9-167a and Charter S 2.3. (May, 1990

C. TOWN MEETING ELECTION BOARDS AND COMMISSIONS

C. 1 PARK AND RECREATION COMMISSION

The powers and duties of the Park and Recreation Commission (the "Commission") shall be to administer recreation programs, activities and facilities for the Town of Marlborough.

Section 1. Rules and Regulations for Parks, Facilities and Activities

(a) The Commission, subject to the approval of the Board of Selectman as set out hereinafter, is hereby authorized to promulgate, and from time to time amend, rules and regulations applicable to all persons entering, utilizing, visiting or otherwise within the boundaries of any Town park or recreational facility under the oversight of the Commission, or engaged in any Park and Recreation Commission sanctioned activity.

- (b) Any person convicted or violating any provision of the regulations promulgated hereunder, as the same be amended or supplemented, shall be punished by a fine not exceeding the maximum penalty allowable under Connecticut General Statutes 7-148 (c)(10), shall be required to pay all costs or any proceedings to enforce such regulations, and shall be liable for any damage resulting from any such violation.
- (c) Violation of any provision of the regulations promulgated hereunder, as the same may be amended or supplemented, shall be sufficient cause for immediate expulsion from the area or activity by the Commission, their designee or any police authority. Persons expelled hereunder are prohibited from entering any area or participating in any activity under the oversight of the Commission for a period of forty-eight hours following their expulsion and may be excluded from any such area or activity for a longer period of time as deemed appropriate.

Sec. 2 Parking Regulations for Blish Memorial Park

- (a) Any person residing in Marlborough may obtain a resident sticker from the Town Clerk for each vehicle owned by him, and shall be displayed conspicuously on the vehicle. The fee shall be determined by the Board of Selectmen.
- (b) Any person who uses said facilities without a sticker shall be subject to a fine of five dollars (\$5.00) plus processing fees, for each violation.

Sec. 3 Other Town Properties

The Park and Recreation commission shall supervise and maintain other properties owned by the Town of Marlborough as directed by the Board of Selectmen or Town Meeting.

This Ordinance shall take effect March 4, 2004.

D.

APPOINTIVE BOARDS AND COMMISSIONS

D. 1 ECONOMIC DEVELOPMENT COMMISSION

- (a) There shall be an Economic Development Commission of the Town, which shall consist of five members appointed by the Board of Selectmen.
- (b) There shall be three alternates to the Economic Development

Commission, whose powers and duties, when seated, shall be the same as provided by the law for regular members of the Commission. Alternates shall be appointed by the Board of Selectmen, which appointments shall comply with minority representation requirements of CGS 9-167(a) and the Town Charter.

- (c) The term of all members to the Commission shall be four years; except that for the three members appointed to terms commencing on 1997, the terms shall be as follows: one member shall be appointed for two years, one member shall be appointed for three years, and one member shall be appointed for four years; thereafter, the terms for these three members, or their successors, shall be four years.
- (d) The term of all alternates to the Commission shall be four years.
(May, 1996)

D.2 TRAFFIC SAFETY COMMISSION

The Traffic Safety Commission will be charged with the duties of making studies and surveys of the roads under the jurisdiction of the Town. They shall determine the dangerous and hazardous section, establish priorities, pin-point areas to be corrected and report to the Board of Selectmen. They are charged with the 'traveling public' in the Town, and will cooperate with the Selectmen in making our roads safer for all our people.

D.3 FIRE COMMISSIONERS

The Fire Commissioners shall obtain fire protection for the Town and supervise affairs relative to this objective. Nothing herein shall affect the ownership by the Volunteer Fire Company of any building, fire apparatus, or other property, and the Fire Commissioners may enter into an agreement with observance of the regulations of the Commissioners as the Commissioners may deem desirable and reasonable.

D. 4. MUNICIPAL HEALTH SERVICES

1. The Director of Health shall prepare a public health nursing program which, after advise of the Municipal Health Service Committee and approval of the Board of Selectmen, shall be submitted to the State Commissioner of Health for approval as provided in CGS Section 19-71 a.
2. The Municipal Health Service Committee shall be advisory to the Director of Health and Board of Selectmen in all matters concerning health services in the Town of Marlborough.
3. The Board of Selectmen shall be authorized, pursuant to CGS Section 19-96,

to enter into a contractual agreement with another municipality or to procure health services if the State Department of Health approves such action.

4. The Board of Selectmen, with the advise of the Director of Health, shall designate persons from said Committee for appointment as representatives of the Town of Marlborough on the Board of Directors of any group providing approved health services to the Town of Marlborough. Their terms and duties shall be as prescribed in the By-Laws of said health service group, provided that the Board of Selectmen may replace any such representative whenever it appears to be in the best interest of the Town of Marlborough as determined by the Board of Selectmen.

D. 5 PUBLIC BUILDING COMMISSION

- (a) The Commission shall act on behalf of the Town of Marlborough in matters pertaining to the construction of public buildings by the Town and shall perform such other duties as may be assigned from time to time by action of the Town Meeting or the Board of Selectmen.
- b) There shall be three alternates to the Building Commission, whose powers and duties, when seated, shall be the same as provided by law for the regular members of the Commission. Alternates shall be appointed by the Board of Selectmen, which appointments shall comply with minority representation requirements of CGS 9-167 (a) and the Town Charter.
- (c) The term of all alternates to the Commission shall be four years; except that for the three alternate members appointed to terms commencing in 2001, the terms shall be as follows: one member shall be appointed for two years, one member shall be appointed for three years, and one member shall be appointed for four years; thereafter, the terms for these three members, or their successors, shall be four years.

Sections (b & c) were added June 19, 2001 and effective July 19, 2001.

D. 6 ARTS AND CULTURAL COMMISSION

- (a) There shall be established an Arts and Cultural Commission for the purpose of facilitating the continuation and development of the arts and cultural activities. Such commission shall consist of not less that seven (7) members nor more than fifteen (15) members. Members shall be appointed by the Board of

Selectmen for four (4) year overlapping terms. Members shall be appointed from nominees submitted to the Board of Selectmen from various community and municipal organizations and from at-large applicants. At-large applicants may apply directly to the Board of Selectmen for appointment.
(effective October, 1998)

D.7 DESIGNATION OF ALTERNATE MEMBERS TO ACT ON BOARDS, COMMISSIONS, COMMITTEES, AND OTHER SIMILAR BODIES.

Except where otherwise provided by statute, for any board, commission, committee, or other similar body of the of the Town of Marlborough for which the election or appointment of alternates has been authorized, the following procedures shall apply to the designation of such alternates to act:

- (a) If any regular member of any board, commission, committee, or other similar body of the Town of Marlborough is absent or disqualified from acting, the Chairman of such board, commission, committee, or other similar body shall, subject to the provisions of Conn. Gen stat. 9-167a, designate an alternate from the panel of alternates, 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 and the next alternate shall be designated.
- (b) An alternate designated to act in place of a regular member who has been disqualified shall continue to act in such capacity in the hearing and determination of the particular matter or matters in which the disqualification arose.
- (c) Any alternate designated to act in place of a regular member who is absent shall act in such capacity only so long as the regular member remains absent from the proceedings.

Effective: June, 2002

D8. LAKE ADVISORY COMMISSION

I. Establishment of Lake Advisory Commission

There is hereby established the Marlborough Lake Advisory Commission, which shall serve as an advisory board to the Board of Selectmen and other Town agencies.

II. Powers and Duties

The Lake Advisory Commission shall have the following powers and duties:

To oversee the water quality and recreational use of Lake Terramuggus and help make recommendations to Town Agencies as to lake management issues. The Commission shall also promote the implementation of town goals and objectives as outlined within the various strategic plans of the various Town Agencies.

The Commission shall also be responsible for the following:

- Coordinating the water quality testing program
- Coordination and update of the Lake Management Plan
- Public Outreach concerning lake management issues

III. Membership and Transition of current Members/Alternates:

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.

The Lake Advisory Commission shall consist of seven (7) regular members; at least two (2) regular members shall reside on (adjacent to) the Lake Terramuggus and at least two (2) regular members shall reside outside of the Lake Terramuggus watershed district.

There shall be three (3) alternate members on the Lake Advisory Commission. Alternate members when seated, shall have the same powers and duties provided for by law for regular members of the Lake Advisory Commission.

All regular members and alternate members of the Lake Advisory Commission in existence immediately before the effective date of this ordinance shall be appointed to the Lake Advisory Commission created pursuant to this ordinance.

A transition process is necessary to affect membership representation that is, at least two (2) regular members shall reside outside of the Lake Terramuggus watershed district. Upon the expiration of a term, resignation or a member is no longer an elector of the Town of Marlborough that continue to serve under the transition provision, “ *All regular members and alternate members of the Lake Advisory Commission in existence*

immediately before the effective date of this ordinance shall be appointed, appointments made thereafter must meet residency (reside) requirements set forth by this ordinance.

All regular members and alternate members of the Lake Advisory Commission shall be electors of the Town of Marlborough and shall serve without compensation.

A Chairman and the Vice Chairman shall be elected by the members of the Lake Advisory Commission from among the members of the Lake Advisory Commission. These elections shall be made upon the effective date of this ordinance and annually thereafter in January of each year. The Chairman and Vice Chairman shall continue in office until their successors are elected.

The Lake Advisory Commission shall be authorized to establish and promulgate bylaws to enable it to function in fulfilling its duties.

Upon the effective date of this ordinance the Board of Selectmen shall appoint: Three (3) regular members and one (1) alternate member to serve terms until January 1, 2009; two regular members and one (1) alternate member to serve terms until January 1, 2010; and two (2) regular members and one (1) alternate member to serve terms until January 1, 2011. Thereafter all terms shall be for three (3) year periods.

IV. Meetings:

The Commission shall meet periodically, but not less frequently than quarterly.

V. Effective Date:

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

Dated at Marlborough, CT this 17th day of June, 2008

D.9 Community Development Advisory Commission

I. Establishment of Community Development Advisory Commission

There is hereby established the Marlborough Community Development Advisory Commission, which will serve as an advisory board to the Board of Selectmen and other Town agencies.

II. Powers and Duties.

The Community Development Advisory Commission will have the following powers and duties:

Community Vision - Through Public involvement the Commission will identify the vision in conjunction with other Town Boards and Commissions for the future of the Town of Marlborough, including community values, goals and action plans for working with all boards and commissions in achieving the vision. The Commission will work with the various Town Boards and Commissions to promote the implementation of town goals and objectives as outlined within the various strategic plans of the various Town Agencies. The Commission will help develop and maintain an overall strategic plan articulating the community vision and values, and work annually with the community and Town Boards and Commissions to create recommendations for actions to implement the goals and objectives of the plan.

The Commission will work with the various Town Boards and Commissions as requested and also will perform the following functions:

- **Beautification Committee** – The Commission will promote and coordinate the landscaping of Town owned property and promote the beautification of the community as a whole.
- **Community Marketing Strategy** – It will work in an advisory capacity with the various Town Boards and Commissions to develop a community marketing strategy that will promote the character and identify the values of the community.
- **Facility/Infrastructure Planning** – The Commission will work with the Public Building Commission and Board of Selectmen to identify the facility/infrastructure needs of the town and the timelines for addressing those needs.
- **Long Term Capitol Improvement Planning** – The Commission will review and recommend priorities for CNR projects, timelines, and budgets. It will make recommendations annually to the Board of Selectmen in accordance with the timelines for the annual budget process. It will conduct workshops with Town departments and agencies as needed throughout the year.
- **Open Space and Municipal Land Acquisition** – The Commission will work with the Conservation Commission and Planning Commission to advise the Board of Selectmen and Board of Finance concerning potential acquisition of land for

municipal purposes, and perform other such tasks relating to the use and administration of the Marlborough Open Space Land Acquisition Fund.

- **Plan of Conservation and Development**– In an advisory capacity, the Commission will work with the Planning Commission to promote the implementation and updating of policies of the Marlborough Plan of Conservation and Development.

III. Membership; Meetings

The Board of Selectman will appoint a Community Development Advisory Commission to consist of six members and three alternates. The Community Development Advisory Commission will elect such other officers as it deems necessary and may establish such bylaws as it deems appropriate for the conduct of its business. The Commission will meet periodically but not less than quarterly.

IV. Terms

After passage of this ordinance the Board of Selectman shall appoint two (2) regular members and one (1) alternate representative to serve terms until January 2008, two (2) regular members and one (1) alternate representative to serve terms until January 2007, and two (2) regular members to serve terms until January 2008. Thereafter all terms shall be four (4) year terms.

V. Effective Date

This ordinance shall be effective thirty (30) days after the legal notice is published in the newspaper. The Community Development Advisory Commissions currently in place shall remain in office until the Board of Selectman appoints the six (6) regular members and appointment of three (3) alternates.

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

DATED AT MARLBOROUGH, CONNECTICUT THIS 16TH DAY OF FEB. 2006

D. 10 COMMISSION ON AGING

Organization: There shall be a commission on aging in the Town of Marlborough, consisting of five (5) regular members and three (3) alternate members, which shall be called the **MARLBOROUGH COMMISSION ON**

AGING. Members and alternate members shall be appointed by the Board of Selectmen and shall be chosen as follows:

At least two regular members of the Commission shall be members of the public sixty (60) years of age or older. The three alternate members shall be members of the public, with preference given to individuals sixty (60) years of age or older. All members so appointed shall be persons interested in and committed to the consideration and solution of the problems of the aging.

A chairperson shall be elected by a majority of the regular members of the Commission. Alternate members shall attend all meetings and shall take the place of a regular member when a regular member is absent from a meeting. When taking the place of an absent regular member, such alternate member shall be counted toward a quorum and shall have all the voting rights of the absent member. The chairperson shall rotate alternates to serve in this capacity as needed.

The Town of Marlborough's municipal agent for elderly persons appointed pursuant to Connecticut General Statute § 7-127b (a) shall be an ad hoc member of the Commission. The First Selectman, the Chatham Health district, Roy B. Pettengill Ambulance Association and the Marlborough Clergy (or their designees) serve as non-voting ex-officio members.

Membership and Terms of Appointment: In January of each year, the Board of Selectmen shall appoint regular members and alternate members 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 Commission may recommend a candidate to the Board of Selectmen to fill said vacancy. All members of the Commission shall serve without compensation.

If any appointed member of the Commission fails to attend three consecutive meetings of the Commission or who fails to attend fifty percent of all meetings of the Commission 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.

Purpose: The purpose of the Commission shall be to review and analyze the needs and conditions of the elderly and aging in relation to housing, nutrition, employment, economic welfare, health, recreation, social services, transportation and other matters and problems of concern to the elderly. The Commission shall also plan, coordinate, develop and implement programs to meet the needs and improve the conditions of the elderly and aging within the Town of Marlborough and shall provide coordination and linkage of such plans and programs long existing services. The Commission shall act as an advocate for the elderly and

aging and shall make recommendations to the Board of Selectmen during the budget process.

Duties: The Commission shall initiate, plan and coordinate services and programs for the elderly and aging with Town of Marlborough in accordance with its purpose. It shall review, initiate and recommend approval or disapproval of application for federal, state, local and private funds for programs for the elderly and aging to the Board of Selectmen. The Commission shall assist in interpreting and developing policies and guidelines for elderly service and programs. The Commission shall meet at least once every month on a date which shall be determined by the regular members and call a special meeting from time to time as necessary. The Commission shall be authorized to establish and promulgate bylaws to enable it to function in fulfilling its duties. It is not intended that the Commission shall operate programs.

Budget: The Commission shall prepare an annual budget. Said budget shall be submitted to the Board of Selectmen for the next fiscal year budget.

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 27th DAY OF September, 2011

D.11 NATURE TRAILS AND SIDEWALKS COMMISSION

BE IT ORDAINED AS FOLLOWS:

1. Establishment of Nature Trails and Sidewalks Commission.

There is hereby established the Marlborough Nature Trails and Sidewalks Commission which shall serve as an advisory board to the Board of Selectmen and other Town agencies.

2. Powers and Duties.

The Nature Trails and Advisory Commission shall have the following powers and duties: To oversee the recreational and other use of nature trails and sidewalks in the Town of Marlborough and to make recommendations to Town agencies as to the use, development and maintenance of nature trails and sidewalks. The Commission shall also promote the implementation of Town goals and objectives as outlined within the various strategic plans of Town agencies.

3. Membership of Current Members and Alternates.

The Board of Selectman 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 or her successor is appointed.

The Nature Trails and Sidewalks Commission shall consist of five (5) regular members. There shall be three (3) alternate members on the Commission. Alternate members, when seated, shall have the same powers and duties as regular members.

All regular members and alternate members of the prior Nature Trail and Sidewalks Commission in existence immediately before the effective date of this Ordinance shall be appointed to the Nature Trails and Sidewalks Commission created pursuant to this Ordinance. All members of the Commission shall be electors of the Town of Marlborough and shall serve without compensation.

If any appointed member of the Commission fails to attend three consecutive meetings of the Commission or who fails to attend fifty percent of all meetings of the Commission 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.

A Chairman and a Vice Chairman shall be elected by the members from among the members of the Commission. These elections shall be made as soon as reasonably practicable upon the effective date of this ordinance and annually thereafter in January of each year. The Chairman and Vice Chairman shall continue in office until their successors are elected. The Nature Trails and Sidewalks Advisory Commission shall be authorized to establish and promulgate bylaws to enable it to function in fulfilling its duties.

Upon the effective date of this Ordinance, the Board of Selectmen shall appoint three (3) regular members and two (2) alternate member to serve terms until January 1, 2011 and two (2) regular members and one (1) alternate member to serve terms until January 1, 2012. Thereafter all terms shall be for two year periods.

4. Meetings.

The Commission shall meet periodically but not less frequently than quarterly.

5. Effective date. This Ordinance shall take effect thirty days following publication in accordance with § 7-157 of the Connecticut General Statutes.

DATED AT MARLBOROUGH, CONNECTICUT, THIS 30th DAY OF June, 2010

E.

PUBLIC OFFICIALS

E. 1 JUSTICES OF THE PEACE - 5/7/96

There shall be selected fifteen (15) Justices of the Peace in a manner and to serve terms as prescribed in Sections 9-183b, 9-183c, 9-184 and 9-184c of CGS.

E. 2 TOWN CLERK

Effective January 7, 1980, as provided in Section 7-34(b) of the CGS, the Town Clerk will receive a salary which will be fixed by the Legislative Body at the Annual Budget Meeting. All Fees or compensations provided by the General Statutes to be paid to the town clerk shall be collected by such Town Clerk and all such moneys shall be deposited weekly into a Town Account designated by the Town Treasurer.

E. 3 ZONING ENFORCEMENT OFFICIAL

The Zoning Enforcement Official will be the Enforcing Officer for the Conservation Commission for the Inland Wetland Regulations.

F.

PUBLIC ROADS

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 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 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. 3 PARKING

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

G.

OPERATION OF TOWN SANITARY TRANSFER STATION

G.1. TRANSFER STATION AREA

There shall be a Town Sanitary Transfer Station area (the Transfer Station) for the convenience and sole use of Marlborough residents on a parcel of land on Quinn Road. No person shall bring garbage, rubbish, or Recyclable Materials (as defined in Ordinance G.4.) to the Transfer Station from any other town. As set forth in Ordinances G.2., G.3., and G.4., residents may bring certain materials to the Transfer Station, but under no circumstances shall residents dump garbage or rubbish in any other section of the Town. Residents and businesses may contract with private haulers for the purpose of transporting garbage, rubbish, and Recyclable Materials (as defined in Ordinance G.4.) to other licensed facilities. All such material shall be secured in transit in such a manner so as to prevent it from being scattered on roads and highways. Any person violating Ordinance G.1. shall be subject to a \$100 fine for each violation.

G.2. DISPOSAL OF UNAUTHORIZED MATERIALS AT THE TRANSFER STATION

Only Authorized Materials (as defined and limited by Ordinances G.3. and G.4.) shall be disposed of at the Transfer Station. Any person violating Ordinance G.2. shall be subject to a \$100 fine for each violation.

G.3. REGULATION CONCERNING THE DISPOSAL OF AUTHORIZED MATERIALS

Section 1 – Only the following materials (collectively the Authorized Materials) shall be disposed of at the Transfer Station pursuant to Ordinances G.1. through G.4., inclusive:

1. Household Waste – as defined in Ordinance G.4., Recycling, Section I.
2. Recyclable Materials – as defined in and limited by Ordinance G.4., Recycling, Sections I and II.A.
3. Household furniture and items, including sofas, stuffed chairs, recliners, sofa beds, mattresses, and box springs.
4. White Goods – as defined in Ordinance G.4., Recycling, Section I.
5. Stumps (up to 24” diameter), wooden furniture pallets, and logs.
6. Construction and Demolition Waste – as defined in Ordinance G.4., Recycling, Section I.
7. Brush – as defined in Ordinance G.4., Recycling, Section I.

8. Scrap Tires – as defined in Ordinance G-4, Recycling, Section I
9. Other items as approved by the Board of Selectmen.

Section 2 – Each vehicle entering the Transfer Station shall have an up to date permit sticker attached to the vehicle’s windshield or a temporary permit issued by the Town Clerk of the First Selectman.

Section 3 – The Board of Selectmen shall set the hours of operation of the Transfer Station.

Section 4 – The Board of Selectmen may prescribe and from time to time amend fees for the acceptance of Authorized Materials at the Transfer Station.

Section 5 – All Recyclable Materials (as defined and limited by Ordinance G.4., Sections I and II) delivered to the Transfer Station must conform to Ordinance G.4., concerning recycling.

Section 6 – Any item not listed in the definition of Authorized Materials contained in Section 1 of Ordinance G.3. shall not be disposed of at the Transfer Station, including but not limited to the following items:

- a. Waste oil, waste antifreeze, and waste oil filters produced by or in the possession of commercial enterprises, liquid waste mixed trash, stumps exceeding 24” in diameter, animal carcasses, or animal by-products.

- b. Hazardous Waste (as defined in Ordinance G.4., Section I), including but not limited to pesticides, herbicides, asbestos, lead or oil based paints, drain cleaners, solvents, brake fluid, wood preservatives, rat poison, oven cleaners, swimming pool chemicals, acids, photo chemicals, epoxy, or furniture stripper. These items must be brought to a licensed household hazardous waste disposal facility.

- c. Biomedical Waste (as defined in Ordinance G.4.Section I).
- d. Grass clippings
- e. Special Waste (as defined in Ordinance G.4.Section I).

Section 7 – No person shall deposit at the Transfer Station any ice box, refrigerator, or other container that has an air-tight door or lid, snap, or other locking device that may not be released from the inside without first removing the door or lid, snap lock, or other locking device from the ice box, refrigerator, or container.

Section 8 – A temporary permit shall be required for anyone who is hired by a resident of the Town to transport demolition material or debris to the Transfer Station. Temporary permits are issued by the Town Clerk or the First Selectman.

Section 9 – Any person violating Ordinance G.3. shall be subject to a \$100 fine for each violation.

G.4 RECYCLING

I. Definitions

Aseptic Packaging – means gable top, plastic-coated containers up to (1) one gallon in size, empty with straws and caps removed.

Battery (dry cell storage type) – means a device used for generating electric current through a chemical reaction, including but not limited to, nickel-cadmium, carbon, and/or alkaline batteries. The term Battery does not include mercuric oxide batteries, which will not be accepted at the Transfer Station. The term Battery also does not refer to lead acid batteries or motor vehicle batteries, which are encompassed within the term Storage Battery, as defined below.

Biomedical Waste – means infectious waste, pathological waste, and chemotherapy waste generated during the administration of medical care or the performance of medical research involving humans or animals and as further defined in Connecticut General Statutes section 22a-207(19), as amended. Syringes, sharps, and needles stored in #2HDPE container, with lid taped shut, are acceptable for disposal into Household Waste.

Brush – means bushes, shrubs, and/or tree limbs less than 3” in diameter.

Cardboard – means corrugated boxes and similar corrugated and kraft paper materials that have a minimum of contamination by food or other material. No wax or plastic

coatings allowed. All items must be free of debris and flattened prior to disposal. Materials cannot be larger than 3' x 3'.

Commingled Recyclable Material – means the assortment or combination of Metal Food Containers, Plastic Containers, Glass Food Containers, aluminum foil, and/or Aseptic Packaging. All items must be free of debris and cleaned.

Construction and Demolition Waste – means waste building materials and packaging resulting from construction, remodeling, repair, and demolition operations on houses, commercial buildings, and other structures as further defined and limited by Connecticut General Statutes' 22a-208x, as amended.

DEP – means the State of Connecticut Department of Environmental Protection.

Glass Food Containers – means any unbroken glass bottle or jar of any shape or color up to (1) one gallon in size used to package food or beverage products suitable for human or animal consumption. All Glass Food Containers must be clean and have caps, lids, and corks removed.

Hazardous Waste – means any waste material that may pose a present or potential hazard to human health or the environment when improperly disposed of, treated, stored, transported, or otherwise managed and as further defined by Connecticut General Statutes' 22a-115(1), as amended and 22a-209-1 of the Regulations of the DEP, as amended.

Household Waste – means ordinary household waste that does not contain any Recyclable Materials, Hazardous Waste, Construction and Demolition Waste, Biomedical Waste, Batteries, Storage Batteries, Special Waste or oil base paints. Dry latex paint is acceptable.

Leaves – means the foliage of trees.

Magazines – means catalogs, magazines, or other similar printed matter.

Metal Food Container – means any aluminum, bi-metal, steel, tin-plated steel, or other metallic can, plate, or tray of any shape up to (1) one gallon in size used to package food or beverage products suitable for human or animal consumption. Clean aluminum foil is also acceptable. Number 10 cans are also acceptable.

Newspaper - means any used or discarded newsprint that has a minimum of contamination by food or other material. Newspaper must be no more than two months old, clean, dry and placed in brown Kraft paper grocery bags.

Office Paper – means any used or discarded high grade white paper, and manila paper, including but not limited to paper utilized for file folders, tab cards, writing, typing,

printing, computer printing, and photo-copying, which is suitable for recycling and which has a minimum of contamination, excluding office paper generated by households.

Plastic Containers – means #1 PET (polyethylene terephthalate) up to (3) three liters in size with Number 1 on the container and #2 HDPE (high density polyethylene) up to (1) one gallon in size with Number 2 on the container.

Reasonable Opportunity to Recycle – Exists when for a given Recyclable Material there exists a separate container, handling, transport, and/or processing at the Transfer Station or other designated location in the Town.

Recyclable Materials – means any materials that have been designated as recyclable under the Connecticut General Statutes and the Regulations of the DEP, as amended, and that have been identified as recyclable pursuant to Section II below.

Recycling - means the process of sorting, cleansing, treating, and reconstitution waste or other discarded material for the purpose of using the altered form.

Recycling Container – means a specifically marked container used to collect Recyclable Materials separately from other solid waste.

Resident – means individuals who reside in the Town. The term Resident does not include businesses or other organizations.

Scrap Metal – means used or discarded items that consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys thereof including but not limited to White Goods. All non-metal items must be removed. No Batteries or closed containers allowed.

Scrap Tires – means any discarded rubber or synthetic rubber tires used by or manufactured for vehicles, including but not limited to automobiles, trucks, buses, and trailers. No rims larger than 17” will be accepted.

Special Waste – means any waste that is not Recyclable Materials, Household Waste, Hazardous Waste, or Biomedical Waste, and that requires special handling for disposal.

Storage Battery – means lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats, recreational vehicles, and tractors.

Waste Antifreeze – means a substance of low freezing point added to a liquid, especially to the water in a radiator of vehicles, e.g., ethylene glycol.

Waste Oil – Crankcase oil that has utilized in internal combustion engines.

White Goods – means common household appliances such as washers, dryers, air conditioners, television, refrigerators, freezers, and stoves.

II. Recyclable Materials

A. The list of Recyclable Materials is as follows:

- (a) Cardboard;
- (b) Glass Food Containers;
- (c) Leaves;
- (d) Metal Food Containers;
- (e) Newspaper;
- (f) Office Paper;
- (g) Scrap Metal;
- (h) Storage Batteries;
- (i) Waste Oil
- (j) Waste Antifreeze;
- (k) Plastic Containers;
- (l) Magazines; and
- (m) Scrap Tires

B. The Board of Selectmen may revise this list from time to time.

III. Household Recycling

A. Prior to collection or disposal, Residents shall pre-sort the following items from Household Waste and shall place the separated items into an appropriate Recycling Container: Glass Food Containers, Metal Food Containers, Plastic Containers, Aluminum Foil, Aseptic Packaging, Magazines, and Newspaper. Glass Food Containers, Metal Food Containers, Aseptic Packaging, and Plastic Containers shall be rinsed.
Newspapers shall be string-tied in bundles or place in brown paper grocery bags.

B. The Board of Selectmen may revise, from time to time, the materials required to be pre-sorted from Household Waste prior to collection or disposal.

IV. Recycling By Private Businesses

A. The use of the terms Private Business and Private Businesses in this Section refer to commercial, industrial, and private business enterprises located in the Town.

B. All Private businesses and/or owners of Private Business property are responsible for the proper disposal of garbage, rubbish, and Recyclable Materials that are generated or brought onto their property. They must

also adhere to all applicable local state, and federal laws relating to recycling and waste disposal.

- C. The materials that must be recycled by Private Businesses are as follows: Plastic Containers, Glass Food Containers, Metal Food Containers, Newspaper, Magazines, Cardboard, Waste Oil, Storage Batteries, Scrap Metal, and Office Paper. The Board of Selectmen may revise this list from time to time.

- D. All Private Businesses and owners of Private Business property are required to provide their own means of collection, transportation, and disposal of Recyclable Materials and non-recyclable waste from their property to a proper receiving center.

- E. Private Businesses and owners of Private Business properties must make themselves aware of the proper means by which to dispose of Recyclable Materials and non-recyclable waste generated or brought onto their property.

- F. The Transfer Station may accept or receive Recyclable Materials or non-recyclable waste that is generated by Private Businesses or that is brought onto Private Business property only as directed by the Board of
of
Selectmen or as required by subparagraph H below.

- F. Upon request, the town will provide assistance to Private Businesses interested in learning proper recycling procedures.

- H. All private haulers shall obtain a permit and/or a license while working in the Town. All private haulers shall also provide monthly tonnage reports to the Town.

V. Waste Oil

- A. The Town will maintain a storage container at the Transfer Station to receive Waste Oil from Residents only. The Town also will provide for the removal of collected Waste Oil from the Transfer Station, as necessary.

- B. The Town will provide a separate disposal container at the Transfer Station to receive used Waste Oil filters from Residents only.

- C. The Town will provide a separate disposal container at the Transfer Station to receive Waste Antifreeze from Residents only.

- D. Private businesses and other organizations, including but not limited to garages and dealerships, shall make their own provisions for storage and removal of Waste Oil, Waste Oil filters, and Waste Antifreeze.

VI Leaves

- A. The Town will accept Leaves at the Transfer Station.

VII. Scrap Metal

- A. The Town will accept Scrap Metal at the Transfer Station.

VIII. Storage Batteries

- A. The Town will maintain a drop-off point at the Transfer Station for Storage Batteries from Residents only.
- B. Private Businesses and other organizations, including but not limited to garages and dealerships, will be responsible for properly disposing of Storage Batteries. The Town will not accept Storage Batteries from Private Businesses and other organizations at the Transfer Station.

IX. Freon Recovery

- A. Chlorofluorocarbons (CFC's) and hydro chlorofluorocarbons (HFC's) shall not be removed from any item containing such materials prior to disposal of such item at the Transfer Station. The Town shall arrange for such removal by a licensed or certified company.

X. Household Furniture and Mattresses

- A. The Town will accept household furniture and mattresses at the Transfer Station from Residents only. Private Businesses and other organizations shall make their own provisions for the disposal of furniture and mattresses.

XI Enforcement

- A. Those generators of waste found to be in violation of requirements for pre-sorting Recyclable Materials will be notified in one or more of the following ways:

1. Verbally;
2. In writing; or
3. In person by a representative of the Town.

B. The Town will not accept any Recyclable Materials in the municipal solid waste container at the Transfer Station from any waste generator for whom there exists a Reasonable Opportunity to Recycle.

1. Contracted waste and materials haulers shall not collect waste from waste generators that violate the pre-sorting requirements set forth in Ordinance G.4. Any person that dumps one or more loads at the Transfer Station not complying with the pre-sorting requirements set forth in Ordinance G. 4. will be subject to the fines prescribed herein for each violation:

First Offense	\$15.00
Second Offense	\$100.00 fine
Third Offense	Review and determination by the Board of Selectmen of penalty, which may include fines up to the maximum amount by law.

Any Police Officer, Constable, Resident State Trooper, or other Person authorized by the First Selectman may issue a citation to any person who commits a violation of this Section. Appeals may be made to the Board of Selectmen.

2. Contracted Waste and materials haulers who have reason to believe that a person from whom they collect solid waste has discarded Recyclable Materials with such solid waste in violation of the pre-sorting requirements contained in this Ordinance shall not collect such solid waste and shall promptly notify the First Selectman or his designated agent for action by the Town against the violator. The person whose waste was not collected will be subject to the fines prescribed herein for each violation:

First Offense	\$15.00 fine
Subsequent Offense	\$100.00 fine and subject to order that material be removed.

3. Residents and Private Businesses delivering their own waste to the Transfer Station will place Recyclable Materials in containers provided for such items at the Transfer Station before disposing of non-recyclable waste. Failure to do so will constitute a violation

of this Ordinance and subject the violator to the fines set forth in subparagraph XI.B.1 of this Ordinance for each violation.

4. Private haulers of waste from Residents and Private Businesses must report any violation of this Ordinance to the Town pursuant to Connecticut General Statutes' 22a-220c.

XII. Prohibition of Unauthorized Collection of Recyclable Materials

Except as specifically authorized by the Town, no person(s) engaged in the business of separation, recovery, collection, removal, storage, or disposition of materials and waste within the Town shall pick up pre-sorted Recyclable Materials. This restriction shall also apply to any citizen, resident, taxpayer, or person who might engage in such a practice for personal gain.

Effective Date: MARCH 23, 2001

H.

PUBLIC SAFETY

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 form 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

**I
DISPOSAL OF TOWN PROPERTY**

I. Disposal of Town Property

The Board of Selectmen shall be authorized, without further municipal approval, to dispose of any obsolete, damaged or unused items of property of the town, except land, buildings or water rights, provided that the item of property has, in the opinion of the Board of Selectmen a value of less that \$10,000. at the time of disposition. Disposition shall include applying any item of property, regardless of value, as a trade-in on the purchase price of a budgeted expenditure of a like or improved item. Items disposed of under this ordinance are exempt from mandatory bidding procedures, however the Selectmen are hereby authorized to use such bid procedures

as they deem appropriate when in the Board's opinion such procedures would best serve the interests of the Town.

J.

FLOOD PLAIN MANAGEMENT ORDINANCE

J. FLOOD PLAIN ORDINANCE

Sec. 1 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To 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;
- F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Sec. 2 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.

“Area of special flood hazard” is the area within the community subject to one percent or greater chance of flooding in any given year.

- “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” is the water surface elevation of the base flood in relation to a standard set of geographic data in Special Flood Hazard Areas.

- “Basement” means that portion of a building having its floor sub grade (below ground level) on all sides.
- Building – see definition for “Structure”
- Cost – As related substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor’s estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing, components, structural components, utility and service equipment); sales tax on materials building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor’s overhead; contractor’s profit; and grand total. Items to be excluded include: cost of plans and specifications; survey costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds and gazebos.
- “Development” means 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 or equipment.

Federal Emergency Management Agency (FEMA) – the federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space – Finished living space can include, but not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.) has sheetrock walls that may or may

not be painted or wallpapered and other amenities such as furniture, appliances, bathrooms, fireplace and other items that are easily damaged by floodwaters and expensive to clean, repair or replace. A fully enclosed area below the base flood elevation (BFE) cannot have finished living space and needs to be designed for exposure to flood forces. These spaces can only be used parking, building access or limited storage.

- “Flood” of “flooding” means a general and temporary condition of partial or complete inundation or normally dry land areas from:
 1. the overflow of inland or tidal water;
 2. the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” is the official map on which the Federal Emergency Management Agency has delineated the floodway, 100-year floodplain and 500-year floodplain.

- “Flood Insurance Rate Map (FIRM)” means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the applicable risk premium zones.
- “Flood Insurance Study” is the official report by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- “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.
- “Floor” means 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 of vehicles.
- “Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities . The term does not include long-term storage, manufacture, sales or service facilities.

- Highest Adjacent Grade (HAG) – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- “Lowest Floor” means the lowest floor of the lowest enclosed area (including basement).
- Market Value – Market value of the structure shall be determined by (an independent appraisal by a professional appraiser; the property tax assessment, minus land value, the replacement cost minus depreciation of the structure; the structure’s Actual Cash Value) Town can pick the method it likes from above list.
- “Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes recreational vehicles, park trailers, travel 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” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- Mean Sea Level (MSL) – The North American Vertical Datum (NVVD) of 1988 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map (FIRM) are referenced.
- “National Geodetic Vertical Datum (NGVD)” as corrected in 1929 is a vertical control used as a reference for established within the floodplain.
- “New Construction” means structures for which the “start of construction” commenced on or after the effective date of this ordinance, May 23, 1982 (not the revision date).
- “Recreational Vehicle” means a vehicle which is:
 - a. Built on a single chassis;
 - b. Measures 400 square feet or less at the largest horizontal projections;
 - c. Designed to be self-propelled or permanently towable;
 and

d. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping travel or seasonal use.

- “Start of Construction” (for other than new construction or substantial improvements under the Coastal Barriers Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- Special Flood Hazard Area (SFHA) – The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevation (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Maps (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The SFHA is also called the Area of Special Flood Hazard.
- “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before damage occurred.
- “Substantial Improvement” means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place over a ten year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure (using

the cost approach to value) 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 the alteration affects the external dimensions of the structure. The term does not, however, include any improvements project required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

- “Structure” means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
- Variance – A grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
- Violation – Failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the required permits, lowest floor elevation documentation flood-proofing certificates or required floodway encroachment calculations is resumed to be violation until such time as that documentation is provided.
- “Water Surface Elevation” means 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.

Sec. 3 FLOOD PLAIN DISTRICT

The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30 on the Town of Marlborough Flood Insurance Rate Maps (FIRM), on file with the Town Clerk. These Maps, as well as the accompanying Town of Marlborough Flood Insurance Study dated September 26, 2008 and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this Ordinance it must take precedence when more restrictive until such time as a map amendment is obtained.

Sec. 4 GENERAL STANDARDS:

Within Zone A, A1-30, the following standards must be met prior to issuing permits for any proposed construction/development.

- A. Anchoring: All 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.
- B. Construction Materials and Methods: a) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
b.) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

For New Construction and Substantial Improvements – Require that fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access or limited storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on the exterior walls by allowing for the entry and exit of flood waters. Designs meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade.

C. Utilities:

- 1.) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 2.) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- 3.) 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.
- 4.) On-site waste water disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

D. Compensatory Storage – The water holding capacity of the flood plain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an

increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100- year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

- E. Equal Conveyance – Within the floodplain, except those areas which are tidally influenced, as designed on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction, or substantial improvements involving and increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.0 feet) increase in flood levels (base flood elevation). Work within the floodplain and land adjacent to the floodplain, including work to provide compensatory flood storage shall not be constructed in such a way so as to cause and increase in flood stage or flood velocity.
- F. Aboveground Oil Tanks – Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structures must be either elevated above the base flood elevation (BFE) on a concrete pad, or securely anchored with tie-down straps to prevent floatation or lateral movement have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
- G. Portion of Structure in Flood Zone – If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
- H. Structures in Two Flood zones – If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone: structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.)

- I. No Structures Entirely or Partially Over Water – New Construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

Sec. 5 DEVELOPMENT REGULATIONS:

In all areas of flood hazard A1-30, AE, AH where base flood elevation data has been provided the following regulations shall apply:

(A) Residential Construction: New construction and substantial improvement of any residential structures shall have the lowest floor, including basement elevated to or above the base flood elevation.

(B) Non residential Construction: New construction and substantial improvement of non residential structures shall be constructed in accordance with Sec. 5 (A) above, or together with attendant utility and sanitary facilities shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.

A registered professional engineer or architect shall review and/or develop structural design specifications and plans for construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Town Engineer as set forth in Section 6.

(C) New structures within the floodway are prohibited.

(D) Within the floodway, designated on the Flood Boundary and Floodway Map, all encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any (0.00) increase in flood levels during the occurrence of the 100-year flood. In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase

base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development. Should data be requested and/or provided, the Town shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point along the watercourse.

(E) Manufactured homes shall not be placed in the Flood Plain District.

(F) All recreational vehicles to be placed on a site within an Area of Special Flood Hazard must either: (i) be on a site fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, (iii) meet elevation and anchoring requirements for Residential Construction described in Section 5 (A). 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. 6. ADMINISTRATION:

ESTABLISHMENT OF DEVELOPMENT PERMIT:

- A. A development permit shall be obtained from the Town Engineer before construction or development begins within Zone A, A1-30.
- B. The Town Engineer shall review permits to assure sites are reasonably free from flooding and require that all other Local, State, and Federal permits are obtained.
- C. Alteration of Watercourse: Prior to any initiation of such alteration the Town shall:
 - 1.) Notify adjacent communities and the Department of Environmental Protection Water Resources Unit prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
 - 2.) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- D. Within Zone A, the applicant shall provide to the Town Engineer any base flood elevation and floodway data available from a federal, state, or other source, including data developed pursuant to Section 7 (D) of the ordinance. The Town Engineer shall review such data and may

reasonably use it as criteria for requiring that new construction, substantial improvements, or other development in Zone A meet the standards of Section 4 and 5.

- E. Information to be supplied by the applicant, obtained by the Town Engineer and maintained by the Building Official:
- 1.) Verify and record the actual elevation (in relation to mean sea level) to which any flood proofing is effective; and
 - 2.) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures:
 3. Maintain the flood proofing certifications required in Section 5.B.
 4. The Building Official shall maintain for public inspection, all records pertaining to the provisions of this ordinance.

Sec. 7 SUBDIVISION STANDARDS FOR THE FLOOD PLAIN DISTRICT

All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other development is located within the Flood Plain District established under the Regulations, the Town Engineer and the Planning Commission shall review it.

- A. The proposal is designed to be consistent with the need to minimize flood damage; and
- B. all public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage; and
- C. adequate drainage systems shall be provided to reduce exposure to flood hazards; and
- D. base flood elevation (the level of the 100-year flood) and floodway data shall be provided for that portion within the Flood Plain District.
- E. Land located within the floodway shall not be subdivided for building lot purposes unless sufficient land area is available outside the floodway area, as part of the lot, for the structure and subsurface disposal system.

Sec. 8 APPEALS & VARIANCES

The Building Appeals Board shall hear and decide appeals relating to the enforcement and administration of this ordinance and requests for variances from the requirements of this ordinance.

- A. A variance shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Variances shall only be issued upon:
 - 1.) a showing of good and sufficient cause;
 - 2.) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3.) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- D. If a variance is granted, the Building Appeals Board shall notify the applicant in writing over their signature that: the issuance of such variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and such construction below the base flood level increases risks to life and property.
- E. The Building Appeals Board will maintain a record of all variance actions, including justification for their issuance and report such variances issued in the Annual Report submitted to the Federal Emergency Management Agency.

Section 9 Severability

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court for any reason whatsoever, the remainder of the Ordinance shall not be affected, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 10 Abrogation and Greater Restrictions

This Ordinance is not intended to repeal abrogate, or impair any existing law, regulations, ordinances, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 11 Warning and Disclaimer of Liability

The degree of flood protection required by the ordinance is considered the minimum reasonable for regulatory purpose and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Marlborough or any officer or employee thereof for any flood damages that result for reliance on this ordinance or any administrative decision lawfully made there under.

Section 12 Penalties

In accordance with CGS 7-148(b)(1) and person(s), or party found to be in violation of this ordinance will be subject to a \$250.00 a day fine for each day such violation continues, as well as, being responsible for all Town legal fees and cost that are a result of court action.

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

Dated at Marlborough, Connecticut this 27th day of August, 2008.

K. SANITARY CODE

Sec. 1. GENERAL CONDITIONS

1.01 This ordinance shall be known, and may be cited as, the “Sanitary Code of Marlborough”.

1.02 The purpose of this code is to safeguard the public health of the Town of Marlborough, through reasonable requirements as may be necessary to insure the proper construction of water supply and sewage disposal facilities.

1.03 The latest revision of the “Public Health Code of the State of Connecticut”, in its entirety, is hereby made a part of the Sanitary Code of the Town of Marlborough and shall apply and govern in all cases except where such provisions of the Sanitary Code of the Town of Marlborough shall prescribe more stringent requirements.

1.04 No dwelling, apartment, boarding house, hotel, commercial or industrial building, hospital or other structure or improvement shall be constructed or approved for occupancy in the Town of Marlborough, unless the sanitation facilities are approved by the Marlborough Director of Health or his authorized representative and are in accord with the provision of this code.

1.05 Herein stated, the Department of Health shall mean the Marlborough Department of Health.

Sec.2 SPECIAL REGULATIONS

2.01 The following special regulations shall govern the construction, repair and abandonment of water wells, and the installation and repair of pumps and pumping equipment in the Town of Marlborough:

2.01.01 Herein stated, storage depth shall pertain to drilled wells only, and will be defined as that quantity of water, measured in feet of well, taken from the static water level down to the level of the pump. Should the pump not be the submersible type the storage depth will be taken from the static water level down to the pump’s point of suction intake.

2.01.02 A drilled well shall have a storage depth of no less than 100 feet, or a yield, as determined from a four (4) hour yield test, of no less than one and one-half (1-1/2) gallons per minute (gpm)

2.01.03 For a drilled well at a single family dwelling, the following minimum storage depths, as defined in Section 2.01.01, must be met for the yields indicated below:

YIELD(gpm)	STORAGE DEPTH (feet)
1-1/2	180
2	160
2-1/2	140
3	120
3-1/2	100 minimum

The diameter of a drilled well shall be six (6) inches

- 2.01.04 For individual wells at multifamily dwellings, the storage and yield must be approved by the Director of Health.
- 2.01.05 No pump shall be set within ten (10) feet of the bottom of the well.
- 2.01.06 Pressure tanks for individual home installations shall have a minimum capacity of forty-two (42) gallons, though a greater capacity is desirable.
- 2.01.07 Any owner or lessee of land upon which there is located on abandoned dug well, must fill the same with suitable fill as required by the Director of Health or his authorized representative. Abandoned wells may not be used for the disposal of sewage or wastes.
- 2.01.08 No water well of any type located within the area bordered easterly by Quinn Road, northwesterly by Cattle Lot Brook, westerly by the Marlborough-East Hampton town line and southerly by property owned by the Town of Marlborough, shall be used for human consumption without first obtaining a Well Use Permit from the Department of Health.

Said Well Use permit shall be signed by the Town Sanitarian or Director of Health, which permit shall only be issued after certification by the State of Connecticut or other authority acceptable to the Department of Health, that the raw water quality from said well conforms to the standards of the State of Connecticut, Department of Health Services, as set forth in the Regulations of Connecticut State Agencies, Section 19-23 -B 102, as amended.

Any person violating this ordinance shall be subject to the fines and other administrative requirements of this Section K, Sanitary Code of the Marlborough Codification of Ordinances as well as civil injunctive relief to abate the violation.

This ordinance shall apply to all wells located or first used after

the effective date of this ordinance, December 7, 1983.

Sec. 3. ADMINISTRATION

- 3.01 The Department of Health shall adopt, and from time to time amend, rules and regulations governing the location, construction, repair and abandonment of water supply and sewage disposal facilities, and the installation and repair of pumps and pumping equipment, shall be responsible for the administration of this ordinance
- 3.02 The responsibility for comply with these rules and regulations as herein stated shall rest with the owner or lessee of land involved.
- 3.03 The Department of Health shall enforce the provisions of this ordinance, and any rules and regulations adopted pursuant thereto.
- 3.04 Any person constructing a well, or construction or repairing a subsurface sewage disposal system, shall be licensed as required by the State of Connecticut, and shall obtain a written permit to do such work from the Department of Health.
- 3.05 The Department of Health is authorized to inspect any water supply and sewage disposal facility, abandoned well or pump installation for any wells. Duly authorized representatives of the Department of Health may at reasonable times, enter upon and shall be given access to, any premises for the purposes of such inspection. Upon the basis of such inspections, if the Department of Health finds applicable laws, rules or regulations have not been complied with, or that a health hazard exists, it shall disapprove the well, sewage disposal facility, and/or pump installation with denial or suspension of applicable permits, or pump installation with denial or suspension of applicable permits, or with an order to correct the violation within a reasonable period of time. If disapproved, no well sewage disposal facility, or pump shall thereafter be used until brought into compliance and any health hazard is eliminated.
- 3.06 Where the Department of health finds that compliance with all requirements of this ordinance would result in undue hardship, an exemption from any one or more such requirements may be granted by the Department of Health to the extent such exemption can be granted without impairing the intent and purpose of this ordinance.
- 3.07 Any person aggrieved by denial of a permit, or by suspension of

of a permit, may appeal the decision of the Director of Health to a Court of competent jurisdiction.

- 3.08 The Department of Health shall collect a fee for permits issued, in the amounts set by the Board of Selectmen.
- 3.09 Any person who violates any provision of this ordinance, regulations issued hereunder, or order pursuant hereto, shall be subject to a penalty of twenty-five (\$25) dollars every day or any part thereof, in which such violation occurs.
- 3.10 Separability. It is hereby declared to be the legislative intent that:
 - 3.10.01 If a court of competent jurisdiction finds any provisions of this ordinance to be invalid or ineffective in whole or 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.
 - 3.10.02 Effect on other requirements. It is not intended that the requirements of any other law or ordinance, except where stated herein be repealed or otherwise made ineffective, by this ordinance, and, in case of conflict, the strictest of the relevant provisions of this and other laws and ordinances shall apply.

UNDERGROUND FUEL STORAGE TANKS

K.2 The Installation of Underground Fuel Storage Tanks in New Buildings and the Repair, Alteration or Replacement of Existing Tanks.

Sec. 1: Statement of Purpose

The Town of Marlborough relies entirely on groundwater for its drinking water supplies. To ensure a clean, dependable water supply for the present and future residents of the community, it is the purpose of this ordinance to protect its groundwater resources, through reasonable requirements as may be necessary to insure the proper installation of fuel storage tanks.

Sec. 2: Special Regulations

- 2.01: The building Official and/or Fire Marshal shall require that fuel storage tanks and components are located above ground in a basement or a protective structure unless safety, health or site specific conditions necessitate the use of an underground fuel storage system.
- 2.02: The latest revision of the Building Official's Code (BOCA) Flammable and Combustible Liquids is hereby make a part of this ordinance.
- 2.03: Underground fuel storage systems of all sizes for new facilities including new residential buildings as well as the repair, alteration or replacement of underground fuel storage systems of all sizes at existing facilities including residential buildings shall be in accordance with the corrosion protection, testing and monitoring provisions of the National Fire Protection Association (NFPA) publication number 30 entitled, "Flammable and Combustible Liquids Code" (Section 2-3); NFPA 31, "Standards for the Installation of Oil Burning Equipment", and the Regulations of Connecticut State Agencies, Section 22a-449(d)-1 "Control of the Non-residential Underground Storage and Handling of Oil and Petroleum Liquids" as all of the foregoing may be amended from time to time.
- 2.04: Commercial and industrial underground storage tanks and their components must be inspected and approved in writing by the Fire Marshal prior to being covered.
- 2.05: Non-commercial underground storage tanks and their components must be inspected and approved in writing by the building inspector prior to be covered.
- 2.06: The Marlborough Department of Health shall be required to approve in writing the location of underground storage systems to insure that the provisions of the Public Health Code of the State of Connecticut are satisfied with specific regards to the drinking water supplies.

L.1 GENERAL REPEALER

All pre-existing ordinances which are not included in the Codification of Ordinances of the Town of Marlborough -1982 shall be repealed.

CODIFICATION OF ORDINANCES

A.
GENERAL

	PAGE NO.
A.1 Federal Old Age and Survivors Insurance System.....	1
A.2 Signpost.....	1
A.3 Building Code.....	1
A.4 Land Use and Permits	1
A.5 Land Use Commission’s Ordinance for Fee Schedules.....	3
A.5.1 Penalties for Violations of Certain Land Use Regulations.....	3

A.6	Regional Council of Governments.....	10
A.7	Vending.....	10
A.8	Superintendent of Highways.....	14
A.9	Resident State Trooper.....	14
A.10	Loitering.....	14
A.11	Liquor Sales.....	14
A.12	Elderly Housing Tax Abatement.....	15
A.13	Bazaars of Raffles.....	16
A.14	Motor Vehicle Exemption.....	16
A.15	Mooring of Watercraft on Lake Terramuggus.....	17
A.16	Building Permits When Taxes are Past Due.....	17
A.17	Land Acquisition Fund.....	18
A.18	Effective Date for Exemption for Property Used for Scientific, Educational, Literary, Historical or Charitable Purposes.....	19
A.19	Water Pollution Control Authority (WPCA).....	20
A.20	Illicit Discharge Management.....	22
A.21	Tax Exemption for Veterans Receiving Special Housing Assistance 32	
A.22	Property Tax relief for certain homeowners aged 65 or over or Permanently and totally disabled.....	34

B.
GENERAL ELECTION
BOARDS AND COMMISSIONS

B.1	Planning Commission.....	40
B.2	Alternates to the Board of Finance.....	40
B.3	Conflict of Interest Replacements.....	40

C.
TOWN MEETING ELECTION
BOARD AND COMMISSIONS

C.1	Park and Recreation Commission.....	41
-----	-------------------------------------	----

D.
APPOINTIVE BOARDS AND COMMISSIONS

D.1	Economic Development Commission.....	42
D.2	Public Safety commission (Traffic Safety).....	42
D.3	Fire Commissioners.....	43

D.4	Municipal Health Services Committee.....	43
D.5	Public Building Commission.....	43
D.6	Arts and Cultural Commission.....	44
D.7	Designation of Alternate Members to Action Boards, Commissions, Committees and Other Similar Bodies.....	44
D.8	Lake Advisory Commission.....	45
D.9	Community Development Advisory Commission.....	47
D.10	Commission on Aging	49
D.11	Nature Trails and Sidewalk Commission.....	51

E.
PUBLIC OFFICIALS

E.1	Justices of the Peace.....	53
E.2	Town Clerk.....	53
E.3	Zoning Enforcement Official.....	53

F.
PUBLIC ROADS

F.1	Accepting of New Roads.....	53
F.2	Regulations Governing Activity Within The Public Highway Right-of-Way.....	53
F.3	Parking.....	56
F.4	Parking (overnight).....	56
F.5	Handicapped Parking.....	56
F.6	Sidewalks.....	56

G.

OPERATION OF TOWN SANITARY TRANSFER STATION

G.1	Transfer Station Area.....	60
G.2	Disposal of Unauthorized Materials at the Transfer Station..... 60	
G.3	Regulation Concerning the Disposal of Authorized Materials.....	60
G.4	Recycling.....	62

H.

PUBLIC SAFETY

H.1 Public Safety..... 69
H.2 Public Safety..... 69
H.3 Control of Open Burning..... 69
H.4 Vehicle Ordinance..... 70
H.5 Access for Fire Apparatus..... 70
H.6 Alcoholic Liquor in Public Areas..... 72
H.7 Adult Day Care..... 73
H.8 Redemption Fee For Impounded Cat or Dog 74
H.9 Nature Trails 75

I.
DISPOSAL OF TOWN PROPERTY

I.1 Disposal of Town Property..... 77

J.
FLOOD PLAIN MANAGEMENT ORDINANCE

J.1 Flood Plain Management Ordinance..... 78

K.
SANITARY CODE

K.1
Sec.1 General Conditions..... 91
Sec.2 Special Regulations..... 91
Sec.3 Administration..... 93
K.2 Underground Fuel Storage Tanks..... 95

L.
GENERAL REPEALER

L.1 General Repealer..... 96

TOWN OF MARLBOROUGH
CODIFICATION OF ORDINANCES

OCTOBER, 2011